



STATE TAX COMMISSION OF MISSOURI

WILLIAM PAUL PRUE & MARY PRUE,)
)
 Complainant(s),)
) Appeal No. 23-32820
 v.) Parcel# 54-430-03-03-00-0-00-000
)
 PHIL LEVOTA, COUNTY EXECUTIVE,)
 JACKSON COUNTY, MISSOURI)
)
 Respondent.)

DECISION AND ORDER

Complainants, William Paul Prue and Mary Prue, husband and wife, appeal the Jackson County Board of Equalization's (BOE) decision finding the true value in money (TVM) on January 1, 2023, to be \$796,820 and, therefore, the Assessed value of the subject property on January 1, 2023, to be \$151,396. This TVM was reduced to \$690,000 with corresponding assessed value of \$131,100, by Jackson County.¹ Complainant alleges overvaluation.² For the reasons explained herein, the decision of the BOE and County Executive is set aside. The TVM of the subject property on January 1, 2023, was \$585,000 with an Assessed value of \$111,150.

¹ Jackson County, in compliance with the Order of the State Tax Commission, reduced the TVM of the subject property on the tax rolls to \$690,000 which does not exceed a 15% increase over the 2022 value.

² 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, sec. 14; Section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

The Evidentiary Hearing in this matter was held on March 4, 2026. Complainants appeared via telephone. Complainant’s appraiser, Julie Molendorp Floyd, appeared by video on WebEx. Respondent was represented by counsel, Eric Honea and Daniel Gooden, an appraiser with the Assessment office.

Complainants presented the following Exhibits:

Exhibit #	Description	Objection
A	Appraisal	None
B	Photo of pump and specs	Hearsay – overruled
C	Article from <i>Lotawana News</i>	Hearsay, Foundation – sustained
D	Email about boatlift	Objection to handwritten notes – overruled
E	Contract for purchase of land	None
F	Contract to build house	None
G	5 sets of photos	None

Respondent objected to the handwritten notes on Exhibits B & D. The objections were taken under advisement. Complainant subsequently testified that he had made the notes on the Exhibits and explained the notes, therefore, the objection was overruled. Respondent objected to Exhibit C in that it purports to be an article from the local community newspaper, *Lotawana News*. The article talks about the prevalence of duckweed throughout the lake. The objection is sustained, Exhibit C is not received and is not considered in this decision. Exhibits A, B, D, E, F and G are received and given the weight due.

Complainant had Julie Molendorp Floyd testify. Ms. Floyd is a licensed appraiser who also teaches appraisers. Ms. Floyd prepared Exhibit A, the appraisal of the property. Ms. Floyd grew up at Lake Lotawana, currently lives at Lake Lotawana and does appraisals at Lake Lotawana. Ms. Floyd described the subject property as a waterfront property that is not usable as a waterfront property because it is located deep in a cove making it more comparable to a non-waterfront property with a water view. Ms. Floyd stated that location in a cove is very important

for valuing a property as most people prefer to have a property outside the main channel of the lake, but still in deep water to be able to access the lake. Ms. Floyd stated that the location of the subject property is deep in the cove, in shallow water which impedes access to the lake. In her appraisal, Ms. Floyd used 4 closed sales from 2022 as comparable sales with sale prices ranging from \$517,500 to \$655,000. Ms. Floyd stated that these sales bracketed the subject property's amenities and had comparable overall appeal and level of finish as the subject property. Ms. Floyd did not use the cost approach or income approach to value the property. On cross examination, Ms. Floyd agreed that 2022 at Lake Lotawana was a "Seller's market" with relatively few sales and relatively few properties on the market.

Complainant, Paul Prue, testified. Mr. Prue reviewed the properties that the county had used as comparable properties, pointing out the differences in size and location to the subject property. Mr. Prue stated that all the other properties used as comparable sales had good access to water except one; the only one located deep in a cove is located at 16A but that cove had recently been dredged to deepen it. Mr. Prue stated that dredging is not possible in their cove as the bottom is solid rock. Mr. Prue stated that when they viewed the property, prior to purchasing it, it was winter, so there was no algae present in the cove and it was not a time of drought, so the lake level was high enough to support unimpeded access to the main lake channel. Mr. Prue stated that since they moved into the house in early 2021, there has been a drought so they cannot access the main lake by boat from their dock from June through August. Mr. Prue also testified that the algae in the cove was prevalent, preventing the use of the cove for fishing or swimming. On cross examination, Mr. Prue testified that the neighbor, across the cove uses a pontoon boat and is able to access the lake as a pontoon boat takes less water depth in which to operate.

Complainant, Mary Prue, then testified. Mrs. Prue stated that when they moved into their house, the water level was high and they could use their boat to access the lake. She stated that they have a deck boat, which is similar to a pontoon, but is more versatile and allows their 12 grandchildren more water sport opportunities than a pontoon boat would. Mrs. Prue also stated that not being able to access the lake with their boat from their dock during the summer months when school is out is a negative factor for the value of their home.

Respondent presented the following Exhibits. Exhibits 1 through 11 were received without objection. Exhibit 12 was not offered, therefore, it is not received and will not be considered in this decision.

Exhibit #	Description	Objection
1	Cover sheet	None
2	Notice of value	None
3	BOE Decision	None
4	Physical Inspection Photo	None
5	Property Record Card (PRC)	None
6	System Comps	None
7	MLS Comps	None
8	Comp 4 Sale Info	None
9	Molendorp Floyd Comps	None
10	Value SF adjustments	None
11	Comp Bathymetry map	None
12	Request of BOE No Change	Not offered/not received

Respondent presented the testimony of Daniel Gooden, a certified residential appraiser who works in the Jackson County Assessor's Office. Mr. Gooden, reviewed the System Comps, Exhibit 6, stating that Comparable Sale #1 was the best Comp and that he gave no weight at all to Comp 5. Mr. Gooden stated that Lake Lotawana is a particular neighborhood or area, within which it takes more time and effort to arrive at good comparable sales and be accurate in an appraisal. Mr. Gooden referenced Exhibit 8, 80S Lakeshore Drive, as it is also in the back of a cove, even though it is not in the assessment period, as a good comparable sale. Mr. Gooden

then reviewed the comparable sales used by Complainant's appraiser, Ms. Floyd in Exhibit 9. Mr. Gooden stated that some of the comparable sales used by Ms. Floyd were older homes that had been updated rather than remodeled, making them less comparable to a relatively new home such as the subject. Mr. Gooden stated that after reviewing the comparable sales, and making adjustments in accordance with his experience and training, his opinion of value of the property as of January 1, 2023, is \$800,000. He stated that the Assessor's Office had reduced the value on its system to the 2022 value plus 15%, which resulted in the current listed TVM of the property as of January 1, 2023, to be \$690,000 which value was supported by his analysis.

FINDINGS OF FACT

1. The Subject Property's 2022 Assessment.

Mr. Gooden in his testimony and in reference to Exhibit 1, stated that the subject property had a TVM set by the Assessor of \$600,000 on January 1, 2022, and was classified as residential property.

2. The State Tax Commission's Order of August 6, 2024.

The Commission takes official notice of the fact that on August 6, 2024, the Commission issued an Order pursuant to its general supervisory duties vested in it by the constitution and statutes of the State of Missouri (hereafter "2024 Order.") The 2024 Order was directed to the Jackson County Executive, the Jackson County Board of Equalization, and the Jackson County Director of Assessment.

In its 2024 Order, the Commission ordered the Jackson County assessing officials to correct the 2023 Assessment Roll to reflect assessed valuations of all parcels of subclass (1) real property, excluding increases due to new construction or improvements, that equal the valuations determined by Jackson County assessing officials, or valuations that do not exceed fifteen percent

since the last assessment, whichever is less. The Commission further ordered that the assessed valuations for 2024 subclass (1) real property shall remain the same as the assessed valuations in the 2023 assessment roll, as corrected by the Order, excluding increases due to new construction or improvements. Jackson County has complied with this Order regarding this property, setting the TVM of the property at \$690,000, reduced from the Notice of value sent to the Complainants with a value of \$796,820. The testimony set out that there was no new construction or improvements to the property.

CONCLUSIONS OF LAW

1. Assessment and Valuation.

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. 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) RSMo.

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). "Although technical rules of evidence are not controlling in administrative hearings, fundamental rules of evidence are applicable." *Mo. Church of Scientology v. State Tax Comm'n*, 560 S.W.2d 837, 839 (Mo. banc 1977).

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).

4. Comparable Sales Approach. 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.

5. Complainant Produced Substantial and Persuasive Evidence of Overvaluation.

Complainants testified about their inability to access the lake from their dock using a boat that would allow their grandchildren to pursue water activities that they enjoy, which was the Complainant's purpose in buying the property and building a house. Mr. Prue testified regarding every property used by Respondent as a comparable sale stating that the access to the water of their property was clearly inferior to the comparable properties used.

Complainants presented an appraisal of the property completed by a well-qualified, experienced appraiser who is extremely familiar with the Lake Lotawana area. Ms. Floyd grew up on Lake Lotawana, lives on the lake and does appraisals on the lake. Her appraisal was based on 4 sales from 2022, a time in which it was a “seller’s market”, which, generally, trends to higher sales prices than a “buyer’s market”. Ms. Floyd is very familiar with the properties at Lake Lotawana and the location of the various properties. Ms. Floyd testified that because Complainants are deep in a cove and their dock is in shallow water, unable to access the lake during the summer months, it is more comparable to a property that is not a waterfront than properties that are waterfront. Mr. Gooden, Respondent’s appraiser, is also a well-qualified, experienced appraiser but does not have the in-depth experience at Lake Lotawana that Ms. Floyd has. Both sides, presented substantial evidence of value, however, Ms. Floyd’s personal experience at Lake Lotawana in combination with Complainant’s testimony make Complainant’s evidence more persuasive.

CONCLUSION AND ORDER

The BOE decision is set aside. The TVM of the subject property is \$585,000 and the Assessed values of the subject property as of January 1, 2023, was \$111,150.

Application for Review

A party may file 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 of Missouri, 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 Jackson County, and 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 the disputed taxes have been disbursed pursuant to a court order under the provisions of section 139.031.

SO ORDERED March 26th, 2026.

STATE TAX COMMISSION OF MISSOURI

Todd D. Wilson
Senior 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 March 27th, 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