

Tax year 2022 BOR no. 2022-092  
County Clark Date received 3/22/2023

DTE 1  
Rev. 12/22

### Complaint Against the Valuation of Real Property

Answer all questions and type or print all information. Read instructions on back before completing form.

Attach additional pages if necessary.

This form is for full market value complaints only. All other complaints should use DTE Form 2

Original complaint  Counter complaint

Notices will be sent only to those named below.

Name		Street address, City, State, Zip Code	
1. Owner of Property		CFT NV Developments LLC, 1120 N. Town Center Dr., Ste. 150, Las Vegas, NV 89144	
2. Complainant if not owner		Board of Education of the Clark-Shawnee Local Schools	
3. Complainant's agent		Mark Gillis, Rich & Gillis Law Group, LLC, 5747 Perimeter Dr., Ste 150, Dublin, OH 43017	
4. Telephone number and email address of contact person: (614) 228-5822; mgillis@richgillislawgroup.com			
5. Complainant's relationship to property if not owner: Section 5715.19, Ohio Revised Code			
If more than one parcel is included, see "Multiple Parcels" Instruction.			
6. Parcel numbers from tax bill		Address of property	
330-06-00006-300-025		1602 N. Bechtle Ave.	
		MAR 22 2023	
7. Principal use of property: 420 Small detached retail stores		JOHN S. FEDERER AUDITOR	
8. The increase or decrease in market value sought. Counter-complaints supporting auditor's value may have -0- in Column C			
Parcel Number	Column A Complainant's Opinion of Value (Full Market Value)	Column B Current Value (Full Market Value)	Column C Change in Value
330-06-00006-300-025	900,000	291,260	608,740
9. The requested change in value is justified for the following reasons: Recent arm's length sale of subject property for \$900,000			

10. Was property sold within the last three years? Yes  No  Unknown  If yes, show date of sale 02/28/22 and sale price \$900,000 and attach information explained in "Instructions for Line 10" on back.

11. If property was not sold but was listed for sale in the last three years, attach a copy of listing agreement or other available evidence.

12. If any improvements were completed in the last three years, show date N/A and total cost \$ N/A

13. Do you intend to present the testimony or report of a professional appraiser? Yes  No  Unknown

14. If you have filed a prior complaint on this parcel since the last reappraisal or update of property values in the county, the reason for the valuation change requested must be one of those below. Please check all that apply and explain on attached sheet. See R.C. section 5715.19(A)(2) for a complete explanation.

- The property was sold in an arm's length transaction;  The property lost value due to a casualty;
- A substantial improvement was added to the property;  Property's occupancy changed by at least 15% had a substantial economic impact on my property.

15. If the complainant is a legislative authority and the complaint is an original complaint with respect to property not owned by the complainant, R.C. 5715.19(A)(8) requires this section to be completed.

The complainant has complied with the requirements of R.C. section 5715.19(A)(6)(b) and (7) and provided notice prior to the adoption of the resolution required by division (A)(6)(b) of that section as required by division (A)(7) of that section.

I declare under penalties of perjury that this complaint (including any attachments) has been examined by me and to the best of my knowledge and belief is true, correct and complete.

Date 2/28/23 Complainant or agent (printed) Mark H. Gillis, Esq. Title (if Agent) Attorney for Complainant

Complainant or agent (signature) [Signature]

Sworn to and signed in my presence, this 28 day of February, 2023.

Notary [Signature]



**Cassidy Beaver**  
Notary Public, State of Ohio  
My Commission Expires 10-25-2026

The Complainant in this matter asserts that the following provisions contained in R.C. §5715.19 violate the Article XII, Section 2 of the Ohio Constitution (the Uniform Rule provision), and the Due Process and Equal Protection clauses of both the United States Constitution and the Ohio Constitution:

1. The requirement that a property must have been “*sold in an arm’s-length transaction, as described in section 5713.03 of the Revised Code*” before a complaint can be filed by a legislative authority of a subdivision, mayor of a municipal corporation, or third-party complainant as to property not owned by the complainant. There is no similar requirement imposed upon property owner complainants.
2. The requirement that a property must have been “*sold in an arm’s-length transaction, as described in section 5713.03 of the Revised Code, before, but not after, the tax lien date for the tax year for which the complaint is to be filed*” before a complaint can be filed by a legislative authority of a subdivision, mayor of a municipal corporation, or third-party complainant as to property not owned by the complainant. There is no similar requirement imposed upon property owner complainants.
3. The requirement that a property must have been “*(i) sold in an arm’s-length transaction, as described in section 5713.03 of the Revised Code, before, but not after, the tax lien date for the tax year for which the complaint is to be filed and (ii) the sale price exceeds the true value of the property appearing on the tax list for that tax year by both ten percent and the amount of the filing threshold determined under division (J) of [R.C. 5715.19]*” before a complaint can be filed by a legislative authority of a subdivision, mayor of a municipal corporation, or third-party complainant as to property not owned by the complainant. There is no similar requirement imposed upon property owner complainants.
4. The requirement that a board of revision “*is without jurisdiction to hear, and shall dismiss, the complaint*” if “*the board of revision has not rendered its decision on the complaint within one year after the date the complaint was filed*” only if the original complaint is filed by the legislative authority of a subdivision, the mayor of a municipal corporation with territory in the county, or a third-party complainant. There is no similar requirement imposed upon original complaints filed by property owner complainants.



301



202200003085 02/28/2022 01:24 PM  
Filed for Record in CLARK County, Ohio  
Nancy Pence, Recorder Rec Fees: \$78.00  
WARR OR Vol 2206 Pgs 1620 - 1624

**APPROVED**  
Clark County Tax Map

FEB 28 2022

Legal Description  
 Survey Plat / Lotsplit  
 Subdivision / Annexation

Transferred  
Sale Price 900,000

787 FEB 28 2022 1/2

John S. Federer  
Auditor

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO AND SEND SUBSEQUENT  
TAX BILLS TO::

CFT NV Developments, LLC  
1120 N. Town Center Drive  
Suite 150  
Las Vegas, NV 89144  
Attention: David Luo, Vice President

PREPARED BY:

Susan Mills Cipione  
McGuire, Craddock & Strother, P.C.  
500 N. Akard, Suite 2200  
Dallas, Texas 75201

**LIMITED WARRANTY DEED**

For the consideration of Ten Dollars (\$10.00), and other good and valuable considerations, USPG Portfolio Six, LLC, a Delaware limited liability company ("**Grantor**"), hereby grants, bargains, sells and conveys, with limited warranty covenants, to CFT NV Developments, LLC, a Nevada limited liability company ("**Grantee**"), whose tax mailing address is 1120 N. Town Center Drive, Suite 150, Las Vegas, NV 89144, the following described real property situated in Clark County, Ohio (the "**Property**"):

See legal description set forth in Exhibit "A" attached and incorporated by this reference.

Prior Instrument Reference: Volume 2032, Page 101, Recorder's Office, Clark County, Ohio  
Volume 2048, Page 2472, Recorder's Office, Clark County, Ohio  
Volume 2048, Page 2460, Recorder's Office, Clark County, Ohio

Tax Parcel No.: 3300600006300025

Street Address: 1590 N. Bechtle Avenue  
Springfield, Ohio 45504

Together with all improvements, buildings, structures and fixtures located thereon; all easements, if any, benefiting the Property; all rights, benefits, privileges and appurtenances pertaining to the Property.

5626228v.1 2619/0020

SHERRY PHILLIPS  
10939 SYCAMORE RD  
MOUNT VERNON, OH 43050



202200003085  
BK 2206 PG 1621

SUBJECT TO any taxes and assessments not yet due and payable, easements, conditions, restrictions and other matters of public record, and encroachments visible upon the Property.

TO HAVE AND TO HOLD the Property, with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the use and benefit of the said Grantee in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described Property under the said Grantee against the claims of all person lawfully claiming by, through, or under Grantor, but not otherwise.

[SIGNATURE PAGE FOLLOWS]

5626228v.1 2619/0020



202200003085  
BK 2206 PG 1622

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed by its duly authorized and empowered representative as of the 24 day of February, 2022.

GRANTOR:

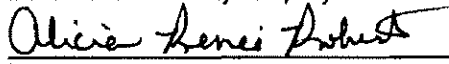
USPG PORTFOLIO SIX, LLC,  
a Delaware limited liability company

By:   
Darin Hobson, Manager

STATE OF OHIO,

COUNTY OF Franklin, SS:

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of February, 2022, by Darin Hobson, the Manager of USPG Portfolio Six, LLC, a Delaware limited liability company, on behalf of the limited liability company.

  
Notary Public

Commission Expiration: 12/9/22



ALICIA KENEE ROBERTS  
Notary Public, State of Ohio  
My Commission Expires  
December 9, 2022

5626228v.1 2619/0020





202200003085  
BK 2206 PG 1623

EXHIBIT "A"  
PROPERTY

Description of 0.391 acres

Situated in the State of Ohio, County of Clark, City of Springfield and being a part of Section 6, Township 4, Range 9, B.M.R.S. and being Lot #19024 of Springfield Commons, Section 7 as recorded in Plat Book 18, Pg. 128 of the plat records of Clark County, Ohio and being 0.391 acres out of a 24.891 acre tract as conveyed to USPG Portfolio Six, LLC as recorded in Official Record Volume 2032, Page 101, Clark County Recorder's Office, Clark County, Ohio, said 0.391 acre tract being further described as follows:

Beginning for reference at a found 3/4 inch iron pipe located at the Northeast corner of said 24.891 acre tract, said iron pipe being the Northwest corner of Lot 6 of Rolling Fields Estates Section 1 as recorded in Plat Book 10, Pg. 89;

Thence S 05°35'52"W, 1276.86 along the East line of said 24.891 acre tract, being the West line of said Rolling Field Estates Sections 1, and being the West line of said Rolling Field Estates Section 3, as recorded in Plat Book 10, Page 134, to an iron pin set, said iron pin being the Southwest corner of said Rolling Fields Section 3, and being the Southeast corner of said 24.891 acre tract and being in the North line of a 26.726 acre tract as conveyed to Meijer Stores Limited Partnership as recorded in O.R. 1456, Pg. 1423;

Thence N 84°26'36"W, 1082.69', along the North line of said 26.726 acre tract, being the South line of said 24.891 acre tract, to a 5/8" iron pin found in the East line of Bechtle Ave. (100' wide) as recorded in Plat Book 16, Pg. 240, said iron pin being the Southwest corner of said 24.891 acre tract and being the Northwest corner of said 26.726 acre tract;

Thence N 21°57'53"E, 125.15', along the East line of said Bechtle Ave, to a PK Nail found;

Thence along the East line of said Bechtle Ave with a curve turning to the right with an arc length of 25.50', with a radius of 350.00', with a delta angle of 04°10'26", with a chord bearing of N 24°04'40"E, with a chord length of 25.49', to a 3/4" iron pipe found, said iron pipe being the True Place of Beginning for the herein described 0.391 acre tract;

Thence S 68°02'01"E, 131.36', crossing said 24.891 acre tract, along a new division line, to a Mag Nail set;

Thence N 07°02'38"E, 254.70', crossing said 24.891 acre tract, along a new division line, to a 3/4" iron pipe found in the East line of said Bechtle Ave;

Thence along the East line of said Bechtle Ave with a curve turning to the right with an arc length of 3.89', with a radius of 450.00', with a delta angle of 00°29'42", with a chord bearing of S 38°36'25"W, with a chord length of 3.89', to an iron pin set;

Thence S 38°51'17"W, 173.83', along the East line of said Bechtle Ave, to a 3/4" iron pipe found;

Thence along the East line of said Bechtle Ave., with a curve turning to the left with an arc length of 77.52', with a radius of 350.00', with a delta angle of 12°41'25", with a chord bearing of S 32°30'35"W, with a chord length of 77.36', to the true place of beginning, containing 17035 square feet, 0.391 acres, more or less, subject to all legal easements and right of ways of record. Being 0.391 acres out of Auditor's Parcel Number 3300600006300027.

Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone 3402, North American Datum of 1983, also known as NAD83, (cors96) said bearing originated from a field traverse which was tied to said coordinate system by GPS observations in the Ohio Department of Transportation virtual

5626228v.1 2619/0020



202200003085  
BK 2206 PG 1624

reference station network, being the West line of Rolling Fields Estates Sections 1 & 3 as being S 05°35'52"W. All iron pins set are 5/8" rebar, 30" long with yellow plastic cap stamped "J & J Surveying". All references to documents are recorded in the Clark County Recorder's Office. This description is based on an actual field survey performed by J & J Surveying under the direction of John W. Wetherill, P.S. 7811, in June 2014.

PPN: 3300600006300025

5626228v.1 2619/0020