



STATE TAX COMMISSION OF MISSOURI

CARL VAN DUNHAM,	)	Appeal No. 25-46000
	)	Parcel: 03-6-13-3--11-8.00-
	)	
	)	
	)	
Complainant(s),	)	
	)	
v.	)	
	)	
TRACY BOWEN, ASSESSOR,	)	
CALDWELL COUNTY,	)	
MISSOURI,	)	
Respondent.	)	

DECISION AND ORDER

Carl Van Dunham (Mr. Dunham) appeals the Caldwell County Assessor's determination of the true value in money (TVM) of \$59,760 for the mixed use subject property on January 1, 2025, with \$28,835 as residential and \$30,925 as commercial. Mr. Dunham claims the property is overvalued. Mr. Dunham did not produce substantial and persuasive evidence establishing an alternative value; additionally, there was no appeal to the Caldwell County Board of Equalization (BOE). The Assessor's determination is affirmed for the reasoning below.¹

¹ Complainant has not properly filed this complaint before the Missouri State Tax Commission (STC). It is a jurisdictional prerequisite for taxpayers to appeal to county boards of equalization prior to review by the STC for valuation disputes. *McCarthy v. Peterson*, 121 S.W.3d 240 (Mo. Ct. App. 2003).

Mr. Dunham appeared *pro se*. Respondent was represented by attorney Travis Elliot. The evidentiary hearing was conducted on October 14, 2026, via WebEx.

FINDINGS OF FACT

1. Subject Property. The subject property is located at 303 N. Davis St., in Caldwell County, Missouri. The parcel number is 03-6-13-3--11-8.00-. The subject property is mixed use as commercial and residential property.

2. Respondent and BOE. Respondent classified the subject property as residential and commercial. Respondent determined the TVM on January 1, 2025, totaled \$59,760, with \$28,835 of the TVM as residential and \$30,925 as commercial. Mr. Dunham did not appeal the Assessor's determination of the TVM to the Caldwell County BOE.

3. Complainant's Evidence. Mr. Dunham testified that he did not pursue an appeal of the valuation of the subject property to the Caldwell County BOE. Mr. Dunham further testified that he purchased the subject property in December of 2010 for \$25,000. Upon his purchase there was a tenant who lived upstairs and 'H&R Block' rented the downstairs. Mr. Dunham testified that the seller to the 2010 transaction owned the 'H&R Block' franchise on the subject property and they relocated in 2011. The first floor of the property was then used for eagle scout projects and to serve as a food pantry. Mr. Dunham testified that the walls have been torn out on the subject property and it is currently a shell of a building.

Upon questioning by the Hearing Officer Mr. Dunham testified that he would sell the subject property for \$25,000 to \$30,000. Mr. Dunham testified that he would be willing to sell the subject property close to cost because the property serves as a food pantry and

no longer has a residential tenant upstairs; consequently, the subject property does not generate income. The upstairs rent was \$400 per month; however, Mr. Dunham paid for all of the utilities. Mr. Dunham further testified that he would profit approximately \$100 per month when there was an upstairs tenant. The first-floor tenant (food pantry) does not pay rent but does pay the electricity bill while Mr. Dunham pays the gas bill. Mr. Dunham testified that this arrangement also does not generate income.

Upon cross-examination by the Respondent Mr. Dunham testified that he received *Exhibit 1* from the Respondent. Mr. Dunham also testified as to the respective residential and commercial values for the subject property valuation in the years 2024 and 2025. Mr. Dunham testified that he and his wife are the owners of the subject property and it is not owned by a nonprofit entity; however, Mr. Dunham emphasized that a nonprofit entity operates from the subject property. Mr. Dunham testified that he had to procure a bank loan to pay his tax bill for the year 2025.

4. Respondent's Evidence. Respondent submitted the following Exhibits without objection:

Exhibit	Description	Status
1	Notice of Change in Assessed Value of Real Property	Admitted
2	Property Record Card for 303 N. Davis St.	Admitted

Respondent presented their first argument prior to the parties presenting their proof. Respondent moved for dismissal due to Mr. Dunham not pursuing administrative relief through the Caldwell County Board of Equalization. Respondent argues that this appeal is

not ripe for review due to not satisfying this jurisdictional prerequisite. The Hearing Officer took the motion under advisement during the hearing.

Respondent began their proof by calling Assessor Tracy Bowen (Ms. Bowen) as a witness. Ms. Bowen testified that she took office on September 1, 2025 and has worked at the assessor's office for 28 years. Ms. Bowen testified regarding *Exhibit 1* that it was mailed to Mr. Dunham prior to June 15, 2025. Ms. Bowen testified that the subject property is mixed use and to the values contained in *Exhibit 1*. Ms. Bowen added that residential property is assessed at 19% and commercial property is assessed at 32%. Ms. Bowen testified that the residential assessed value of the subject property for 2025 was \$5,480 and the commercial assessed value of the property in 2025 was \$9,990. Ms. Bowen testified that the valuation of the subject property was not appealed to the BOE.

Ms. Bowen testified that *Exhibit 2* contains data that is retrieved and then entered into a computer program. Ms. Bowen testified that *Exhibit 2* shows the breakdown in value between commercial and residential property for the subject property and differentiates between the values of the land and building as well. Ms. Bowen testified that the condition of the building is rated and impacts the value of property because the condition rating sets the rate of depreciation. Ms. Bowen testified that the subject property's rating correlated to a 65% depreciation rate. This equates to determining the property still has 35% of its span remaining. Additionally, Ms. Bowen testified that the subject property also had a 20% obsolescence rating applied to the value of the subject property. Ms. Bowen testified that pictures were taken in December of 2024 for use in determining the value of the property.

See Exhibit 2, pgs. 5 & 6.

5. Value. The TVM of the subject property on January 1, 2025, was \$59,760.

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.

[W]hen applying the income approach to real property, only income derived from the land and improvements may be considered — not income derived from the business or from personal property located on the premises. *Snider v. Casino Aztar/Aztar Missouri Gaming Corp.*, 156 S.W.3d 341 (Mo. 2005). This distinction ensures that the valuation captures real property value rather than enterprise or business value.

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 Exhaust Administrative Remedies Prior to Appealing to the STC. The appeal of the subject property is not properly before the STC because the administrative remedies were not exhausted prior to seeking relief from the STC. Specifically, the record established that no appeal was made to the Caldwell County BOE.

5. Complainant Did Not Provide an Alternative Value of the Subject Property.

Additionally, Mr. Dunham's testimony did not provide substantial and persuasive evidence to support a lower valuation. Mr. Dunham's testimony reflects a valuation solely based on the business operating from the subject property as opposed to the value of the subject property itself. This is not a persuasive method for determining the value of property. A Complainant has the burden of proving, in a persuasive fashion, how much the property is actually worth. Complainant has not submitted sufficient evidence in this regard, such as, for example, a certified property appraisal.

CONCLUSION AND ORDER

The determination of the Assessor is affirmed due to the lack of exhaustion of administrative remedies prior to appealing to the STC and failure to provide substantial and persuasive evidence of an alternative valuation. The TVM of the subject property as

of January 1, 2025, was \$59,760, with \$28,835 as residential property and \$30,925 as commercial property.

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 Caldwell 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