



STATE TAX COMMISSION OF MISSOURI

WILLIAM P. STAWIARSKI,) Appeal No. 23-11099 & 23-11101
) Parcel/locator No: 26U610072 &
) 20Z320174
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 Complainant(s),)
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 v.)
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 JAKE ZIMMERMAN, ASSESSOR,)
 ST. LOUIS COUNTY, MISSOURI,)
 Respondent.)

DECISION AND ORDER

William P. Stawiarski (Complainant) appeals the St. Louis County Board of Equalization's (BOE) findings of the true value in money (TVM) of the subject properties described in described below as of January 1, 2023, on the grounds of overvaluation.¹ For Parcel ID No. 20Z320174, Complainant also appeals on the grounds of misclassification and claims that this parcel should be 100% agricultural. Complainant's proposed values in in his Complaints for Review state an opinion of value for Parcel ID No. 26U610072 of

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

\$375,000² and \$6,959.80³ for Parcel ID No. 20Z320174. Complainant failed to present substantial and persuasive evidence to rebut the presumption of correct assessment and classification by the BOE as to each of the subject properties. Therefore, the assessments made by the BOE are AFFIRMED.

The evidentiary hearing for these appeals was held on May 29, 2025, via Webex. Complainant appeared pro se. Respondent was represented by counsel, Kevin Wyatt. The appeals were heard and decided by Senior Hearing Officer Benjamin C. Slawson. For efficiency, the appeals have been consolidated in this Decision and Order.

FINDINGS OF FACT

1. Subject Properties. Parcel No. 26U610072 is a single-family home located at 1626 Wolf Trail Rd. Parcel No. 20Z320174 is a vacant unimproved parcel of around six acres, both subject properties are located in St. Louis County.

2. Assessment, Valuation, and Classification. Respondent’s appraised values for the subject properties as of July 1, 2023, and the BOE’s independent determinations of value and classification are as follows:

Appeal No.	Parcel No.	Respondent’s Total Assessment	BOE Decision
23-11099	26U610072	\$497,100, all residential	\$425,000 all residential
23-11101	25H241657	\$202,300, all	\$170,600, \$169,600

² Complainant testified at hearing that his opinion of value was \$364,000.

³ Complainant testified at hearing that he is not really contesting valuation but rather the classification of the property.

		residential	residential, \$1,000 agricultural
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3. Complainant's Proposed Values. Complainant proposed the following TVM values for each of the subject properties in his Complaints for Review:

Appeal No.	Parcel No.	Proposed Value
23-11099	26U610072	\$375,000
23-11101	25H241657	\$6,959.80

4. Complainant's Evidence. Complainant offered the following Exhibits for both appeals. Respondent objected to the admission of the exhibits as untimely filed pursuant to the scheduling order. Respondent's objection was overruled and the exhibits were admitted.

Appeal	Exhibit	Description
23-11099	A-H	Overview of Exhibits, appeal documents and correspondence from Respondent regarding the subject, Estimates/Bids from contractors, photographs of subject.

23-11101	P1-P5	Pictures of the subject and Schedule C from Form 1040 income tax return.
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Complainant testified that for Parcel ID No. 26U610072 he believes Respondent overvalued the subject because he does not take into account several condition issues that the property suffers from. He testified as to deferred maintenance problems with the roof, windows, chimney, deck, and garage. Complainant submitted photographs of these issues as well as estimates and bids from contractors for repairing these problems, a total estimated amount of \$128,842.8 (Exhibit A). Complainant presented all these issues to the BOE, who lowered the appraised value from Respondent’s assessment of \$497,100 to \$425,000 (Exhibit 1).

For Parcel No. 20Z320174, Complainant testified that he does not really dispute the valuation placed on the property. Complainant’s claim as to the is property is that should be classified entirely as agricultural property, not just the 1 acre pond that the BOE designated as agricultural. Complainant testified that he uses the property for agricultural use. There is a pond on the property which he uses to harvest fish. The grass is harvested for animal feed. A beehive has also been installed on the property. Complainant submitted a Schedule C from his 2023 Form 1040 income tax return showing gross receipts of \$515 for the sales made from items harvested on the land as well as expenses incurred in

harvesting. Complainant testified that the subject was originally classified as agricultural, but a previous owner split it from another parcel intending to build a residence. Adjacent parcels do include improved structures. On cross examination, Complainant admitted that he has not made any profits from the land. Complainant is not a licensed appraiser.

4. Respondent's Evidence. Respondent introduced Exhibit 1 for each respective appeal, a copy of the BOE decision letter dated October 17, 2023, stating the BOE TVM for the respective subject property as of January 1, 2023. The Exhibits were admitted without any legal objection.

5. Value and Classification. The TVM and classification of the subject properties on January 1, 2023, were as follows:

Appeal No.	Parcel No.	TVM and Classification
23-11099	26U610072	\$425,000, residential
23-11101	25H241657	\$170,600 total, \$169,600 residential, \$1,000 agricultural

CONCLUSIONS OF LAW

1. Assessment and Valuation.

Residential real property is assessed at 19% of its TVM as of January 1 of each odd-numbered year. Section 137.115.5(1)(a). The TVM is "the fair market value of the property on the valuation date[.]" *Snider v. Casino Aztar/Aztar Mo. Gaming Corp.*, 156 S.W.3d 341, 346 (Mo. banc 2005) (internal quotation omitted). The fair market value is "the price which the property would bring from a willing buyer when offered for sale by a

willing seller." *Mo. Baptist Children's Home v. State Tax Comm'n*, 867 S.W.2d 510, 512 (Mo. banc 1993). "True value in money is defined in terms of value in exchange not value in use." *Tibbs v. Poplar Bluff Assocs. I, L.P.*, 599 S.W.3d 1, 7 (Mo. App. S.D. 2020) (internal quotation omitted). "Determining the true value in money is an issue of fact for the STC." *Cohen v. Bushmeyer*, 251 S.W.3d 345, 348 (Mo. App. E.D. 2008).

"For purposes of levying property taxes, the value of real property is typically determined using one or more of three generally accepted approaches." *Snider*, 156 S.W.3d at 346. The three generally accepted approaches are the cost approach, the income approach, and the comparable sales approach. *Id.* at 346-48; *see also St. Louis Cty. v. Sec. Bonhomme, Inc.*, 558 S.W.2d 655, 659 (Mo. banc 1977). The comparable sales approach "is most appropriate when there is an active market for the type of property at issue such that sufficient data are available to make a comparative analysis." *Snider*, 156 S.W.3d at 348. For this reason, the comparable sales approach is typically used to value residential property. "The comparable sales approach uses prices paid for similar properties in arms-length transactions and adjusts those prices to account for differences between the properties." *Id.* at 347-48 (internal quotation omitted). "Comparable sales consist of evidence of sales reasonably related in time and distance and involve land comparable in character." *Id.* at 348.

The income approach "is most appropriate in valuing investment-type properties and is reliable when rental income, operating expenses and capitalization rates can reasonably be estimated from existing market conditions." *Snider*, 156 S.W.3d at 347. "The income approach determines value by estimating the present worth of what an owner

will likely receive in the future as income from the property." *Id.* "The income approach is based on an evaluation of what a willing buyer would pay to realize the income stream that could be obtained from the property when devoted to its highest and best use." *Id.* (internal quotation omitted).

2. Evidence

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 finder of fact in an administrative hearing determines the credibility and weight of expert testimony. *Hornbeck v. Spectra Painting, Inc.*, 370 S.W.3d 624, 632 (Mo. banc 2012). "It is within the purview of the hearing officer to determine the method of valuation to be adopted in a given case." *Tibbs v. Poplar Bluff Assocs. I, L.P.*, 599 S.W.3d 1, 9 (Mo. App. S.D. 2020). 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. The Hearing Officer's decision regarding the assessment or valuation of the property may be based solely upon inquiry and any evidence presented by the parties, or based solely upon evidence presented by the parties." *Id.*

3. Complainant's Burden of Proof

The BOE's valuation is presumptively correct. *Rinehart v. Laclede Gas Co.*, 607 S.W.3d 220, 227 (Mo. App. W.D. 2020). To prove overvaluation, a taxpayer must rebut the BOE's presumptively correct valuation and prove the "value that should have been placed on the property." *Snider*, 156 S.W.3d at 346. 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"). A taxpayer does not meet his burden if evidence on any essential element of his case leaves the STC "in the nebulous twilight of speculation, conjecture and surmise." *See, Rossman v. G.G.C. Corp. of Missouri*, 596 S.W.2d 469, 471 (Mo. App. 1980).

5. Complainant Did Not Prove Overvaluation.

Complainant did not establish that the BOE valuation was erroneous for each respective appeal, nor did Complainant produce substantial and persuasive evidence establishing his proposed opinions of value as to the TVM for either of the subject properties as of January 1, 2023. Neither Complainant's exhibit nor his testimony utilized the comparable sales approach, income approach, or cost approach to support his proposed values, nor did they offer an appraisal of either of any of the properties for the tax year of 2023 as evidence of the TVM of those properties as of January 1, 2023.

While a property owner's opinion of value is generally admissible, the opinion lacks "probative value where it is shown to have been based upon improper elements or an improper foundation." *Shelby Cty. R-IV Sch. Dist. v. Herman*, 392 S.W.2d 609, 613 (Mo. 1965); *see also Cohen v. Bushmeyer*, 251 S.W.3d 345, 349 (Mo. App. W.D. 2008) (noting

a property owner's opinion of value loses probative value when it rests on an improper foundation).

The comparable sales approach is the method used to determine the TVM of residential properties. "The comparable sales approach uses prices paid for similar properties in arms-length transactions and adjusts those prices to account for differences between the properties." *Snider*, 156 S.W.3d at 347-48 (internal quotation omitted). Complainant failed to offer any detailed comparable sales for consideration with market-based adjustments calculated by a professional.

Complainant testified as to the condition issues and deferred maintenance of Parcel No. 26U610072 which he believes negatively affect its value. However, Complainant offered no evidence actually quantifying alleged adverse value these would have (if any) on the value of the subject as of January 1, 2023. Contractor bids and estimates show costs to fix such issues but do not quantify the effect on value on the valuation date. In other words, Complainant offered no professional analysis completed by someone trained to analyze the characteristics of the subject and to show the deleterious effect they had on the property on the relevant tax date, January 1, 2023. Complainant is not a licensed appraiser. As a non-professional in the industry, Complainant's opinion based on condition issues he described is speculative.⁴

⁴ On cross examination, in response to how he arrived at his opinions of value, Complainant testified that "I did not come to an opinion of value, I'm going off of a professional appraisal opinion of value ... that's my whole point I'm not trying to present what I think the property value is because I don't know." Tr. 15:00 – 15:20.

In order to prove overvaluation, the taxpayer must not only prove that the assessment is erroneous, but *must also must prove "the value that should have been placed on the property" on the assessment date*. *Hermel, Inc. v. State Tax Commission*, 564 S.W.2d 888, 897 (Mo. banc 1978). Emphasis added.

Complainant did not produce substantial and persuasive evidence showing that the BOE's value was incorrect for either property, nor did he prove the TVM on the assessment date. Because the STC "cannot base its decision on opinion evidence that fails to consider information that should have been considered" under a recognized approach to value, *Snider*, 156 S.W.3d at 348, the BOE decision on valuation for both subjects is affirmed.

6. Complainant Did Not Produce Substantial and Persuasive Evidence of Misclassification for Parcel ID No. 20Z320174

Complainant had an additional claim of misclassification for Parcel No. 20Z320174.

There are three classes of property, in Missouri for ad valorem tax purposes: class 1, real property; class 2, tangible personal property; and class 3, intangible personal property. Art. X, Section 4(a), Mo. Const.1945. Property in class 1, real property, subclassified as subclass (1), residential property, subclass (2) agricultural and horticultural property, and subclass (3), utility, industrial, commercial, railroad, and all other property, not included in subclasses (1) and (2). Art. X, Section 4(b), Mo. Const.1945. Taxes must be uniform upon the same class or subclass of subjects within the territorial limits of the authority levying the tax. Art. X, Section 3, 4(a), Mo. Const.1945. Complainant did not produce substantial and persuasive evidence to support his opinion that the subject property

classified as residential was misclassified and should be classified as agricultural. “Agricultural and horticultural property” includes, in applicable part, “all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses.” Section 137.016.1(2).

There is a presumption of validity, good faith and correctness of assessment by the County Board of Equalization. *Hermel, Inc. v. STC*, 564 S.W.2d 888, 895 (Mo. banc 1978); *Chicago, Burlington & Quincy Railroad Co. v. STC*, 436 S.W.2d 650, 656 (Mo. 1968); *May Department Stores Co. v. STC*, 308 S.W.2d 748, 759 (Mo. 1958). This presumption is a rebuttable rather than a conclusive presumption. It places the burden of going forward with some substantial evidence on the taxpayer - Complainant. In a misclassification appeal, the presumption of correct assessment is rebutted when the taxpayer presents substantial and persuasive evidence to establish that the Board's assessment is erroneous and what the correct classification should have been placed on the property. *Hermel, supra*; *Cupples-Hesse Corporation v. State Tax Commission*, 329 S.W.2d 696, 702 (Mo. 1959). Complainant testified that the entire subject property should be classified and assessed as agricultural property due to the fact that he harvests fish from the pond, harvests grasses for animal feed, and installed a beehive on the property. Based on Complainant’s testimony and other evidence submitted, it is clear that Complainant’s activities on the parcel amount to hobby farming and are *de minimus* agricultural use. Thus, Complainant failed to produce

substantial and persuasive evidence showing that the entirety of the subject property is devoted primarily to the raising and harvesting of crops and is agricultural property.

CONCLUSION AND ORDER

The BOE decisions are affirmed. The TVMs and classifications of the subject properties as of January 1, 2023, are as follows:

Appeal No.	Parcel No.	TVM and Classification
23-11099	26U610072	\$425,000, residential
23-11101	25H241657	\$170,600 total, \$169,600 residential, \$1,000 agricultural

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 March 6, 2026.
STATE TAX COMMISSION OF MISSOURI

Benjamin C. Slawson
Senior Hearing Officer
State Tax Commission

Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on March 6, 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