



STATE TAX COMMISSION OF MISSOURI

KEVIN SMITH,)
)
 Complainant(s),)
) Appeal No. 24-10296
 v.)
)
 JAKE ZIMMERMAN, ASSESSOR,)
 ST LOUIS, COUNTY, MISSOURI,)
 Respondent.)

DECISION AND ORDER

Kevin Smith (Complainant) appealed the valuation of the subject personal property, specifically the 2022 Subaru Forester Wagon 5D Touring AWD 2.5L H4 (2022 Subaru), determined by Jake Zimmerman, Assessor, St. Louis County, Missouri (Respondent). Complainant appealed to the St. Louis County Board of Equalization (BOE), and then subsequently appealed to the State Tax Commission (STC) after receiving notification of the valuation upon receiving the 2024 tax bill. Respondent determined the true value in money of the subject property to be \$30,875 for the 2022 Subaru. Complainant failed to present substantial and persuasive evidence to establish the true value in money of the subject property as of January 1, 2024.¹ Complainant participated in the hearing via Webex

¹ Complainant timely filed a complaint for review of assessment. The State Tax Commission (STC) has authority to hear and decide Complainant's appeal. Mo. Const. art. X, Section 14; section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

and introduced evidence. Respondent was represented at the hearing by counsel, Ellen Kelly.

Subject Property.

The subject property is a 2022 Subaru.

Respondent and BOE.

Respondent determined the trade-in value of the subject property on January 1, 2024, was \$30,875 with an assessed value of \$10,290 for the 2022 Subaru. The BOE independently considered this matter and determined the assessed value of the 2022 Subaru was \$9,330. Respondent and the BOE used the October, 2023 issue of the National Automobile Dealers' Association Official Used Car Guide or its successor publication pursuant to Section 137.115.9.

Complainant's Evidence.

Complainant submitted the following Exhibit(s):

Exhibit	Description	Ruling
A	Comparable Sale of a similar 2022 Subaru Forester Touring for \$23,999 with 14,281 miles	Admitted
B	Comparable Sale of a similar 2022 Subaru Forester Touring for \$24,997 with 23,338 miles	Admitted
C	Collective Exhibit of Photos of Subject Property taken by Complainant	Admitted

Complainant testified that the valuation of the subject personal property (2022 Subaru) should be lowered because the valuation is incompatible with prices of similar

models for that were for sale on the open market. *See Exhibits A & B.* Complainant testified that he located these comparable sales on approximately May 14, 2024 and believes they help support an appropriate valuation of \$20,000 for the 2022 Subaru. Complainant testified that he calculated this amount by averaging the sale price of Exhibits A and B and then deducting the cost of repairs demonstrated in Exhibit 1. Complainant argues that this basis of valuation is proper because it is based on market value of similar vehicles. Complainant further testified that the 2022 Subaru suffered significant damages, including: (1) front quarter panel replacement, (2) bumper replacement, (3) headlight replacement, (4) replacing two car doors, and (5) replacing one wheel. Complainant testified that the accident occurred in the fall of 2022 and repairs were completed by February of 2023. Complainant also testified that he would receive less on the open market due to the accident history of the 2022 Subaru because vehicles that have an accident history are worth less than vehicles with no accident history. Complainant also based his valuation on research he performed on how insurance companies calculate ‘loss of value’ for insurable property.

Complainant testified that he understands how the Respondent and the BOE arrived at their valuations for the 2022 Subaru; however, Complainant believes that the comparable sales in Exhibit A and Exhibit B provide a more accurate value than the JD Power values.

Respondent's Evidence.

Respondent submitted the following Exhibits:

Exhibit	Description	Ruling
1	Receipt for repairs to 2022 Subaru from Hohmeier Auto Body, Inc. dated 2/22/23	Admitted
2	Personal Property Individual Declaration	Admitted

3	J. D. Power vehicle information sheet as of October 1, 2022 pertaining to a 2022 Subaru	Admitted
4	BOE Decision Letter dated September 19, 2024	Admitted

Suzanne Strain (Ms. Strain), personal property manager in the St. Louis County Assessor’s office for thirteen years, testified on behalf of the Respondent. Ms. Strain testified that the Respondent utilized the average trade-in value indicated for the 2022 Subaru of \$30,875 and the assessed value was \$10,290, rounded. *See Exhibit 3.* Ms. Strain further testified that the BOE independently determined the trade-in value of the 2022 Subaru to be \$27,990 with an assessed value of \$9,330, rounded. *See Exhibit 4.* Respondent and the BOE derived their valuation from the October, 2023 issue of the National Automobile Dealers’ Association Official Used Car Guide or its successor publication pursuant to Section 137.115.9. *See Exhibit 3.*

Ms. Strain also testified that Exhibit A and Exhibit B are comparable sales could have significantly lower prices because they were listed approximately six months after October of 2022. Ms. Strain testified that in her experience this time lapse regularly creates significant disparities in valuations of personal property.

Assessment and Valuation Principles

Pursuant to Article X, Sections 4(a) and 4(b), Mo. Const. of 1945 real property and tangible personal property is assessed at its value or such percentage of its value as may be fixed by law for each class and for each subclass. Article X, Sections 4(a) and 4(b), Mo. Const. of 1945. Personal property is assessed at 33.33% of its true value in money as of January 1 of each year. Section 137.115.5. Pursuant to Section 137.115.9 “[t]he assessor

of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of the motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the vehicle without performing a physical inspection of the motor vehicle. ...”.

The hearing officer is the finder of fact and determines the credibility and weight of the evidence. *Kelly v. Mo. Dep't of Soc. Servs., Family Support Div.*, 456 S.W.3d 107, 111 (Mo. App. W.D. 2015). The hearing officer "may inquire of the owner of the property or of any other party to the appeal regarding any matter or issue relevant to the valuation, subclassification or assessment of the property." Section 138.430.2.

Complainant's Burden of Proof

The Complainant bears the burden of proving the vital elements of the case, i.e., the assessment was “unlawful, unfair, improper, arbitrary or capricious.” *Westwood Partnership*, 103 S.W.3d 152 (Mo. App. E.D. 2003); *Daly v. P.D. George Co.*, 77 S.W.3d 645 (Mo. App. E.D. 2002); *Reeves v. Snider*, 115 S.W.3d 375 (Mo. App. S.D. 2003); *Industrial Development Authority of Kansas City v. State Tax Commission of Missouri*, 804 S.W.2d 387, 392 (Mo. App. W.D. 1991). The taxpayer's evidence must be both "substantial and persuasive." *Id.* "Substantial evidence is that evidence which, if true, has probative force upon the issues, and from which the trier of fact can reasonably decide the case on the fact issues." *Savage*, 722 S.W.2d at 77 (internal quotation omitted). Evidence is persuasive when it has "sufficient weight and probative value to convince the trier of fact."

Daly v. P.D. George Co., 77 S.W.3d 645, 651 (Mo. App. E.D. 2002); *see also White v. Dir. of Revenue*, 321 S.W.3d 298, 305 (Mo. banc 2010) (noting the burden of persuasion is the "party's duty to convince the fact-finder to view the facts in a way that favors that party").

Complainant Did Not Prove Overvaluation.

Complainant's evidence and testimony failed to prove overvaluation of the 2022 Subaru. The BOE had access to the Complainant's Exhibits and Respondent's Exhibit 1 when reaching their determination. Furthermore, the repairs were made approximately nine months prior to the valuation date of January 1, 2024; therefore, the BOE could account for the damages and repairs in determining the valuation of the 2022 Subaru.

The testimony of Respondent's witness, Ms. Strain, was credible. Respondent's evidence was substantial and persuasive in determining the true value in money of the 2022 Subaru on the relevant date using the method prescribed by law. Complainant's reliance upon the comparable sales contained in Exhibit 1 and Exhibit 2 fall outside such a method.

CONCLUSION AND ORDER

The true value in money of the 2022 Subaru as of January 1, 2024 was \$27,990 with an assessed value of \$10,290, rounded.

Application for Review

A party may file with the Commission an application for review of this decision within 30 days of the mailing date set forth in the certificate of service for this decision. The application "shall contain specific detailed grounds upon which it is claimed the decision is erroneous." Section 138.432. The application must be in writing, and may be

mailed to the State Tax Commission, P.O. Box 146, Jefferson City, MO 65102-0146, or emailed to Legal@stc.mo.gov. A copy of the application must be sent to each person listed below in the certificate of service.

Failure to state specific facts or law upon which the application for review is based will result in summary denial. Section 138.432.

Disputed Taxes

The Collector of St Louis County, as well as the collectors of all affected political subdivisions therein, shall continue to hold the disputed taxes pending the possible filing of an application for review, unless said taxes have been disbursed pursuant to a court order under the provisions of section 139.031.

So ordered February 20, 2026.
STATE TAX COMMISSION OF MISSOURI

Samuel Knapper
Hearing Officer

Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on February 20, 2026, to:

Complainant(s) and/or Counsel for Complainant(s), the County Assessor and/or Counsel for Respondent, and County Collector.

Stacy M. Ingle
Legal Assistant