STATE TAX COMMISSION OF MISSOURI

KATHLEEN M FRIEDERICH,	)	Appeal No. 23-11072
	)	Parcel/locator No: 15M530475
	)	
Complainant(s),	)	
	)	
v.	)	
	)	
JAKE ZIMMERMAN, ASSESSOR,	)	
ST. LOUIS COUNTY, MISSOURI,	)	
Respondent.	)	

DECISION AND ORDER UPON APPLICATION FOR REVIEW AFFIRMING DECISION AND ORDER OF SENIOR HEARING OFFICER

FACTS AND UNDERLYING PROCEDURAL HISTORY

Kathleen M. Friederich (Complainant) appealed the St. Louis County Board of Equalization's (BOE) decision finding the true value in money (TVM) of the subject residential property on January 1, 2023 to be $138,400.

Complainant alleged overvaluation and asserted in her Complaint for Review that the TVM as of that date was $105,200. Complainant did not attend an evidentiary hearing held on May 27, 2025. Respondent attended through counsel and submitted into evidence the Findings and Notice of Decision of the St. Louis County Board of Equalization, returning an appraised value of $138,400 for the subject property. Senior Hearing Officer Benjamin Slawson issued a Decision and Order dated June 10, 2025 and issued and distributed to the parties on June 13, 2025 upholding the valuation determined by the St.

Louis County Board of Equalization in the amount of $138,400.

After Complainant received the Decision and Order, Complainant made several phone calls explaining that she was unable to attend the hearing due to circumstances beyond her control, although she did not contact the Senior Hearing Officer ahead of time to notify him of her unavailability. Also, Complainant testified during a supplemental hearing on February 6, 2026 that she mailed a written application for review to the State Tax Commission after she received the Decision and Order. However, the State Tax Commission has no record of a written application for review from Complainant. Nevertheless, after giving Complainant the benefit of the doubt whether she actually mailed a written application for review and in recognition of her numerous phone calls, the Commission wrote to Complainant on November 18, 2025 confirming her application for review.

In an attempt to provide Complainant the opportunity to be heard, the Commission scheduled a supplemental hearing under the authority of Section 138.432, which among other things, authorizes the Commission to "take additional evidence". The supplemental hearing was held on February 6, 2026 via Webex video conference. Complainant appeared at the hearing by telephone. Respondent was represented by counsel Kevin Wyatt. Complainant indicated that she could hear all parties to the Webex conference.

On February 5, 2026 (the day before the supplemental hearing) Respondent filed a document titled Objections to the State Tax Commission's Supplemental Hearing and Response to Complainant's Application for Review of SHO Benjamin Slawson's Decision. Because Respondent placed the Objections and Response in the U.S. Mail on February 5, Complainant had not yet received her copy by the time of the supplemental hearing on February 6. Complainant does not have or does not use an email address.

During the supplemental hearing, Complainant testified that before the supplemental hearing but sometime after June 10, 2025, she mailed documents to the Commission in support of her appeal, including a list of conditions to her property, photos, and repair bills or estimates. However, the Commission had not yet received those items.

Complainant was granted until February 27, 2026 to file her written response, if any, to Respondent's Objections and Response, and to send copies of her list of conditions, photos and repair bills or estimates.

At the supplemental hearing, Complainant testified that she believes the value of her property on January 1, 2023 was $105,200.

On approximately March 26, 2026, the Commission received several documents from Complainant after the supplemental hearing. She did not assign exhibit numbers to them as required by Senior Hearing Officer Slawson's Order sent before the first evidentiary hearing. Therefore, the documents are listed below without ascribing numbers to them:

-Letter dated 2/12/2026 addressed to the State Tax Commission re "Wrong Decision Review Law 138.422 Appeal Review No. 23-11072 Parcel/Locator No: 15MJ30475". In her 2/12/2026 letter, Complainant described phone calls to Assistant County Counselor Kevin Wyatt and to several persons who work for the State Tax Commission. She did not discuss in her letter any matters pertaining to valuation itself.

-Letter dated 5/13/2025 to Complainant from Kevin Wyatt, Assistant County

Counselor regarding the evidentiary hearing on May 27, 2025, enclosing a copy of the BOE decision letter marked Exhibit 1.

-Letter dated 2/12/2026 to Gregory Allsberry, Chief Counsel for the State Tax Commission, asking whether the notice of supplemental hearing also applied to her 2025 appeal, and saying in part: "I have some quotes but not all yet. It does take some time for companies to come to your house and send information. This will come soon."

-Undated note directed to State Tax Commission of Missouri re "conditions on my property for repair." In her note, Complainant listed various conditions and listed dollar amounts to each condition. The conditions and amounts are:

$700	Aladdin insulation
$5,000	Enerco Electric rewire
$600	air duct cleaning
$4,000	McCollough Flooring and Kitchen with subfloor
$2,500	Edelen door and window – storm doors
$3,800	bathroom floor and walls (tile)
$1,700	bath fixtures
$9,280	mudjacking and drainage
$5,000	Amants Carpet
$10,000	carport concrete replacement
$42,580	Total "add on roof $5,248 plus some cost may be higher due to material sand labor"

-Various bids and estimates from contractors and material providers relating to the above conditions.

-Various photos relating to the above conditions.

DISCUSSION OF THE EVIDENCE AND 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. Article X, Sections 4(a) and 4(b), Mo. Const. of 1945. 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.

In St. Louis County, due in part to the availability of certificates of value created each time a property sells in the county, the comparable sales approach is the valuation approach that is most appropriate for valuation of residential property. The comparable sales approach is sometimes referred to as the “gold standard” when it comes to assessing 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* 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. Complainant's Burden of Proof. The taxpayer bears the burden of proof and must show by a preponderance of the evidence that the property was 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." *Id*.

3. The Fallacy of Relying on the Cost of Needed Repairs to Determine Market Value.

Complainant did not present any evidence of recent sales prices of comparable properties. Instead, she relies solely on the substantial amount that it will cost to repair various aspects of her property, or perhaps in some instances, to maintain or to upgrade her property. This approach to valuation is not a recognized method for valuing property. The thought process behind this view is probably: A) The County assumes that my property needs no repairs and is in good, saleable condition. B) But my property needs lots of repairs in order to restore it to saleable condition. C) Therefore, the cost to make repairs must be deducted from the amount that the County thinks that my property is worth.

The market value of a property is, essentially, the amount that a willing buyer would pay and a willing seller would accept for a property that is sold on the open market in an arms-length transaction with no special conditions such as special financing terms. Although the condition of a property will undoubtedly affect that sale price, there is rarely, if ever, a direct adjustment in market value relative to the cost to repair.

For example, one of the repair items listed by Complainant is $10,000 for carport concrete replacement. If a homeowner spent $10,000 to replace the carport concrete, it is very unlikely that the value of the home would increase by $10,000. If that is the case, then the converse must also be true – that the lack of new carport concrete does not necessarily decrease the value of the home by $10,000. In any event, without having compared sales of comparable properties having new vs. older carport concrete, the effect on market value of a particular property with respect to its older carport concrete is a matter of sheer speculation.

To give another example, Complainant listed $5,000 for carpeting. It is not self-evident that a home having worn out carpeting is worth $5,000 less than a comparable home that recently had a $5,000 carpet upgrade. For some buyers, the presence of carpeting in the home might actually be a negative feature. Some home buyers prefer hardwood floors. Again, without the benefit of a comparable sales analysis, the effect on market value of a particular property concerning its worn out, dilapidated carpeting is a matter of speculation.

Yet another reason why the cost to repair a property may or may not affect its market value is that market value is determined not only by the condition of the structure, but also by the size of the lot, the location of the property, and other factors. There may be situations where the condition of a property may have relatively little bearing on the value of the property if the lot size or property location make the property unusually valuable.

We need to point out that the Complainant does not actually propose a dollar-for-dollar reduction in market value relative to cost to repair. Complainant listed repairs that will cost at least $42,580, but her opinion of value is only $33,200 less than the BOE's valuation.

It is possible that Complainant took into account the fact that there is probably not a dollar-for-dollar reduction in market value for each dollar that needs to be spent for property repairs. Unfortunately, Complainant has not provided any explanation for the difference between the cost of repairs and her proposed market value. Without an explanation or analysis, the evidence as to cost of repairs, in and of itself, has almost no probative value. They are just numbers, with no correlation to Complainant's proposed market value. The Commission cannot make a finding of market value based upon sheer speculation or conjecture.

CONCLUSION AND ORDER

For the reasons stated above, the Complainant did not present substantial and persuasive evidence that the BOE's valuation is erroneous, nor did she present substantial and persuasive evidence of the value that should have been placed on the property.

The decision of the Senior Hearing Officer determining the true value in money of the subject property on January 1, 2023 to be $138,400 is affirmed. Respondent's

Objections to the supplemental hearing are overruled.

Judicial review of this Order may be had in the manner provided in Sections 138.432 and 536.100 to 536.140 RSMo within 30 days of the mailing date set forth in the Certificate of Service for this Order.

If judicial review of this decision is made, any protested taxes presently in an escrow account in accordance with this appeal shall be held pending the final decision of the courts unless disbursed pursuant to Section 139.031.8 RSMo.

If no judicial review is made within thirty days, this decision and order is deemed final and the Collector, as well as the collectors of all affected political subdivisions therein, shall disburse the protested taxes presently in an escrow account in accord with the decision on the underlying assessment in this appeal.

SO ORDERED June 15, 2026.

Gary Romine, Chairman

Debbi McGinnis, Commissioner

Greg Razer, Commissioner

Certificate of Service

I hereby certify that a copy of the foregoing has been sent electronically or mailed postage prepaid June 15th, 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

STATE TAX COMMISSION OF MISSOURI

KATHLEEN FRIEDERICH,	)	Appeal No. 23-11072
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JAKE ZIMMERMAN, ASSESSOR,	)	
ST. LOUIS COUNTY, MISSOURI,	)	
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DECISION AND ORDER

Kathleen Friederich (Complainant) appeals the St. Louis County Board of Equalization's (BOE) decision finding the true value in money (TVM) of the subject residential property on January 1, 2023, was $138,400. Complainant alleges overvaluation and asserted in Complainant's Complaint for Review that the TVM as of that date was $105,200. Complainant did not produce substantial and persuasive evidence to support the asserted claim of overvaluation. The decision of the BOE is affirmed.[1]

Facts

[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.

The evidentiary hearing was scheduled for May 27, 2025, at 1:00 P.M. via Webex pursuant to an Order issued by the of the Senior Hearing Officer on April 18, 2025. Respondent timely appeared at the evidentiary hearing and through counsel Steve Robson. At the hearing, Respondent offered Exhibit 1, the October 17, 2023, Findings and Notice of Decision for the subject property listing the appraised value by the Respondent and the BOE for 2023. Exhibit 1 was admitted.

Complainant did not appear. Complainant did not seek a continuance or otherwise communicate any intent to proceed with the appeal.

Complainant Did Not Prove Overvaluation

The taxpayer bears the burden of proof and must show by a preponderance of the evidence that the property was overvalued. *Westwood P'ship v. Gogarty*, 103 S.W.3d 152, 161 (Mo. App. E.D. 2003). Complainant did not appear at the evidentiary hearing and produced no evidence admitted into the record to support the overvaluation claim. Complainant's failure to appear and to present any evidence necessarily means Complainant fails to meet Complainant's burden of proof. [2]

CONCLUSION AND ORDER

The decision of the BOE is affirmed. The TVM of the subject property as of January 1, 2023, is $138,400.

Application for Review

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[2] For over 150 years, Missouri law has recognized the self-evident proposition that "if there be no evidence sufficient in law to make a prima facie case on this issue, plaintiff cannot be entitled to recover." *Callahan v. Warne*, 40 Mo. 131, 135 (Mo. 1867).

A party may file with the STC 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 June 10, 2025.
STATE TAX COMMISSION OF MISSOURI

Benjamin C. Slawson
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 June 13th, 2025.

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

Stacy M. Ingle
Legal Assistant