

Tax year 2022 BOR no. 2022-096
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	Lone Dock, LLC, 1 Arena Park Dr., Dayton, OH 45417		
2. Complainant if not owner	Board of Education of the Clark-Shawnee Local School District		
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		
See-attached.	See attached.		
			FILED CLARK COUNTY AUDITOR MAR 22 2023
7. Principal use of property: 399 Other industrial structures			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
See-attached.	2,400,000	1,338,740	1,061,260
9. The requested change in value is justified for the following reasons: Recent arm's length sale of subject property for \$2,400,000			

10. Was property sold within the last three years? Yes No Unknown If yes, show date of sale 09/20/22 and sale price \$2,400,000 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 3/18/23 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 18 day of February, 2023.

Notary [Signature]



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

(7) and (9) Continuation

(7)

(9) Complainant's Opinion Of:

Parcel Number	Address Of Property	(A) Market Value	(B) Current Value	(C) Change in Value
1 330-07-00027-406-002	2024 Selma Rd. Springfield, OH 45505	142,800	79,710	63,090
2 330-07-00027-406-003	2024 Selma Rd. Springfield, OH 45505	1,792,900	1,000,110	792,790
3 330-07-00027-406-004	1530 Progress Dr. Springfield, OH 45505	298,300	166,410	131,890
4 330-07-00027-406-005	Progress Dr. Springfield, OH 45505	166,000	92,510	73,490
TOTALS		2,400,000	1,338,740	1,061,260

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.



Real Property Conveyance Fee Statement of Value and Receipt

DTE 100 Rev. 5/20

If exempt by Ohio Revised Code section 319.54(G)(3), use form DTE 100(EX).
TYPE OR PRINT ALL INFORMATION.

Type Instrument	Tax list year	County number	Tax. dist. number	Date
TD	2021	12	3020	9/20/2022

Property located in Sofia Corp taxing district
 Name on tax duplicate Fisher Robert W Jr Tax duplicate year 2021
 Acct. or permanent parcel no. see attached Map book _____ Page _____
 Description _____ Platted Unplatted

Auditor's comments: Split New plat New improvements Partial value
 C.A.U.V Building removed Other _____

Number	3981
No. of Parcels	4
DTE Code No.	399
Neigh. Code	
No. of Acres	
Land Value	
Bldg. Value	
Total Value	
DTE Use Only	
DTE Use Only	
DTE Use Only	
Consideration	
DTE Use Only Valid sale	
1. Yes 2. No	
Receipt Number	

Grantee or Representative Must Complete All Questions in This Section. See instructions on reverse.

1. Grantor's name Todd W. Fennell and Darrin D. Spitzer, Trustees Phone _____
 2. Grantee's name Lone Dock, LLC Phone _____
 Grantee's address 1 Arena Park Drive, Dayton, OH 45417
 3. Address of property SEE ATTACHED
 4. Tax billing address 1 Arena Park Drive, Dayton, OH 45417
 5. Are there buildings on the land? Yes No If yes, check type:
 1, 2 or 3 family dwelling Condominium Apartment: No. of units _____
 Manufactured (mobile) home Farm buildings Other commercial
 If land is vacant, what is intended use? _____
 6. Conditions of sale (check all that apply) Grantor is relative Part interest transfer Land contract
 Trade Life estate Leased fee Leasehold Mineral rights reserved Gift
 Grantor is mortgagee Other _____
 7. a) New mortgage amount (if any) \$ _____
 b) Balance assumed (if any) \$ _____
 c) Cash (if any) \$ 2,400,000.00
 d) Total consideration (add lines 7a, 7b and 7c) \$ 2,400,000.00
 e) Portion, if any, of total consideration paid for items other than real property \$ _____
 f) Consideration for real property on which fee is to be paid (7d minus 7e) \$ 2,400,000.00
 g) Name of mortgagee _____
 h) Type of mortgage Conv. F.H.A. V.A. Other _____
 i) If gift, in whole or part, estimated market value of real property \$ _____
 8. Has the grantor indicated that this property is entitled to receive the senior citizen, disabled person or surviving spouse homestead exemption for the preceding or current tax year? Yes No If yes, complete form DTE 101.
 9. Has the grantor indicated that this property qualified for current agricultural use valuation for the preceding or current tax year? Yes No If yes, complete form DTE 102.
 10. Application for owner-occupancy (2.5% on qualified levies) reduction. (Notice: Failure to complete this application prohibits the owner from receiving this reduction until another proper and timely application is filed.) Will this property be grantee's principal residence by Jan. 1 of next year? Yes No If yes, is the property a multi-unit dwelling? Yes No
 I declare under penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief it is a true, correct and complete statement.
 Signature of grantee or representative _____ Date 9/13/2022

Receipt for Payment of Conveyance Fee

The conveyance fee required by Ohio Revised Code section (R.C.) 319.54(G)(3) and, if applicable, the fee required by R.C. 322, in the total amount of \$ _____ has been paid by _____ and received by the _____ county auditor.

County auditor: _____

Date _____

Clark County Tax Parcel Nos:

330-07-00027-406-002;

330-07-00027-406-003;

330-07-00027-406-004;

and 330-07-00027-406-005

Commonly known as:

2024 Selma Road, Springfield, OH 45505;

1530 Progress Drive, Springfield, OH 45505



202200014059 09/21/2022 10:14 AM
 Filed for Record in CLARK County, Ohio
 Nancy Pence, Recorder Rec Fees: \$70.00
 FID OR Vol 2215 Pgs 3592 - 3595

APPROVED
 Clark County Tax Map

Transferred
 Sale Price 2,400,000
 3981 JSC
 SEP 20 2022

SEP 20 2022

Legal Description
 Survey Plat / Lotsplit
 Subdivision / Annexation

John S. Federer
 Auditor

(the space above is reserved for recording purposes)

TRUSTEES' DEED

KNOW ALL MEN BY THESE PRESENTS that TODD W. FENNELL AND DARRIN D. SPITZER, TRUSTEES OF THE ROBERT W. FISHER, JR. REVOCABLE TRUST DATED MARCH 22, 1999 ("Grantor"), for valuable consideration paid, grants, with fiduciary covenants, to LONE DOCK, LLC, an Ohio limited liability company ("Grantee"), whose tax mailing address is 1 Arena Park Dr., Dayton, OH 45417, that certain real property located in Clark County, Ohio and being more particularly described on Exhibit A attached hereto and incorporated herein (the "Property"), described as follows:

TAX PARCEL NUMBERS:	Clark County Tax Parcel Nos. 330-07-00027-406-002; 330-07-00027-406-003; 330-07-00027-406-004; and 330-07-00027-406-005
COMMONLY KNOWN AS:	2024 Selma Road, Springfield, OH 45505; 1530 Progress Drive, Springfield, OH 45505
PRIOR INSTRUMENT REFERENCES:	Volume 765, Page 211; Volume 853, Page 323; and <u>OR 2214, Page 5779</u> , Recorder's Office, Clark County, Ohio.

The Property conveyed hereby is made subject to: (1) general real estate taxes and assessments not yet due and payable; (2) all existing zoning laws and ordinances; (3) legal highways; and (4) easements, covenants, conditions and restrictions of record.

[Remainder of the page left intentionally blank; Signature page follows]

PORTER WRIGHT MORRIS & ARTHUR LLP
 41 S HIGH ST
 SUITES 2800-3200
 COLUMBUS, OH 43215-9202

EXHIBIT A
TO TRUSTEES' DEED
PROPERTY

The Land is described as follows:

Situated in the County of Clark, City of Springfield, State of Ohio!
TRACT ONE:

LOT ONE:

Being Lot #1 as the same is numbered and designated on the plat of the Springfield Industrial Park, Section 1, recorded in Volume 13, Page 140, of the Plat Records of Clark County, Ohio.

Said lot contains 1.83 Acres, and is subject to the covenants running with the said plat.

LOT TWO:

Being part of the southeast quarter of Section 27, Township 5, Range 9, M.R.5. and also being lot #2 as the same is numbered and designated on the plat of the Springfield Industrial Park, which plat is recorded in Volume 13, Page 140, of the Plat Records of Clark County, Ohio.

TRACT TWO:

LOTS 3 AND 4:

Situated in the County of Clark, City of Springfield, State of Ohio:

Being Lots numbered THREE (3) and FOUR (4) Springfield Industrial Park, Section One (1) as recorded in Plat Book 13, Page 140 of the Plat Records of Clark County, Ohio.

SUBJECT TO: A building setback line of 60 feet from Industrial Park Drive, reservations of easements for utility installation and maintenance affecting the easterly 10 feet of Lot 3 and the easterly 10 feet of Lot 4 and northerly 98 feet of both Lots 3 and 4, and all other restrictions all appearing of record in Plat Book 13, Page 140 and in Misc. Vol. 17, Page 951 of the Records of Clark County, Ohio; Easement to Ohio Edison Company, as recorded in Deed Book 765, Page 903 of the Records of Clark County, Ohio; Easement to Ohio Edison Company as recorded in Deed Book 802, Page 488 of the Records of Clark County, Ohio.

FURTHER SUBJECT TO: Any and all encroachments, overlaps, gaps, boundary line disputes, unrecorded public utility easements, matters, conditions and claims as shown on the Plat of Survey prepared by Terry A. Hoppes, Reg. Surveyor 6352, on October 13, 1986.