



STATE TAX COMMISSION OF MISSOURI

MICHAEL CARAMANNA,

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Appeal No 23-10761

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Parcel No. 23P241218

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Complainant,

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v.

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)

JAKE ZIMMERMAN, ASSESSOR,
ST. LOUIS COUNTY, MISSOURI,

)

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ORDER SETTING ASIDE HEARING OFFICER DECISION AND ORDER UPON APPLICATION FOR REVIEW

INTRODUCTION

On September 19, 2025, a Senior Hearing Officer for the State Tax Commission entered a Decision and Order affirming the decision of the Board of Equalization of St. Louis County (BOE). On October 16, 2025, Complainant mailed an Application for Review of the Senior Hearing Officer's Decision and Order.

For the reasons explained below, we SET ASIDE the Decision and Order of the Senior Hearing Officer and find the true value in money of the subject property on January 1, 2023 to be \$275,180.

FACTS AND PROCEDURAL HISTORY

Complainant represented himself in this St. Louis County residential property assessment appeal. The subject property is a single-family condominium built in 1990,

located at 1704 Highview Circle Ct., Ballwin, Missouri. The parcel ID number is 23P241218. The condo has two bedrooms and three bathrooms. Respondent determined the True Value in Money (TVM) for the property was \$317,200. The BOE determined the TVM for the property was \$301,300.

On May 6, 2025, an evidentiary hearing was convened via Webex. Complainant appeared by telephone. Kevin Wyatt, attorney for Respondent, appeared. Complainant had previously mailed Exhibits A & B which were received into evidence without objection. Exhibit A is a packet of information including documents from the STC, the 2023 Change of Assessment Notice, a map of Ridgeview Place, a list of comparable sales and pictures of the subject. Exhibit B is the Change of Assessment Notice for the property for January 1, 2024, listing TVM of \$294,000.

Complainant testified that he believed the value of the property was \$275,180 in 2023. Complainant explained that the County had incorrect square footage data for his property in 2023. Complainant said that in early 2024, an employee of St. Louis County came to the property and measured the property. Respondent determined that the TVM of the property as of January 1, 2024, was \$294,000, as shown in Exhibit B, which is lower than the value set by the BOE for the property in 2023. Since 2024 was not a reassessment year, it is obvious that the basis for the county's reduced assessment in 2024 was its recognition that it had incorrect and excessive square footage data for the property in its computer system in 2023.

Complainant talked about the noise generated by the swimming pool which is located right outside his bedroom window which makes his unit less desirable than other

units. Complainant testified that the properties used by the county as comparable sales are units that are not located near the swimming pool. Complainant obtained five comparable sales from a realtor which represented open market sales. Complainant then averaged the sales prices of those five sales to determine a value for his property of \$275,180. Complainant did not make adjustments for features, location, size, or time of sale for those comparable sales in the manner that a professional appraiser would.

The Respondent offered Exhibit 1, the BOE Decision letter dated October 17, 2023, setting the TVM of the subject property at \$301,300. Exhibit 1 was received without objection. The Evidentiary Hearing was then concluded. The Senior Hearing Officer issued a Decision and Order affirming the BOE decision finding that Complainant failed to show by substantial and persuasive evidence that Respondent's value was incorrect and failed to provide a value for the property as determined by one of the three accepted valuation methods.

In his Application for Review, Complainant states that the County, by issuing Exhibit B (the 2024 Change of Assessment Notice) admits that the square footage used in the 2023 assessment was incorrect.

Standard of Review

A party subject to a Decision and Order of a hearing officer of the STC may file an application requesting the case to be reviewed by the STC. Section 138.432. The STC may then summarily allow or deny the request. Section 138.432. The STC may affirm, modify, reverse, set aside, deny, or remand to the Hearing Officer the Decision and Order of the

Hearing Officer on the basis of the evidence previously submitted or based on additional evidence taken before the STC. Section 138.432.

The Commission reviews the hearing officer's decision and order *de novo*. *Lebanon Properties I v. North*, 66 S.W.3d 765, 770 (Mo. App. 2002); *Union Electric Company, d/b/a Ameren Missouri, v. Estes*, 2020 WL 3867672 (Mo. St. Tax Com., July 2, 2020); *AT&T Mobility, LLC, v. Beverly Alden, Assessor, Caldwell County, Missouri, et al.*, 2020 WL 3867819 (Mo. St. Tax Com., July 2, 2020). "The extent of that review extends to credibility as well as questions of fact." *Lebanon Properties I*, 66 S.W.3d at 770. The Commission "is free to consider all pertinent facts and estimates and give them such weight as reasonably they may be deemed entitled to." *St. Louis Cty. v. State Tax Comm'n*, 515 S.W.2d 446, 450 (Mo. 1974).

Initially, there is a presumption of validity, good faith and correctness of assessment by the BOE. *Hermel, Inc. v. STC*, 564 S.W.2d 888, 895 (Mo. banc 1978); *Chicago, Burlington & Quincy Railroad Co. v. STC*, 436 S.W.2d 650, 656 (Mo. 1968); *May Department Stores Co. v. STC*, 308 S.W.2d 748, 759 (Mo. 1958). This presumption is a rebuttable rather than a conclusive presumption. The presumption of correct assessment is rebutted when the taxpayer presents substantial and persuasive evidence to establish that the BOE's assessment is erroneous and what assessment should have been placed on the property. *Id.*

The taxpayer in an STC appeal bears the burden of proof. The taxpayer is the moving party seeking affirmative relief. Therefore, Complainant bears the burden of proving by substantial and persuasive evidence the vital elements of the case, i.e., the assessment was

“unlawful, unfair, improper, arbitrary, or capricious.” See, *Westwood Partnership v. Gogarty*, 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). *Substantial evidence* can be defined as such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. *Cupples Hesse Corp. v. State Tax Commission*, 329 S.W.2d 696, 702 (Mo. 1959). *Persuasive evidence* is evidence that has sufficient weight and probative value to convince the trier of fact. *Cupples Hesse Corp.*, 329 S.W.2d at 702. The persuasiveness of evidence does not depend on the quantity or amount thereof but on its effect in inducing belief. *Brooks v. General Motors Assembly Division*, 527 S.W.2d 50, 53 (Mo. App. 1975). "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 comparable sales approach uses prices paid for differences between the properties. *Id.* at 347-348. 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.

Property owners are competent to testify to the reasonable fair market value of their property. *Cohen v. Bushmeyer*, 251 S.W.3d 345, 348 (Mo. App. E.D. 2008). 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.

STC's Ruling

For the reasons that follow, the STC finds Complainant's evidence to be substantial and persuasive. The Commission's analysis begins with the Complainant's evidence.

Complainant presented information regarding the location of his property as compared to other properties in his area and stated that noise from the swimming pool, along with other factors, negatively impact the value of his property. While there was no testimony from a person with training and experience in quantifying these negative impacts on the value of his property, the Commission finds Complainant's testimony to be credible.

The Comparable Sales method uses confirmed sales of properties and in so doing, makes adjustments to sales of similar properties for size, location, features and time of sale. By making these comparisons based upon the market values, a trained person can derive a value for a property. While an owner is competent to testify to the reasonable fair market value of their property even without evidence as to market adjustments, it is always preferable for an owner to supplement his personal opinion of market value with an analysis of market value based upon adjustments derived from comparable property sales.

Having said that, the Complainant's evidence in this appeal is not without value. The Complainant obtained actual sales data pertaining to five comparable properties which provide some basis for determining market value of the subject property. While the quality of Complainant's evidence, by itself, might not be sufficient to rebut the presumption of correctness that usually attends a BOE decision, in this case, that presumption of

correctness is rebutted by another fact: namely, that the county had incorrect data for the subject property in its CAMA system in 2023.

The undisputed evidence shows that in 2023, the county's computer assisted mass appraisal (CAMA) system contained a square footage figure for the subject property that was too large. In 2024, the county corrected the square footage, resulting in a lower assessment in 2024, a non-reassessment year. These facts leave the Commission with no doubt that the presumption of correctness of the BOE decision as to valuation in 2023 is rebutted. Moreover, in the face of Complainant's evidence as to comparable property sales, Respondent assessor presented no evidence justifying his valuation, choosing instead to merely rely on the BOE decision, which in turn was based at least in part on faulty data. The Hearing Officer incorrectly determined the TVM of the subject property, relying on an improper presumption of correctness of the BOE decision, and by finding a failure by the Complainant to produce substantial and persuasive evidence.

Summary and Conclusion

The Commission finds that Complainant presented substantial and persuasive evidence to establish that the BOE's assessment was erroneous and to establish the assessment that should have been placed on the property.

ORDER

The decision of the Hearing Officer determining the TVM of the subject property to be \$301,300 as of January 1, 2023 is SET ASIDE. The Commission finds the true value in money of the subject property on January 1, 2023 to be \$275,180.

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 of St. Louis County, 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 September 29th, 2026.

Gary Romine, Chairman

Debbi McGinnis, Commissioner

Greg Razer, Commissioner

Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on October 2nd, 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

MICHAEL CARAMANNA,	)	
	)	
Complainant,	)	
	)	Appeal No. 23-10761
v.	)	Parcel No. 23P241218
	)	
JAKE ZIMMERMAN, ASSESSOR,	)	
ST. LOUIS COUNTY, MISSOURI,	)	
	)	
Respondent.	)	

DECISION AND ORDER

Michael Caramanna (Complainant) appeals the St. Louis County Board of Equalization's (Respondent) decision valuing the subject residential property at \$301,300 as of January 1, 2023.¹ Complainant alleges overvaluation and asserts the true value in money (TVM) of the subject property was \$275,180 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, 2023, is \$301,300.

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 held May 6, 2025, via Webex. Complainant appeared *pro se* via phone. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was 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 condo built in 1990 located at 1704 Highview Circle Ct., Ballwin, MO 63021. The Parcel ID number is 23P241218. While Complainant testified that a County appraiser by the name of Janet remeasured the total square footage of living space in 2024, no evidence was presented showing the actual square footage of the condo. The property includes two bedrooms and three and a half bathrooms.

2. Assessment and Valuation. Respondent determined the subject property's appraised value was \$317,200 as of January 1, 2023. The BOE independently determined that the subject's appraised value as of January 1, 2023, was \$301,300.

3. Complainant's Evidence. Complainant introduced the following Exhibits which were all admitted without objection:

Exhibit	Description
A	Packet mailed by Complainant including documents from the STC, the 2023 Change of Assessment Notice, a map of Ridgeview Place, list of comparable sales, and pictures of the subject.
B	Change of Assessment Notice for January 1, 2024, listing a TVM of \$294,000 after County appraisal

Complainant testified that Respondent overvalued his property because Respondent had an incorrect square foot calculation for the property which has inflated the value of the

property for the 28 years he's lived in the subject. Complainant testified that in early 2024, a County employee by the name of Janet did a physical inspection of the property at Complainant's request. As part of that inspection, she measured the square footage of the property. Respondent determined a TVM as of January 1, 2024, to be \$294,000 (as evidenced in Exhibit B), a lower value than the BOE's value of \$301,300 for 2023. Complainant believes this shows that the 2023 value also must be incorrect. Complainant testified that he does not know the actual square footage of the condo but inferred the record by the County was incorrect due to the lower 2024 value.

Complainant also testified that the subject is not as preferable to others that Respondent used to value the subject because the subject lacks greenspace and overlooks the pool and clubhouse. In Complainant's opinion, the loud noise and foot traffic near the pool makes the condo undesirable. Complainant offered photographs and a map in Exhibit A to show the subject's relation to other condos in the subdivision. Complainant takes issue with the comparables used by Respondent as they are not properties near the pool. To support his claim of overvaluation, Complainant found his own five comparables which are listed in Exhibit A. Complainant obtained these sales by the assistance of a realtor and he claimed that they were open market sales on the MLS. Complainant's opinion of value of the property is \$275,180 which he determined by taking the average of five other comparable sales' sales prices near the subject. Exhibit A, p. 5. Complainant is not a licensed appraiser in the State of Missouri.

4. Respondent's Evidence. Respondent introduced Exhibit 1, consisting of the October 17, 2023, BOE decision letter for the subject property. Exhibit 1 shows the BOE valued the subject property at \$301,300.

5. Value. The TVM of the subject property as of January 1, 2023, was \$301,300.

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.

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

Complainant did not produce substantial and persuasive evidence to support his \$275,180 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.

Complainant's method for obtaining his opinion of value is not a recognized approach to value. The comparable sales approach is typically used to value residential properties improved with a single-family home or a condo 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, 2023. Therefore, Complainant did not produce substantial and persuasive evidence showing that the subject property was overvalued based on comparable sales data.

Complainant is not a licensed appraiser. Complainant offered comparable sales and averaged the sales prices to arrive at his opinion of value. Again, this is not a recognized approach to value.

Complainant testified that his unit is more undesirable as it overlooks the pool and does not have greenspace. However, Complainant offered no evidence actually quantifying alleged adverse value of this location and undesirable features of the subject. In other words, Complainant offered no professional analysis completed by someone trained to analyze such location attributes and to show the deleterious effect they had on the property on the assessment date, January 1, 2023. As a non-professional, Complainant’s lay opinion is speculative.

Complainant’s Exhibit B does indeed show a reduced TVM for 2024 for the property compared to the BOE’s value for 2023. However, even if the square footage error of the County was present in the 2023 assessment as Complainant alleges, the State Tax Commission cannot simply apply the 2024 value of \$294,000 to 2023. Market conditions and other factors affect the fair market value of the subject as of January 1, 2023, compared with the subject as of January 1, 2024. In other words, Complainant did not meet his burden

of proof to prove the actual value of the property as of the relevant assessment date here, January 1, 2023. 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.

Therefore, Complainant did not produce substantial and persuasive evidence showing that the BOE's value was incorrect. 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, is \$301,300.

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, 2025.

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 September 19th, 2025, 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