



STATE TAX COMMISSION OF MISSOURI

ELIZABETH NYAGA,) Appeal No. 24-10297
) Parcel No. 11F110473
 Complainant,)
)
 v.)
)
 JAKE ZIMMERMAN, ASSESSOR,)
 ST. LOUIS COUNTY, MISSOURI,)
)
 Respondent.)

DECISION AND ORDER

Elizabeth Nyaga Complainant) appeals the St. Louis County Board of Equalization's (Respondent) decision valuing the subject residential property at \$100,000 as of January 1, 2024.¹ Complainant alleges overvaluation and asserts the true value in money (TVM) of the subject property was \$75,000 as of the assessment date. Complainant did not produce substantial and persuasive evidence establishing overvaluation. The BOE decision is affirmed. The TVM of the subject property as of January 1, 2024, is \$100,000.

The evidentiary hearing was held July 23, 2025, via Webex. Complainant appeared *pro se*. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was

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

represented by counsel, Kevin Wyatt. The case was heard and decided by Senior Hearing Officer Benjamin C. Slawson.

FINDINGS OF FACT

1. The Subject Property. The subject residential property consists of a single-family home located at 9826 Edgefield Dr., Saint Louis County, Missouri. The Parcel ID number is 11F110473.

2. Assessment and Valuation. Respondent determined the subject property's appraised value was \$103,800 as of January 1, 2024. The BOE independently determined that the subject's appraised value as of January 1, 2024, was \$100,000.

3. Complainant's Evidence. Complainant offered the following exhibits which were admitted without objection from Respondent:

Exhibit	Description
9826 Edgefield Dr._Behrle Plumbing Payment for Replacement Water Heater_June	Quickbooks payment receipt to Behrle Plumbing, LLC
9826 Edgefield Dr. Behrle Plumbing Invoice for Replacement Water Heater_June 6	Bid/Estimate from Behrle Plumbing, LLC
9826 Edgefield Drive _ Nov. 2023 Replacement of Water Heater Invoice	Orr Plumbing Services Invoice
9826_Edgefield_Dr__Sewer_Lateral_Inspection_Report-summary	Behrele Plumbing, LLC Inspection

Helitech Quote for Drain and Sup Pump	Estimate/bid for installation of drain pump.
Letter Supporting Complaint for Review of Assessment	October 1, 2024, Letter by Complainant accompanying her Complaint for Review
Probuild_Quote for Internal House Repairs	Carpet Care and Restoration Estimate/bid
Sewer Line Repair Estimate from Behrle Plumbing, LLC	Proposal from Behre Plumbing, LLC

Complainant testified that she purchased the property in 2022 as an investment property. Complainant purchased the property for \$99,999. Complainant rented the property to a tenant right after purchase until recently when she moved back into the St. Louis area from Washington D.C. When the property was being rented, Complainant charged her tenant \$1,200 per month.

Complainant testified as to the many issues with the property. Complainant testified that the home has extensive water damage caused by a leaking roof. Water has resulted in wet drywall in the garage and living room ceiling inside the house. A shutter outside the house allows rainwater to flow through to the living room ceiling, causing moisture patches. The ceiling is cracked from the bedrooms to the living room. Complainant testified that the cement slabs at the back porch have settled and slope towards the house, causing rainwater to enter underneath the rear back door and flood the basement. This has twice

caused damage to the water and damage to her tenant's personal property. Complainant had to replace the water heater a second time due to rainwater flooding the basement and damaging the water heater beyond repair. Complainant also testified that the floor drain consistently becomes clogged despite hiring a plumber to cable it and clear blockages. Sewer lines on the entire property need to be descaled and flushed.

Complainant has hired plumbers and other contractors to provide estimates to fix these issues in the home, with a total estimated cost of \$37,808.92. Some work Complainant has had performed. Complainant submitted the bids/estimates and other supporting documentation as evidence. Complainant testified that her opinion of value is based on the purchase price of the property minus the cost of repairs. Complainant also testified that she has noticed that neighboring homes in the area are assessed at a fair market value of around \$85,000 but are in better condition. Complainant is not a licensed appraiser.

4. Respondent's Evidence. Respondent introduced Exhibit 1, consisting of the September 13, 2024, BOE decision letter for the subject property. Exhibit 1 shows the BOE valued the subject property at \$100,000. Exhibit 2 is a Certificate of Value showing a purchase price of the property of \$99,999 in 2022 by Complainant. The Exhibits were admitted into the record without objection.

5. Value. The TVM of the subject property as of January 1, 2024, was \$100,000.

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. Sections 137.115.1; 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). The TVM “is a function of [the property's] highest and best use[.]” *Snider*, 156 S.W.3d at 346. “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. The STC has wide discretion in selecting the appropriate valuation method but “cannot base its decision on opinion evidence that fails to consider information that should have been considered under a particular valuation approach.” *Id.*, at 348.

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.

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 taxpayer bears the burden of proof and must show by a preponderance of the evidence the property is overvalued. *Westwood P'ship v. Gogarty*, 103 S.W.3d 152, 161 (Mo. App. E.D. 2003). The BOE's valuation is presumptively correct. *Tibbs*, 599 S.W.3d at 7. The “taxpayer may rebut this presumption by presenting substantial and persuasive evidence that the valuation is erroneous.” *Id.* (internal quotation omitted). The taxpayer also must prove “the value that should have been placed on the property” on the assessment date. *Id.* See also *Hermel, Inc. v. State Tax Commission*, 564 S.W.2d 888, 897 (Mo. banc 1978). “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 v. State Tax Comm'n*, 722 S.W.2d 72, 77 (Mo. banc 1986) (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”).

Property owners are competent to testify to the reasonable fair market value of their property. *Cohen*, 251 S.W.3d at 348. However, if owner's testimony is based on "improper elements or an improper foundation[.]" it is not substantial and persuasive evidence rebutting the presumptively correct BOE value. *Id.* at 349.

3. Complainant Did Not Produce Substantial and Persuasive Evidence of Overvaluation.

Complainant did not produce substantial and persuasive evidence to support Complainant's \$75,000 opinion of value. Complainant introduced no evidence pertaining to a recognized valuation method. Complainant did not produce any evidence supporting a comparable sales approach, income approach, or cost approach.

The comparable sales approach is typically used to value residential properties improved with a single-family home like the subject. "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 did not offer testimony of an appraiser, nor an appraisal of the property as evidence of the TVM of the property as of January 1, 2024. Therefore, Complainant did not produce substantial and persuasive evidence showing that the subject property was overvalued based on independent comparable sales data.

Complainant testified that the water damage and several other problems with the property negatively affect the value of the subject. However, Complainant offered no evidence actually quantifying alleged adverse value this would have (if any) on the value of the subject as of January 1, 2024. Bids and estimates do show the cost to repair certain

issues but alone do not establish the value of the subject as of the assessment date. In other words, Complainant offered no professional analysis completed by someone trained to analyze building costs to show the deleterious effect they had on the property on the relevant tax date, January 1, 2024.

As a non-professional in the appraisal industry, Complainant's lay opinion is therefore speculative and not persuasive. Complainant purchased the property in 2022 for \$99,999. The BOE lowered the appraised value of the home in 2024 from \$103,800 to \$100,000 suggesting that the BOE did account for the condition issues Complainant presented at hearing.

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, nor did she prove the TVM on the assessment date. Property owners are competent to testify to the reasonable fair market value of their property. *Cohen*, 251 S.W.3d at 348. However, if owner's testimony is based on "improper elements or an improper foundation[,]" it is not substantial and persuasive evidence rebutting the presumptively correct BOE value. *Id.* at 349. 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 is affirmed.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2024, is \$100,000.

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 St. Louis 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 6, 2026.

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