

December 15, 2025

Sent via email:

Value Adjustment Board Clerk Orange County Comptroller: vab@occompt.com;
Property Appraiser's Office msaya@ocpafl.org

Susan Welch

Re: Request for Reconsideration of Special Magistrate's Recommended Decision Petition
#2025-02036 Parcel ID: 22-22-29-9123-00-010
Property Address: 1414 Country Ln, Orlando, FL 32804

Dear VAB Clerk:

I am the petitioner in the above-referenced matter and hereby submit this Request for Reconsideration of the Special Magistrate's Recommended Decision dated December 2, 2025, pursuant to the Orange County Value Adjustment Board's Procedures for Requests for Reconsideration (adopted June 12, 2025). This request is timely filed within 10 calendar days of my receipt of the notice on December 3, 2025.

The Recommended Decision reduces the just (market) value from \$1,689,900 to \$1,357,000, which is erroneously low and not supported by the evidence presented at the hearing. Specifically:

1. The special magistrate's finding that the just value is \$1,357,000 fails to properly weigh the comparable sales evidence submitted during the hearing, which showed properties of similar size, age, and location in the neighborhood selling for values closer to or above the original just value. POA Sales Comparable #4, 1410 Country Lane (Parcel ID 22-22-29-8256-01-120) sold for \$1,450,000 demonstrates a per-square-foot value that supports a higher market value when adjusted for condition, view, GLA/heated area, and features. Additionally, sales comparable submitted by petitioner in evidence includes 1241 Spring Lake Drive, Orlando 32804 located in subject neighborhood, sold 6/6/24 for \$1,850,000 which also supports a higher market value when adjusted for condition, view, GLA/heated area, and features. This constitutes an erroneous finding of fact under Rule 12D-9.025(2), F.A.C., which requires recommendations to be based on competent, substantial evidence.
2. As a result, the recommended just value falls below the existing assessed value of \$1,364,457, triggering an unnecessary reset of the assessed value to equal the just value under section 193.155(2), Florida Statutes. This reset eliminates the accumulated Save Our Homes (SOH) cap and portability benefit (approximately \$315,773 as of 2024, per my property record), which was not the intent of my petition. The conclusion that this reset is appropriate violates section 193.155, F.S., by misapplying the statute in a way that disregards the evidence supporting a higher just value, leading to an inequitable loss of my established homestead benefits without due consideration.

3. Section 193.155(2), F.S., mandates that assessed value shall not exceed just value, but the recommendation's undervaluation creates this issue artificially. Rule 12D-9.020(3), F.A.C., requires special magistrates to consider all relevant factors in determining just value, including market evidence, which was not fully applied here.
4. This error fails to comply with the VAB's duty under section 194.034(5), F.S., to ensure recommendations are fair and just, as the outcome disproportionately harms my long-term tax benefits while providing minimal short-term relief.

I request that the special magistrate revise the Recommended Decision as follows:

1. Increase the just value to \$1,400,000 to preserve the existing assessed value and SOH/portability differential.
2. Retain the assessed value at \$1,400,000 exempt value at \$50,722, and taxable value at \$1,349,278.

The requested relief is based on the following calculations, using values from the hearing record and ensuring compliance with section 193.155(2), F.S. (assessed value cannot exceed just value):

- A. Proposed Just Value: At least \$1,400,000
- B. Assessed Value: Retained at \$1,400,000
- C. Exempt Value: Unchanged at \$50,722 (standard homestead exemption).
- D. Taxable Value: \$1,400,000 (assessed) minus \$50,722 (exempt) = \$1,349,278 (restoring original taxable without portability loss). This adjustment provides equitable relief by maintaining the cap differential while correcting the undervaluation, resulting in no net loss of accumulated benefits and only minor short-term tax impact compared to the recommendation's \$1,306,278 taxable value (a difference of just \$7,457 in taxable base).

This relief would correct the errors without introducing new evidence and align with the hearing record.

Thank you for your attention to this matter. Please confirm receipt and provide any updates on the review process. I am available at 407-697-8423 or WelchSusanG@gmail.com for questions.

Respectfully submitted,



Susan Welch



GORDON & THALWITZER

ATTORNEYS AT LAW

299 North Orlando Avenue • Cocoa Beach, Florida 32931
Phone 321.799.4777 • Fax 321.735.0711

JASON M GORDON
Admitted in FL, NY & CT
jgordon@brevardlegal.com

AARON THALWITZER
Admitted in FL, D.C.
aaron@brevardlegal.com

December 23, 2025

VIA E-MAIL

Orange County Value Adjustment Board

Re: Opinion on Request for Reconsideration
Pet. No.: 2025-02036
Petitioner: Susan Welch

Dear Hon. VAB Clerk:

I have reviewed the petitioner's Request for Reconsideration ("RFR") dated December 15, 2025, the Special Magistrate's ("SM") Recommended Decision ("ROD"), and, as appropriate, the evidence submitted by both the Property Appraiser's Office ("PAO") and the petitioner for the underlying hearing.

I. Background

The subject is a two-story single-family residence built in 2023, containing approximately 5,147 square feet of living area, four bedrooms, four-and-one-half bathrooms, a four-car garage, and a pool and spa, located at 1414 Country Lane in the Spring Lake neighborhood of Orlando.

For tax year 2025, the PAO determined a just value of \$1,689,900, assessed value of \$1,364,457, and county taxable value of \$1,339,457.

The SM found that the PAO's sales comparison methodology complied with section 193.011, Florida Statutes, and professionally accepted appraisal practices, and that the PAO therefore established a presumption of correctness at the hearing. The PAO's evidence included a comparative market analysis utilizing five improved sales between June and December 2024, with adjusted indications ranging from approximately \$1,439,000 to \$1,998,000 and a median adjusted price of approximately \$1,933,000.

The petitioner's evidence consisted of a comparative market analysis with three improved sales from the same general area between October 2024 and January 2025, plus one vacant land sale in the subject neighborhood.

The petitioner also submitted detailed materials supporting the position that the subject's land value and certain features (including the pool) were over-assessed relative to nearby lakefront and golf-front properties, and that comparable properties in Spring Lake with similar or superior locations and features were assessed or had sold within a value range lower than or comparable to the subject's original assessment.

In the ROD, the SM acknowledged that all written evidence and testimony from both parties was reviewed, considered, and deemed relevant and credible. The SM then noted that the PAO's adjusted sale prices tended to be higher, but that the PAO applied across-the-board gross living area ("GLA") adjustments to its comparables, considered the petitioner's sales and land-value evidence, including concerns about location, view, school zoning, and site and feature values, and applied "equal weight" to the PAO's mean adjusted sale indication of approximately \$1,933,000 and the petitioner's median sale indication, and concluded that a just value of \$1,357,000 was supported by the record.

The SM found that the petitioner had overcome the presumption of correctness by showing that the PAO's initial valuation did not represent just value or was arbitrarily based on appraisal practices different from those applied to comparable properties. The SM concluded that \$1,357,000 represented just value as of January 1, 2025, and recommended that the petition be granted and the PAO's just value be revised accordingly.

II. Petitioner's Request for Reconsideration

In the RFR, the petitioner asserts that the ROD's just value of \$1,357,000 is "erroneously low and not supported by the evidence presented at the hearing," and raises four main points:

1. The SM's just value allegedly fails to properly weigh comparable sales admitted into evidence, including PAO Sale Comparable #4, 1410 Country Lane (reported sale price \$1,450,000) and a petitioner-submitted sale at 1241 Spring Lake Drive (reported sale price \$1,850,000). The petitioner contends that these sales, when adjusted for condition, view, GLA, and features, support a higher just value closer to or above the original \$1,689,900, and that adopting \$1,357,000 constitutes an erroneous finding of fact under Rule 12D-9.025(2), F.A.C.
2. Because the recommended just value of \$1,357,000 is below the 2025 assessed value of \$1,364,457, the petitioner argues that implementing the ROD will "trigger an unnecessary reset" of the assessed value under section 193.155(2), Florida Statutes, eliminating accumulated Save Our Homes ("SOH") and portability benefits (estimated at approximately \$315,773) that the petitioner did not intend to place at risk.
3. The petitioner contends that the SM's undervaluation misapplies section 193.155(2), Florida Statutes, and that Rule 12D-9.020(3), F.A.C., requires the SM to consider all relevant factors, including market evidence of higher comparable sales, which the petitioner believes were not fully applied in determining just value.
4. The petitioner asserts that the outcome fails to comply with the VAB's duty under section 194.034(5), Florida Statutes, to ensure that recommendations are "fair and just," because it disproportionately harms the petitioner's long-term tax benefits for only modest short-term relief.

As relief, the petitioner asks that the SM revise the ROD to increase just value to \$1,400,000, and retain assessed value at \$1,400,000, with the existing homestead exemption, resulting in a taxable value of \$1,349,278.

The petitioner explains that the requested \$1,400,000 figure is designed to preserve SOH and portability benefits while still providing some reduction from the original just value, and emphasizes that this request is based on the existing hearing record and not on new evidence.

The PAO did not file a response to the RFR.

III. Applicable Law and Procedures

1. **Just value and presumption of correctness.** Under section 193.011, Florida Statutes, the PAO must consider eight listed criteria in arriving at just value. Under section 194.301, Florida Statutes, the PAO's assessment is presumed correct if the PAO shows it was arrived at by complying with section 193.011 and professionally accepted appraisal practices. Once that presumption is established, the petitioner must prove by a preponderance of the evidence that the assessment does not represent just value or is arbitrarily based on different appraisal practices applied to comparable property.
2. **Special magistrate's role.** The SM must base findings and RODs on competent, substantial evidence and must consider all relevant evidence presented at the hearing. Rules 12D-9.020 and 12D-9.025, F.A.C., govern these duties. The SM is the trier of fact and is responsible for weighing evidence and resolving conflicts between competing valuation indications.
3. **Save Our Homes cap and section 193.155(2), Florida Statutes.** For homestead property, assessed value is limited to an annual increase of the lesser of 3% or the change in the Consumer Price Index, but "shall never exceed just value." If just value is reduced below the current assessed value, the statute requires a corresponding reduction in assessed value; there is no statutory guarantee that prior SOH differentials will remain intact if just value falls.
4. **VAB's duty under section 194.034(5), Florida Statutes.** The VAB must base its decisions on the evidence presented and ensure that they are "fair and just," which in the ad valorem context means consistent application of just-value standards and statutory requirements to all taxpayers. It does not authorize the VAB to maintain an assessed value above just value in order to preserve an individual taxpayer's SOH differential.

The Orange County VAB's reconsideration procedures limit reconsideration to alleged factual or legal errors within the existing record and do not permit reopening the evidence or revisiting issues of evidentiary weight merely because a party disagrees with the SM's judgment.

IV. Analysis

A. Alleged error in weighing comparable sales

The petitioner asserts that the SM failed to "properly weigh" comparable sales—particularly PAO Comparable #4 (1410 Country Lane, \$1,450,000) and the petitioner's sale at 1241 Spring Lake Drive (\$1,850,000)—and that a just value of \$1,357,000 is inconsistent with these higher sale prices.

The ROD shows that the SM expressly considered the PAO's five sales, which after adjustment produced a value range from approximately \$1,439,000 to \$1,998,000 and a median of approximately \$1,933,000, and that the SM found this evidence generally supportive of the original just value.

The SM also considered the petitioner's three sales and land-value evidence, including the vacant land sale and the petitioner's critiques of the PAO's adjustments, location, school zoning, and site and feature valuations.

The SM then applied "equal weight" to the PAO's mean adjusted sale indication and the petitioner's median sale indication to arrive at the revised just value of \$1,357,000.

While one might reasonably question whether a simple averaging of those two indicators is the best appraisal technique, it is nonetheless an approach grounded in the actual evidence presented. The resulting figure falls within the broader range of values indicated by the parties' combined sales evidence and reflects a reconciliation of the higher PAO indications with the petitioner's lower indications and criticisms.

Rule 12D-9.025(2), F.A.C., requires that a ROD be based on competent, substantial evidence; it does not require the SM to adopt the highest, lowest, or any specific comparable sale. Here, the record contains multiple verified sales and adjustments from both parties. The SM's reconciliation is supported by those sales and by the SM's express reasoning regarding GLA adjustments and the relative strengths and weaknesses of each party's analysis. The RFR does not identify a misstatement of the sale data or an omission of a key comparable; it simply disagrees with the weight the SM assigned. That disagreement, standing alone, does not establish an erroneous finding of fact for reconsideration purposes.

B. Effect of the ROD on assessed value and SOH

The petitioner's primary issue is that the ROD's just value of \$1,357,000 is lower than the current assessed value of \$1,364,457, and that if adopted, the assessed value will be reduced to equal just value, thereby reducing or eliminating the existing SOH cap and portability differential.

However, section 193.155(2), Florida Statutes, is explicit that the assessed value of homestead property "shall never exceed just value." When a VAB reduces just value below the existing assessed value, the statute requires the assessed value to be adjusted downward; there is no statutory authorization for maintaining an assessed value above just value in order to preserve accumulated SOH benefits.

The SM's duty is to determine just value based on the evidence, not to tailor that value to avoid changes in the petitioner's SOH differential. Any loss or reduction in SOH or portability benefits is a consequence of the statutory framework, not a legal error by the SM. To adopt the petitioner's requested just value of \$1,400,000 solely to preserve SOH benefits—where the SM has already found that \$1,357,000 represents just value—would itself contravene section 193.155(2) by knowingly maintaining an assessment above just value.

C. Alleged misapplication of section 193.155 and Rule 12D-9.020(3)

The petitioner argues that the SM misapplied section 193.155(2) and failed to consider all relevant factors, including higher comparable sales, as required by Rule 12D-9.020(3), F.A.C.

The ROD reflects the opposite. The SM expressly found that the PAO considered the eight criteria of section 193.011; determined that the PAO therefore established the presumption of correctness; and then found that the petitioner overcame that presumption and proved a lower just value of \$1,357,000, based on a reconciliation of both parties' sales evidence.

There is no indication that the SM misunderstood or misapplied section 193.155(2); rather, the RFR challenges the practical consequence that a lower just value will, by statute, reduce assessed value and SOH benefits. Nor does the record support the claim that the SM ignored higher sales. On the contrary, the SM described the PAO's adjusted value range and acknowledged that the original just value was "generally supported" by those sales, but chose a lower figure after considering the petitioner's critiques and evidence.

Rule 12D-9.020(3) requires the SM to consider all relevant evidence; it does not mandate that any particular sale or value indication be given controlling weight. The record and the ROD demonstrate that the SM did consider both parties' evidence and explained the reasoning used to reconcile it.

D. "Fair and just" requirement under section 194.034(5), Florida Statutes

Finally, the petitioner contends that the ROD is not "fair and just" under section 194.034(5), Florida Statutes, because it provides only modest short-term tax relief while substantially reducing long-term SOH benefits.

In the VAB context, fairness is achieved by applying the same just-value standard consistently across similarly situated properties, not by preserving favorable caps or differentials for a particular property at the expense of uniformity. If the evidence supports a just value of \$1,357,000, then maintaining a higher assessed value to protect the petitioner's prior SOH differential would create, rather than correct, inequity in the tax roll. Other homestead owners whose assessments do not exceed just value would not receive such preferential treatment.

The SM's ROD is based on the evidence and on the governing legal standards for just value and burden of proof. The incidental impact on SOH benefits, while understandably important to the petitioner, does not render the decision legally unfair or unjust within the meaning of section 194.034(5).

E. Requested relief and the evidentiary record

The petitioner asks that just value be set at "at least \$1,400,000" and that assessed value be fixed at the same number to preserve SOH and portability benefits.

The RFR does not point to a specific page or calculation in the hearing record that identifies \$1,400,000 as a supported indication of market value; rather, that figure is presented as a compromise value designed to mitigate the effect of the ROD on SOH.

The SM already exercised his discretion to reconcile conflicting evidence and arrived at a just value figure supported by that evidence. The RFR effectively invites the SM to choose a different value not because the original conclusion lacked evidentiary support or applied the wrong legal standard, but because a higher value would produce a more favorable SOH outcome for the petitioner. The VAB's reconsideration procedures do not authorize revising a ROD on that basis.

V. Conclusion and Recommendation

On the existing record, the ROD for Petition 2025-02036 applies the correct legal standards under sections 193.011, 193.155, 194.301, and 194.034, Florida Statutes, and the applicable administrative rules. The ROD further reflects that the SM considered and weighed both the PAO's and the petitioner's sales and land-value evidence, and articulated a rational basis for the reconciled just value of \$1,357,000 and is supported by competent, substantial evidence in the record. Lastly, the ROD does not misapply section 193.155(2) by allowing assessed value to exceed just value; instead, it arrives at a just value from which the statutory assessment consequences will follow.

The petitioner's RFR raises understandable concerns about the impact of a reduced just value on SOH and portability benefits, but those concerns arise from the statutory framework and do not identify a material factual or legal error in the SM's ROD.

Accordingly, I recommend that the VAB deny the petitioner's Request for Reconsideration.

GORDON & THALWITZER



Aaron B. Thalwitzer, Esq.