

REQUEST FOR RECONSIDERATION

Petition #: 2025-00087

Parcel #: 06-23-31-2100-01-069

Property: 2444 Treymore Dr, Orlando, FL 32825

Petitioners: Amina Elghaber & Hazem Toumi (Owners)

Recommended Decision Date: October 17, 2025 (notice emailed October 28, 2025)

Filed pursuant to the Orange County VAB “Procedures for Requests for Reconsideration” (adopted June 12, 2025).

This request is timely (within ten days of notice) and does not include any evidence that was not offered at the hearing.

I. OVERVIEW

This Request for Reconsideration identifies factual and legal errors in the Recommended Decision issued by Special Magistrate Kelly Johnson. The record evidence—quantitative land inequity, survey-confirmed easements, and feature overvaluation—was omitted or misapplied, contrary to §193.011 and §194.034, Florida Statutes.

The Petitioners seek a corrected recommendation that properly reflects the competent, substantial evidence presented at hearing.

II. SPECIFIC ERRORS AND DEFICIENCIES

1. DOR Guidance Contradicted (Cost of Sale)

The magistrate cited the DOR’s October 13, 2022 memorandum requiring that any cost-of-sale deduction be “made and clearly shown.” He acknowledged that no deduction was made in the Property Appraiser’s dataset, yet accepted testimony that one was “considered.”

This does not satisfy the DOR’s “clearly shown” requirement and violates the Department’s stated standard for transparency and documentation.

2. §193.011 Factors Recited, Not Applied

The magistrate repeated the statutory factors but failed to apply them to the subject property’s smaller lot size and physical constraints (pedestrian and utility easements reducing usable area). Simply restating the factors is not the same as applying them, and this omission violates §193.011(1),(2).

3. Ignored Quantitative Land-Size Evidence

The subject lot measures 8,625 sq ft versus neighboring parcels between 9,374 and 11,163 sq ft, yet all share an identical \$105,000 land value.

This creates a 13–29% valuation disparity (\$12.17 per sq ft vs. \$9.41–\$11.20) that was quantified, entered into the record, and ignored in the Recommended Decision.

4. Easement and Usability Restrictions Omitted

Multiple recorded easements (front, side, rear) and a pedestrian walkway materially reduce usable area and privacy.

No adjustment was made for these restrictions, contrary to §193.011(1),(5), which require consideration of the property’s size and condition.

5. Uniformity Ratios Disregarded

Comparable sales within the same subdivision show ratios between 0.84 and 0.87, while the subject property’s ratio stands at 0.89.

Failure to analyze this inequity violates the constitutional requirement for uniform just valuation and established precedent (*Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965)).

6. Improper Use of Subject Sale (§193.011(8))

The magistrate relied on the Petitioners’ **\$670,000 sale** as support for the roll value without analyzing the seller’s **net proceeds**, as required by §193.011(8), Florida Statutes.

In this transaction, the **seller paid both the listing and buyer agents’ commissions (6%)**, provided the buyer with a **home warranty credit**, and covered **standard closing costs** including title insurance and documentary stamp fees.

These deductions totaled approximately **\$46,800**, leaving the seller’s actual net proceeds at roughly **\$623,200**.

Therefore, the true market indication of this sale—based on *net-to-seller proceeds*—is approximately **\$623,000**, not the gross contract price of \$670,000. By using the unadjusted figure, the magistrate overstated the sale’s indicative value by nearly **\$47,000**, directly violating §193.011(8) and DOR guidance requiring *net proceeds* be used when determining just value. This omission renders the conclusion that “the sale supports the roll value” **factually and legally unsound**.

7. Feature Depreciation Ignored (Pool Overvaluation)

The Petitioners’ 2009 pool was valued at \$19,300—virtually equal to a 2022 new pool (\$19,660) and far above 2002–2007 pools (\$13,200–\$13,860).

The absence of depreciation adjustments inflates the property’s assessed value by approximately \$5,000–\$6,000.

8. Dismissal Without Reasoning

The magistrate labeled the Petitioners’ numerical analyses “less relevant” without factual basis or citation, contrary to §194.034(2), which requires that findings be supported by competent, substantial evidence.

III. IMPARTIALITY AND APPEARANCE OF BIAS

The Recommended Decision shows deference to the Property Appraiser’s testimony without independent evaluation of the contrary data provided by the Petitioners.

This gives rise to an appearance of bias inconsistent with §194.035, which requires Special Magistrates to act as neutral fact-finders and independently assess all evidence admitted into the record.

IV. RELIEF REQUESTED

The Petitioners respectfully request that the Special Magistrate revise the Recommended Decision to:

- (a) Address and analyze the quantitative lot-size and easement constraints presented at hearing;
- (b) Apply appropriate land-value adjustments for the 8,625 sq ft lot versus 11,000 sq ft comparables;
- (c) Reconcile all indicated values; and
- (d) Correct omissions regarding cost-of-sale adjustments, ratio analysis, and depreciation.

Alternatively, the Petitioners request that the matter be remanded for a revised recommendation consistent with §193.011 and §194.034, Florida Statutes.

V. PRESERVATION OF RIGHTS

The Petitioners expressly reserve all rights under Chapter 194, Florida Statutes, including the right to seek judicial review of any final decision that fails to address these procedural and factual errors.

Should these deficiencies remain uncorrected, the Petitioners will pursue all remedies available under law to ensure compliance with §193.011 and §194.034, Florida Statutes.

VI. ANALYSIS OF MAGISTRATE’S FINDINGS

A. Claim of “No Quantitative Evidence” — Factually Incorrect

Exhibits 1–3 contain charts and tables quantifying lot-size and ratio disparities. Ignoring admitted numerical data is a factual oversight, not a discretionary judgment.

B. “Comparable Sales Better Reflect Market” — Unsupported

The sales relied upon lacked cost-of-sale and site adjustments, directly violating DOR’s 2022 guidance. Unadjusted sales cannot lawfully serve as indicators of market value.

C. “Subject Sale Supports Roll Value” — Incomplete and Misleading

The magistrate used the gross contract price instead of the seller’s net proceeds (~\$623,200), overstating the true value by nearly \$47,000 and ignoring §193.011(8)’s clear mandate.

D. “Uniformity Analysis Less Relevant” — Error of Law

Uniform assessment is not optional. The Florida Supreme Court has held that “just value” means “fair and uniform value” (*Walter v. Schuler*). Refusing to address ratio uniformity is a legal error.

E. “Eight Factors Were Considered” — Unsupported Assertion

Merely listing the statutory factors without applying them to specific evidence (e.g., easements, lot size, depreciation) fails to demonstrate proper consideration.

F. “Assessor’s Valuation Consistent with Market” — Circular Reasoning

The magistrate repeated the Property Appraiser’s conclusion instead of independently verifying evidence, undermining the requirement of impartial review under §194.035.

G. Failure to Adjust for Net-to-Seller Proceeds — Statutory Violation

By using the gross sale price instead of the seller’s net (\$623,200), the magistrate violated §193.011(8) and Department of Revenue policy. This overstatement of \$47,000 renders the conclusion that the sale “supports” the roll value factually and legally indefensible.

VII. CONCLUSION

The cumulative errors in the Recommended Decision — failure to apply §193.011 factors, disregard of record evidence, and improper reliance on unadjusted sales — demonstrate that the findings are not supported by competent, substantial evidence.

A fair reconsideration should recognize the objective quantitative disparities presented at hearing and correct the valuation accordingly.

Respectfully submitted,
Amina Elghaber & Hazem Toumi
Petitioners / Property Owners
Date: November 3, 2025



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November 24, 2025

VIA E-MAIL

Orange County Value Adjustment Board

Re: VAB Counsel's Opinion on Request for Reconsideration
Pet. No.: 2025-00087
Petitioner: Amina D. Elghaber

Dear Hon. VAB Clerk:

I have reviewed the request for reconsideration submitted by the petitioner ("PET"), the Property Appraiser's Office's ("PAO") response, the recommended decision ("ROD"), and the pertinent portions of the Axia file.

1. Background

Petition 2025-00087 concerns the 2025 just value of a single-family residence located at 2444 Treymore Dr, Orlando, Florida. The PAO determined a 2025 just value of \$597,460.

At the October 7, 2025 hearing, both parties appeared. All evidence submitted by the PAO and PET was admitted without objection. The PAO presented a sales comparison analysis using three nearby single-family sales, with adjustments, producing an indicated value of approximately \$695,476 before any cost-of-sale ("COS") deduction and an indicated value of approximately \$625,928 when a 10% COS factor (from the county's DR-493) is applied. The PAO also referenced PET's November 18, 2024 sale of the subject for \$670,000 as support for the assessment and testified that its valuation complied with the eight factors in § 193.011, Fla. Stat., and with professionally accepted appraisal practices.

PET presented testimony and exhibits asserting that:

1. The subject's lot is smaller than neighboring lots and burdened by easements and a pedestrian walkway, warranting a lower land value;
2. The subject's pool feature is overvalued relative to older pools and new pools; and
3. Assessment ratios for certain other properties in the subdivision are lower than the subject's, indicating a lack of uniformity.

PET proposed a reduced land value of \$81,000 and argued that the existing land and pool valuations, as well as uniformity concerns, showed the assessment was excessive.

The Special Magistrate (“SM”) summarized both parties’ evidence, found the PAO’s adjusted sales analysis more probative of just value than PET’s land-per-square-foot and ratio calculations, and found that the PAO had established the presumption of correctness under § 194.301, Fla. Stat. The SM concluded that PET did not prove, by a preponderance of the evidence, that the PAO’s just value did not represent just value or that different appraisal practices were applied to comparable property, and recommended that the petition be denied.

2. Request for Reconsideration and PAO Response

A. Petitioner’s Request for Reconsideration

PET’s RFR alleges that the ROD contains factual and legal errors, including:

1. **Cost of Sale / DOR Guidance.** PET contends the SM misapplied the Department of Revenue’s October 13, 2022 COS memorandum by accepting testimony that a COS deduction was “considered” without clearly showing the deduction in the PAO’s sales dataset.
2. **Application of § 193.011 Factors.** PET asserts that the SM recited, but did not apply, the § 193.011 factors to the subject’s smaller lot, easements, and physical constraints.
3. **Lot Size, Easements, and Uniformity.** PET argues that quantitative land-size disparities, easements, and valuation ratios (subject ratio ~0.89 vs. 0.84–0.87 for select comparables) were ignored, creating non-uniform assessment contrary to *Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965).
4. **Use of Subject Sale / Net Proceeds.** PET contends the SM violated § 193.011(8), Fla. Stat., by relying on the \$670,000 gross contract price instead of net-to-seller proceeds, which PET calculates at approximately \$623,200 after commission, credits, and closing costs.
5. **Pool Depreciation.** PET asserts that the 2009 pool feature is overvalued relative to newer and older pools and that insufficient depreciation was applied.
6. **Impartiality and Reasoning.** PET claims the SM’s conclusion that PET’s analyses were “less relevant” lacked factual support and suggests an appearance of bias contrary to § 194.035, Fla. Stat., and § 194.034(2), Fla. Stat.

PET requests that the SM revise the ROD to address these points, adjust land and feature values, reconcile indicated values, and correct alleged omissions. Alternatively, PET seeks a remand for a revised recommendation.

B. PAO Response

The PAO indicated that it would not file a response.

3. Applicable Law

Under § 194.301, Fla. Stat., the PAO's assessment is presumed correct if the appraiser shows that the assessment was reached in compliance with § 193.011, Fla. Stat., using the correct methodology and without applying appraisal practices different from those applied to comparable property in the county.

To overcome that presumption, the petitioner must prove, by a preponderance of the evidence, that the assessment (1) does not represent just value (after statutory caps), (2) does not represent a required classified value, or (3) is arbitrarily based on different appraisal practices.

Section 193.011, Fla. Stat., lists eight factors the appraiser (and, on review, the VAB and SM) must consider, including the present cash value (net proceeds), highest and best use, location, size, condition, cost, and income of the property. The statute requires consideration of these factors; it does not mandate that each be adjusted or quantified separately so long as they are taken into account in determining just value.

Section 193.011(8), Fla. Stat., refers to "net proceeds of the sale of the property" as a factor in determining just value where a sale has occurred, and the Department's cost-of-sale guidance is implemented through the DR-493 COS factor for mass appraisal and through COS adjustments in individual analyses, while avoiding double counting.

Section 194.034(2), Fla. Stat., requires that the SM's recommended decision contain findings of fact and conclusions of law supported by competent, substantial evidence. Section 194.035 requires SMs to serve as neutral fact-finders.

4. Analysis

A. Cost of Sale and DOR Guidance

The ROD expressly cites the DOR's October 13, 2022 memorandum and acknowledges that the PAO's raw sales dataset did not show a COS deduction. The SM then states that, in light of the DR-493 and the PAO's testimony, a 10% COS deduction is applied to the PAO's sales comparison analysis, resulting in an indicated value of approximately \$625,928, which still supports the PAO's market value of \$597,460.

The ROD "make[s] and clearly show[s]" the COS deduction and the resulting adjusted indication. The DOR guidance does not require that the PAO's initial spreadsheet itself show the deduction so long as the SM's findings do so. On this record, the SM's treatment of COS is consistent with the DOR memorandum and § 193.011(1), Fla. Stat.

B. § 193.011 Factors, Lot Size, and Easements

The ROD recites the eight statutory factors and discusses:

- The subject's location and residential use;
- The subject's sale history and comparable sales;
- The size and physical characteristics of the property; and

- PET’s testimony regarding lot size, easements, and pool feature value.

The SM specifically notes PET’s arguments about the subject’s smaller lot, easements, and pool valuation but concludes that the PAO’s adjusted sales of similar homes provide a more reliable indication of just value than PET’s land-per-square-foot and feature-by-feature analyses.

Section 193.011 requires consideration of the listed factors; it does not require separate numerical adjustments for each component (land, easements, pool) where the total value is supported by adjusted comparable sales that inherently reflect location, lot size, and condition. The ROD demonstrates that the SM considered PET’s evidence and the statutory factors but assigned greater weight to sales evidence—an exercise of fact-finding discretion, not a failure to apply the statute.

C. Uniformity and Ratio Evidence

The RFR emphasizes ratio disparities (subject ratio ~0.89 vs. 0.84–0.87 for selected properties) and cites *Walter v. Schuler* for the proposition that “just value” includes uniformity. The ROD acknowledges PET’s ratio exhibit and property record cards but explains that sales are “almost always a better indicator of market value if reasonably similar sale data is available,” and finds that such sales are available here.

The SM’s conclusion that properly adjusted sales are more probative than unadjusted assessment ratios is consistent with Florida law. Uniformity is a component of just value, but § 194.301(2)(a), Fla. Stat., requires the petitioner to prove that the assessment is arbitrarily based on different practices applied to comparable property. PET’s ratio analysis, without detailed evidence that the comparison properties are truly comparable in all relevant respects and without corresponding adjustments, does not establish that the PAO applied fundamentally different appraisal practices. The ROD provides a reasoned basis for deeming PET’s ratio evidence “less relevant” than the adjusted sales, satisfying § 194.034(2), Fla. Stat.

D. Subject Sale and Net Proceeds

PET argues that the SM violated § 193.011(8), Fla. Stat., by treating the \$670,000 November 2024 sale as support for the assessment without using net-to-seller proceeds, which PET estimates at roughly \$623,200 after commission, credits, and costs.

The record reflects that:

- The SM considered the subject’s 2024 sale as one data point;
- A 10% COS factor from the DR-493 was applied in the PAO’s analysis; and
- Even PET’s own net-proceeds figure of approximately \$623,000 is above the PAO’s \$597,460 assessment.

Thus, whether the sale is viewed at its gross price or at PET’s asserted net, it does not undercut the PAO’s just value. The SM’s decision does not rest solely on the unadjusted contract price; it relies on the adjusted comparable-sales analysis and the statutory COS treatment reflected in the DR-493. On these facts, PET has not shown a material violation of § 193.011(8) or that any such error would alter the outcome, given that both the gross and net figures exceed the assessed value.

E. Pool Depreciation and Feature Valuation

PET's pool-valuation exhibit compares the subject's 2009 pool to pools of other ages and argues that insufficient depreciation was applied, inflating the assessment by approximately \$5,000–\$6,000. The SM summarized this argument but concluded that the adjusted sale prices of comparable homes, which include their own pools and site features, provide a more reliable indication of total property value than isolated component comparisons.

Again, § 193.011 does not require separate, line-item depreciation of each feature where the overall sales evidence supports the total just value. The ROD reflects a reasoned choice to rely on market-based sales indicators instead of reshaping individual cost components. That choice does not constitute legal error.

F. Impartiality, Bias, and Due Process

The ROD states that all evidence from both parties was admitted and considered and explains why the SM found the PAO's sales evidence more persuasive than PET's analyses. The fact that the SM ultimately agreed with the PAO's valuation and found PET's evidence less relevant does not, without more, show bias or a failure to act as a neutral fact-finder under § 194.035, Fla. Stat.

There is no allegation that PET was denied notice, an opportunity to be heard, or the ability to present evidence. On the record described in the ROD and RFR, there is no indication of a due process violation.

5. Conclusion and Recommendation

The RFR does not identify any factual or legal error in the ROD. It does not show that the PAO misapplied §§ 196.031 or 196.041, Fla. Stat., Rule 12D-7.008, F.A.C., or that similarly situated taxpayers are being treated more favorably. Instead, it merely expresses disagreement with the outcome.

Accordingly, I conclude that:

1. The RFR is not supported by existing law or fact and does not demonstrate that the denial of the 2025 homestead exemption on the subject property is incorrect; and
2. The Special Magistrate's recommendation for Petition 2025-00087 is consistent with applicable Florida law and supported by the record.

I therefore recommend that the VAB deny the petitioner's Request for Reconsideration for Petition 2025-00087.

GORDON & THALWITZER



Aaron B. Thalwitzer, Esq.