STATE TAX COMMISSION OF MISSOURI

NIRO PATHAK,	)	
	)	
Complainant(s),	)	
	)	Appeal No. 23-10696
v.	)	Parcel No. 17M130055
	)	
JAKE ZIMMERMAN, ASSESSOR, ST. LOUIS COUNTY, MISSOURI,	)	
	)	
Respondent.	)	

DECISION AND ORDER

Niru Pathak (Complainant) appeals the St. Louis County Board of Equalization's (BOE) decision finding the true value in money (TVM) of the subject property on January 1, 2023, was \$2,207,100. Complainant alleges overvaluation and claims that the TVM as of that date was \$1,500,000.[1] Complainant did not produce substantial and persuasive evidence of overvaluation. The BOE decision is affirmed. The TVM of the subject property on January 1, 2023, was \$2,207,100.

The evidentiary hearing was held on May 14, 2026, 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, Ellen Kelly. The case was heard and decided by Hearing Officer Samuel Knapper.

FINDINGS OF FACT

1. The Subject Property. The subject residential real property is located at 5 Allegro Lane, St. Louis County, Missouri with Parcel number 17M130055.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was $2,207,100. The BOE considered this matter and independently determined the TVM of the subject property as of January 1, 2023, was also $2,207,100.

3. Complainant's Evidence. Complainant presented four arguments during her testimony. First, Complainant argues that the condition of the subject property supports a valuation close to the original purchase price. Second, Complainant argues that the condition of the neighborhood supports lowering the valuation of the subject property. Third, Complainant testified regarding comparable sales that she argues demonstrate a lower cost per square foot than the BOE's valuation. Fourth, Complainant presented two properties' assessments by the Respondent and compared them to the assessment of her property. Complainant argues the discrepancies between the comparative assessments support lowering the valuation of the subject property.

Complainant testified that she has no training, education, or expertise in making market-based adjustments to properties to determine value of property; however, Complainant does observe transactions and has personally acquired real property. Complainant testified that the subject property is in the Ladue School District.

As to Complainant's first argument, that the condition of the subject property supports lowering the TVM of the subject property, she testified that she purchased the subject property in September of 2014 for $1,572,500 and the conditions of the home have deteriorated since that time. Complainant testified that her prior assessment (of 2022) was $1,700,000 which is $178.95 per square foot, compared to $232.33 per square foot from the 2023 assessment. Complainant testified this is approximately a 23% increase. Complainant also testified regarding issues negatively impacting the value of the subject property, including: (1) water damage to walls in primary bedroom due to a faulty chimney cap, (2) patios cracked and needing to be redone, (3) settling foundation, (4) new asphalt needed for the driveway, (5) water collection at the base of the backyard which requires regrading, and (6) missing shutters.

Complainant's second argument, that the surrounding neighbor properties support lowering the TVM, relies upon her testimony that the property next door is rated a D+ and negatively impacts the value of the subject property. Complainant testified that the service road needs to be repaired; however, it is a private road and her neighbors do not have the financial means to contribute to such repairs. Complainant testified that she received an estimate for road repairs between $70,000 and $100,000. Complainant believes that the condition of the neighborhood and subject property supports a valuation closer to the original purchase price of $1,572,500.

Complainant referred to four properties during her testimony to support her third argument, that other comparable sales do not support the BOE valuation. The first property is located at 69 Colonial Hills Drive and sold for $1,800,000 in June of 2021, which is approximately $225.67 per square foot. Complainant testified that this property is in a nicer neighborhood with neighboring properties in much better condition. The second sale that Complainant testified about is located at 131 North Spoede Rd. for $159.72 per square foot and sold in January of 2021. Complainant testified that this property is adjacent to other million-dollar homes, which hers is not. The third sale that Complainant relied upon was located at 125 North Spoede Rd. and sold for $217.28 per square foot in April of 2022. Complainant testified regarding the sale of property located at 10831 Ladue Road for $233.25 per square foot in May of 2021 and note this property is neighbored by multi-million-dollar homes as opposed to her surrounding neighborhood.

Complainant referred to two properties for her fourth argument to support lowering the TVM of the subject property, wherein she compared the assessment of the subject property to the Respondent's assessments. One such property is located at 10490 Ladue Road and sold for $1,211,000 in June of 2018 and is assessed at $1,381,900 in 2023. Complainant noted that the Assessment for this property was lowered from 2021 to 2023 and believes that disparity indicates the TVM of the subject property should be lowered. The other property that Complainant testified regarding the assessment was located at 10406 Ladue Road and was assessed for $1,300,000 in 2022.

Respondent made two objections to the Complainant's proof. First, Complainant objected to a Google slide deck that the Complainant prepared for the hearing. The slide deck was emailed with less than 5 days' notice as required by the Scheduling Order; consequently, the objection is sustained and the slide deck is not an exhibit. Complainant did reference the slide deck throughout her testimony to present her case. Second, the Respondent objects to the relevance of the sales based upon relevance. Respondent argues that the date of the sales is too remote from January 1, 2023, to be relevant in establishing the TVM of the subject property on that date. Respondent's counterargument is that there are less sales of multi-million-dollar properties; therefore, it is proper to utilize comparative sales within the two-year reassessment window as opposed to six months before or after January 1, 2023. The objection is sustained.

4. Respondent's Evidence. Respondent introduced the following Exhibit which was admitted, it is:

Exhibit	Description
1	BOE determination letter dated October 17, 2023

5. Value. The TVM of the subject property as of January 1, 2023, was $2,207,100.

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. 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. "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). 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). "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 his 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 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.*

"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").

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

Complainant did not produce substantial and persuasive evidence to support overvaluation or her opinion of value of $1,500,000 for the subject property as of January 1, 2023.

Complainant failed to produce evidence correlating the impact of the surrounding neighborhood or the condition of her property to the value of the subject property. Complainant relies upon her opinion concerning the impact of the issues with the home of the subject property and the surrounding properties to establish her proposed valuation of $1,500,000. 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). In this case, there was no proof offered to support these arguments other than the Complainant's opinion of the value of the home on the subject property and impact of surrounding properties.

The comparable sales approach is typically used to value residential properties improved with a single-family home. "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).

While Complainant offered a list of comparable sales which she believes are more determinative of the value of the subject property than those Respondent used, these sales are not persuasive evidence. Little information was provided by Complainant regarding the sale conditions of these properties for one to use them to accurately determine the value of the subject property. Additionally, these sales are not persuasive evidence as no adjustments were made to account for differences between the subject property and her proposed comparable sales (e.g. date of sale, lot size, living space, etc.). The Complainant bears the burden of proving the BOE's valuation was incorrect and what the value should have been. Complainant did not provide substantial or persuasive evidence indicating the BOE's valuation was in error or an independent and specific valuation of her property. In essence, the Complainant attempts to shift the burden of proof to the Respondent by taking this approach. The date of the sales is also too remote to be relevant. Complainant's argument that sales of multi-million-dollar homes are less frequent highlights the necessity of making market-based adjustments on recent sales to ascertain an accurate and current valuation.

Lastly, comparative assessment is not a valid or legally recognized means of valuation in Missouri. Market based adjustments are unique and property specific. Therefore, a property will be adjusted differently because it is being compared to properties with different features and conditions. Discrepancies in comparative assessments indicates individually analyzed valuations as opposed to errors.

Complainant did not produce substantial and persuasive evidence showing that the subject property was overvalued. Therefore, Complainant's evidence does not provide the necessary foundation and elements to support her overvaluation claim. 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, 2023, was $2,207,100.

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 September 17, 2026.

STATE TAX COMMISSION OF MISSOURI

Samuel Knapper
Hearing Officer

<u>Certificate of Service</u>

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on September 18, 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