

Matthew Bostrom
15217 Farm Stand Ct
Winter Garden, FL 34787

Value Adjustment Board
APPEAL FOR RECONSIDERATION OF PETITION
Petition: 2024-00154
Parcel Number: 21-22-27-6080-00-080

Dear Value Adjustment Board,

The purpose of this letter is to appeal for reconsideration of Petition 2024-00154, Parcel Number 21-22-27-6080-00-080. Since my hearing, I have been able to review the assessor's valuation and noticed substantial discrepancies in how he determined the market value of my home. I am not providing new evidence; I am responding to the County's VAB documentation.

Based on data that is publicly available on the Orange County Property Appraiser's website, and the supporting documents provided by Appraiser Analyst Charles Gibson, I am convinced that the value of my home is profoundly overvalued. **Specifically on page 6 of my VAB evidentiary documents, it is reported that my valuation should be \$1,181,386.** I am requesting a revision to my home's market value as determined by fair, consistent, and equitable standards which are described below.

My rationale and evidence. Utilizing the average market value per square foot, as determined by the Orange County Property Appraiser's office associated with the three comparable home sales used by the Mr. Gibson, the resulting value per foot for my home would be \$285.11. **According to Mr. Gibson's methodology and the actual square footage of my home, which is 4,171 sq. ft., the market value would be \$1,189,193.81.**

Unfortunately, there is inequity in the Mr. Gibson's comparison property valuations. The gap between the sales price and actual market value (MV) assigned to my property is significant. Below is an overview of Mr. Gibson's calculations submitted to the VAB.

Comparison #1: 1200 Union Club Drive (This property has water views.)

- Property sold on 5/4/2023 for: \$1,700,000
- OCPA Market Value for Tax Purposes: \$1,398,286
 - *Difference between sale price and MV: \$301,714 or 17.7%*

Comparison #2: 1091 Eaglecrest Drive

- Property sold on 12/26/2023 for: \$1,782,000
- OCPA Market Value for Tax Purposes: \$1,110,848
 - *Difference between sale price and MV: \$671,152 or 37.7%*

Comparison #3: 961 Celadon St (This property has water views.)

- Property sold on 11/15/2023 for: \$1,775,000
- OCPA Market Value for Tax Purposes: \$1,191,073
 - *Difference between sale price and MV: \$583,927 or 32.9%*

My Property: 15217 Farm Stand Ct (My property is landlocked.)

- Average of Comparison Sales Prices: \$1,752,333
- OCPA Market Value for Tax Purposes: \$1,828,480
- Market Value VAB Adjusted: \$1,653,000

Two of the above properties have water views, whereas my home is completely landlocked and surrounded by roads, homes, alley, lift station, and flood prevention infrastructure. It is reasonable to conclude that these comparison properties are much more valuable than my property.

It is not equitable that the County differentiated between sale price and taxable market value at an average of 29.4% in their comparison properties, and then did not apply the same calculation to my home. For example, a 29.4% factor applied to my home's originally determined market value of \$1,828,480 results in \$1,290,906.88. **A 29.4% factor applied to my home's updated market value of \$1,653,000 would be \$1,167,018.**

Also, when the County's taxable value of the comparison properties is applied to my home, my VAB evidence is in alignment with the comparison properties. Below is an excerpt from the evidence that I submitted to the VAB, and it can be found under point 5 on page 6:

Based on the average neighborhood Market Values, my Land has a value of \$170,669. When added to the average neighborhood Market Value for my Buildings and Features of \$1,010,717, it equals an overall Market Value of my property of \$1,181,386.

Finally, on November 2, we listed our home for sale (see: <https://www.realtor.com/realestateandhomes-detail/M9513169977>), **but to date we have received no offers.** Based on Mr. Gibson's market valuation and his average calculated difference of 29.4% between sale price and taxable market value, the value of our home should be \$2,366,000. Therefore, we listed our home fully furnished for \$2,399,000.

In conclusion, using standard County tax assessment calculations, my calculations, or the actual housing market, my home is not worth \$1,828,480 (the original taxable value) or even \$1,653,000 (the revised taxable value). Mr. Gibson's calculations have resulted in the disproportionate taxation of my property. I am appealing to you for a fair taxable market value on my home, and an equitable resolution of this issue.

Sincerely,



Matthew Bostrom
m.bostrom@yahoo.com
651.775.3345



January 9, 2025

VIA EMAIL

Value Adjustment Board (VAB@occompt.com)

Aaron Thalwitzer, Esq., VAB Attorney (aaron@brevardlegal.com)

RE: Response to Reconsideration Request - Petition #2024-154

Dear Mr. Thalwitzer:

Our office respectfully requests that the petitioner's reconsideration request of the Special Magistrate's recommendation for petition #2024-154 be denied. This response is submitted in compliance with the time requirements set forth in the Value Adjustment Board's Procedures for Requests for Reconsideration.

The subject property is a single-family residence constructed in 2023 and located at 15217 Farm Stand Ct. in Winter Garden, Florida. Special Magistrate's Rec. at p. 2. The 2024 market and assessed values of the subject property as determined by our office are \$1,828,480. Id. at p. 1. The Special Magistrate reduced the market and assessed values to \$1,653,000. Id.

As part of our evidence, our office submitted a sales comparison approach with three comparable sales supporting the subject property's assessment. The petitioner submitted documents comparing the assessment of the subject property to the assessments of other properties.

In his recommendation, the Special Magistrate ultimately adopted our office's indicated value derived via the sales comparison approach of \$1,837,161. Id. at p. 3. The Special Magistrate reduced this value by applying "a 10% discount for the Cost of Sale" in compliance with your directive on this issue to arrive at a recommended value of \$1,653,000.¹ Id.

The petitioner's reconsideration request seeks a further reduction of the subject property's market value but does not "identify erroneous findings of fact or conclusions of law," as required by local rule 1.1.1. Rather, the petitioner reasserts the same arguments presented at the hearing comparing the subject property's assessment to the assessments of other properties. The petitioner presented this information and arguments to the Special Magistrate during the hearing. Thus, the Special Magistrate has already considered and rejected the petitioner's arguments.

¹ Our office disagrees with the "cost of sale" deduction made at your direction by this and other Special Magistrates and has previously filed two assertions. We do not waive any arguments regarding this issue but do not address them in this response given your prior directive and rulings.

AMY MERCADO

ORANGE COUNTY PROPERTY APPRAISER



Moreover, it is well established that the Value Adjustment Board cannot reduce the value of a parcel of property based upon sales of comparable property that indicate those properties are assessed at a lower value, absent gross disparity as discussed in Allegheny Pittsburgh Coal Co. v. Webster Co., 488 U.S. 336 (1989). "It is fundamental that property in Florida is legally required to be assessed at 100% of its actual fair market value and a court may not reduce a taxpayer's assessment below 100% on a mere showing that parcels of some other taxpayers are assessed at a lesser amount." Deltona Corp. v. Bailey, 336 So.2d 1163, 1167 (Fla. 1976). Thus, the reconsideration request should be denied.

Sincerely,

/s/Ana C. Torres

Ana C. Torres, Esq.
General Counsel & Chief Deputy Property Appraiser

cc: mcbostrom@yahoo.com (*Petitioner*)



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January 22, 2025

VIA E-MAIL TO: ANISSA.MERCADO@OCCOMPT.COM

Orange County Value Adjustment Board
c/o Ms. Anissa Mercado, VAB Supervisor

Re: VAB Counsel's Opinion on Request for Reconsideration
Pet. No(s): 2024-00154

Ms. Mercado:

I have reviewed the request for reconsideration submitted by the petitioner, the Orange County Property Appraiser ("PAO")'s response, the recommended decision, and the pertinent portions of the record. In this just value petition, the special magistrate ("SM") granted the petition, reducing just value from \$1,828,480 to \$1,653,000.

The petitioner asserts that the subject's just value should be further reduced to \$1,181,386 based on "page 6 of my VAB evidentiary documents". The petitioner does not specifically identify the information on which this assertion is based. However, the petitioner's evidence includes the following statement: "Based on the average neighborhood Market Values, my Land has a value of \$170,669. When added to the average neighborhood Market Value for my Buildings and Features of \$1,010,717, it equals an overall Market Value of my property of \$1,181,386." The petitioner asserts that "[t]he gap between the sales price and actual market value (MV) assigned to my property is significant", and then lists three properties and their "OCA Market Value for Tax Purposes". The petitioner then argues that the subject's just values is "inequitable" compared to those properties' just values.

The PAO responds that the SM adopted the PAO's indicated value via the sales comparison approach of \$1,837,161 and deducting 10% for cost of sale. The PAO asserts that the petitioner failed to "identify erroneous findings of fact or conclusions of law," as required by VAB Procedures 1.1.1." and the request for reconsideration merely restates arguments presented at the hearing. The PAO also asserts that the VAB cannot reduce just value based on properties receiving a lower assessed value, citing *Allegheny Pittsburgh Coal Co. v. Webster Co.*, 488 U.S. 336 (1989).

The PAO is correct. The request for reconsideration is procedurally defective because it fails to identify "erroneous findings of fact or conclusions of law", but even ignoring this defect, the request does, as argued by the PAO, restate arguments made at the hearing and seeks to reduce the subject's just value based on other properties receiving lower assessed values, which would violate binding legal precedent.

Based upon the foregoing, VAB counsel recommends that the petitioner's request for reconsideration be DENIED.

Sincerely,

GORDON & THALWITZER

A handwritten signature in blue ink, appearing to read "Aaron Thalwitzer", with a stylized flourish at the end.

Aaron Thalwitzer, Esq.