STATE TAX COMMISSION OF MISSOURI

WILLIAM WYETH, Complainant(s), v. DEAN WILSON, ASSESSOR, BUCHANAN COUNTY, MISSOURI, Respondent.	)	Appeal No. 25-45000 Parcel: 03-9.0-31-002-000-020.000

DECISION AND ORDER

William Wyeth (Mr. Wyeth) appeals the Buchanan County Board of Equalization's (BOE) decision finding the true value in money (TVM) of the subject property on January 1, 2025, was $41,470. Mr. Wyeth claims the property is overvalued and proposes a value of $14,810. Mr. Wyeth did not produce substantial and persuasive evidence establishing an alternative value. The BOE's decision is affirmed.[1]

Mr. Wyeth appeared *pro se*. Respondent was represented by Assessor Dean Wilson. The evidentiary hearing was conducted on October 13, 2026, via WebEx.

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

FINDINGS OF FACT

1. Subject Property. The subject property is located at 3818 River Rd., in Buchanan County, Missouri. The parcel number is 03-9.0-31-002-000-020.000.

2. Respondent and BOE. Respondent classified the subject property as residential and determined the TVM on January 1, 2025, was $41,470. The BOE classified the subject property as residential and independently determined the TVM on January 1, 2025, was $41,470.

3. Complainant's Evidence. Mr. Wyeth testified that the subject property was flooded in 2019. Consequently, the mortgage holder waived the remaining $80,000 note due to the damage incurred by flooding. Mr. Wyeth testified that he has contacted private insurers and received estimates that are unrealistic for a family budget due to raising insurance premiums by a multiplier of four or five. Mr. Wyeth's daughter's family now resides in the subject property. The improvement efforts to date on the subject property have focused on making the property habitable, and those efforts have been successful.

Mr. Wyeth testified that the subject property is only insurable through public providers, mainly the National Flood Insurance Program. However, the National Flood Insurance Program will not insure the subject property until the property is raised by at least one foot. Mr. Wyeth has procured bids to raise the subject property and had contracted with one provider but the owner of the business became deceased prior to starting work on the subject property. Mr. Wyeth testified that the estimates to raise the subject property were all approximately $30,000. Mr. Wyeth testified that he believed the limitation on attaining insurance greatly diminishes the value of the subject property.

Upon cross-examination Mr. Wyeth testified that he was not certain how much the subject property should be listed for on the open market. He also testified that he was unaware that the property located at 3814 River Rd. sold for $200,000 on June 22, 2022. The homes located at 3814 River Rd. and 3818 River Rd. both had approximately 1,400 square feet of living space. Mr. Wyeth testified that he does not know the state of the property located at 3814 River Rd. Mr. Wyeth testified that many properties in the vicinity of the subject property that have been recently acquired are being used as vacation rentals (e.g. Airbnb).

4. Respondent's Evidence. Respondent did not testify and submitted the following Exhibit:

Exhibit	Description	Status
1	BOE Decision Letter	Admitted without Objection

5. Value. The TVM of the subject property on January 1, 2025, was $41,470.

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.*

"While contested administrative proceedings are not required to follow the 'technical rules of evidence,' the 'fundamental rules of evidence' applicable to civil cases also are applicable in such administrative hearings." *State Bd. of Healing Arts v. McDonagh,* 123 S.W.3d 146, 154. Hearsay is an out-of-court statement offered in evidence to prove the truth of the matter asserted. *Nettie's Flower Garden, Inc. v. SIS Inc.,* 869 S.W.2d 226, 229 (Mo.App. E.D.1993).

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 Provide an Alternative Value of the Subject Property.

Mr. Wyeth's testimony is credible and provides a basis to rebut the presumption of correctness of the value determined by the Buchanan County Board of Equalization; however, Mr. Wyeth did not provide substantial and persuasive evidence of a lesser valuation. This case presents unique challenges to determine the valuation of the subject property due to the damage sustained from flooding.

"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). In this case there is at least one sale that could have provided a basis of valuation and it is important to note

that the BOE valuation is substantially lower than that sale.

Another potential valuation method could have been the income approach due to neighboring properties being utilized as vacation rentals. However, Complainant did not submit evidence of valuation using the income approach.

Mr. Wyeth's reliance upon the lack of available insurance from private insurers due to cost and public insurers due to the subject property being too low provides a substantial and persuasive basis to reconsider the valuation of the subject property. However, once a taxpayer rebuts the presumption that the BOE valuation is correct, the taxpayer must also provide persuasive evidence as to the actual market value of the property, such as through a professional appraisal of the property, for example. Complainant has not done this. Due to the above reasoning and applicable law, the BOE decision is affirmed.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2025, was $41,470.

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 Buchanan 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 October 27th, 2026.
State Tax Commission

Samuel Knapper
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 October 30th, 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