



STATE TAX COMMISSION OF MISSOURI

KEERAN RILEY MERCHANT)
)
 Complainant(s),)
) Appeal No. 25-65002
v.) Parcel ID No. 1-815329-0
)
 DOUG BOWERMAN, ASSESSOR,)
 LAWRENCE COUNTY,)
 MISSOURI,)
 Respondent.)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER FINDING THE SUBJECT PROPERTY TO BE EXEMPT

Keeran Riley Merchant (hereafter “Complainant” or “Merchant”) appealed the Lawrence County Assessor’s (hereafter “Assessor”) assessment of the subject property. The sole ground for appeal is exemption from taxation. Merchant produced substantial and persuasive evidence establishing that the subject property is exempt from taxation in Missouri.¹

Subject Property and Complainant’s Evidence. The subject property is as follows: a 2022 Kia passenger vehicle and a 2002 Chevrolet truck. An evidentiary hearing

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

was held via Webex on February 9, 2026. Merchant appeared *pro se*. Assessor appeared *pro se*.

Merchant submitted the following which were admitted into evidence without objection:

Exhibit A	Page from State Tax Commission website titled “As An Active Member of the Military, Do I Have to Pay Property Taxes?”
Exhibit B	Marine Corps Leave and Earnings Stmt
Exhibit C	Excerpt from 50 USC 4001: Residence for tax purposes
Exhibit D	Page from State Tax Commission website titled “Assessment of Personal Property”
Exhibit E	Marine Corps Basic Orders

Merchant testified that he received Exhibits A – D from a different county assessor who told him that he should not have to pay personal property tax because he is not a resident of Missouri. Merchant testified that he lives in the State of Nebraska. He was born and raised in Nebraska and enlisted in the military at the age of 18 while living in Nebraska. He pays Nebraska property and state taxes. He enlisted in the military in 2017. He is currently a staff sergeant in the United States Marine Corps.

According to Merchant, Basic Order (Ex. E) tells him where he is to go and what he is to do while on that military assignment. The Orders are in effect for three years. He is currently under orders to serve as a Marine Corps recruiter in the Kansas City area. The Marine Corps Basic Orders are the reason why Merchant is currently living in Missouri.

Merchant does not live on a military base. He receives a housing allowance. He and his wife purchased a residential property in 2023 in Lawrence County.

Assessor submitted the following which were admitted into evidence without objection:

Exhibit 1	Warranty Deed, Lawrence County Book, 459 Page 3909
Exhibit 2	Waiver
Exhibit 3	Screenshot from Missouri Dept. of Revenue showing that the subject vehicles are titled in Missouri.

Assessor testified that, when Merchant first moved to Lawrence County, he requested and was granted a property tax waiver. (Exhibit 2). After the waiver expired, Merchant contacted the Lawrence County Assessor's Office again. According to Assessor, Merchant has a home of record in Lawrence County. Specifically, Exhibit 1 is a Warranty Deed evidencing the acquisition by Keeran R. Merchant and Alexandria E. Merchant, a married couple, of real property located at 1635 Oak Drive, Aurora, Missouri. The Deed is dated September 7, 2023.

Merchant received a 2025 personal property tax bill (late notice) from the Lawrence County Collector. The Lawrence County Assessor currently shows the property to be non-exempt. According to Assessor, if Merchant produces a paid personal property tax receipt from Nebraska, then Assessor will remove Merchant from the personal property tax rolls in Lawrence County.

Analysis

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 TVM as of January 1 of each year as required by Section 137.115.5.

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). The hearing officer finds both parties to be credible witnesses.

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).

Historically, under the fiction of *mobilia sequuntur personam*, only the domicile of the property owner could properly levy personal property taxes. However, “as personal property became more mobile, the ancient fiction gave way to the rule that tangible

personal property is to be taxed only where the property has a physical situs.” *Bi Go Markets, Inc. v. Morton*, 843 S.W.2d 916, 918 (Mo. banc 1992), *citing* 71 Am.Jur.2d *State and Local Taxation*, Sec. 659 (1973). Moreover, “United States Supreme Court decisions reflect that the due process clause is satisfied when tangible personal property is taxed according to its ‘tax situs,’ i.e, the place the property is located . . .” *Bi Go Markets, Inc.*, *supra* at 919, *citing* *Standard Oil v. Peck*, 342 U.S. 382, 384-85 (1952). Thus, under modern due process considerations, the location of the property rather than the residence or domicile of the property owner determines in which state property may be taxed.

As a result, the fact that Merchant and his wife own a home in Lawrence County and currently reside there (Ex. 1) does not make Merchant’s motor vehicles taxable in Missouri.

Likewise, but for different reasons, the fact that Merchant’s motor vehicles are titled or registered in Missouri (Ex. 3) does not determine whether the vehicles are subject to property taxation in Missouri. These factors are extraneous to the issue of situs of the vehicles.²

Thus, under the foregoing, Merchant’s motor vehicles **would** be taxable in Lawrence County – **but for** the federal Servicemembers Civil Relief Act (formerly the Soldiers and Sailors Relief Act of 1940), 50 U.S.C. Sections 3901-4043. Section 4001 of the Act specifically provides as follows:

The personal property of a servicemember or the spouse of a servicemember shall not be deemed to be located or present in, or to have a situs for taxation in, the tax jurisdiction in which the servicemember is serving in compliance with military orders.

² Persons serving in the Armed Forces of the United States and who do not reside in Missouri may submit a leave and earnings statement and obtain a Missouri motor vehicle license without paying property tax on the vehicle. Section 301.025.1 RSMo.

50 U.S.C. Sec, 4001(d)(1)

Merchant is present in Missouri under military orders. Therefore, by operation of federal law, his personal property has no situs in Missouri for tax purposes.

CONCLUSION AND ORDER

Because Complainant is present in Missouri under military orders, his personal property has no situs in Missouri. Complainant's 2022 Kia and 2002 Chevrolet truck are exempt from property taxation in Missouri.

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 Lawrence 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 April 14th, 2026.

STATE TAX COMMISSION OF MISSOURI

Gregory Allsberry
Chief Counsel

Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on April 17th, 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