

FILED
CLARK COUNTY AUDITOR

Tax year 2023 BOR no. 2023-040
County Clark Date received 3/20/2024

DTE 1
Rev. 12/22

Complaint Against the Valuation of Real Property

Answer 2024 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

HILLARY HAMILTON
AUDITOR

Original complaint Counter complaint

Notices will be sent only to those named below.

Name		Street address, City, State, Zip Code	
1. Owner of Property	HPIII Dayton LLC, 1400 N. Water St., Ste. 500, Milwaukee, WI 53202		
2. Complainant if not owner	Board of Education of the Springfield City 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		
See-attached	See attached		
7. Principal use of property: 442 Medical clinics and offices			
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	24,900,000	5,867,030	19,032,970
9. The requested change in value is justified for the following reasons: Recent arm's length sale of subject property for \$24,900,000			

10. Was property sold within the last three years? Yes No Unknown If yes, show date of sale 09/29/22 and sale price \$24,900,000 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;
- A substantial improvement was added to the property;
- The property lost value due to a casualty;
- 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 2/24/24 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 26 day of February, 2024

Notary [Signature]



Bobbi Jo Leitz
Notary Public, State of Ohio
My Commission Expires 01-18-2025

(6) and (8) Continuation

(6)

(8) Complainant's Opinion Of:

Parcel Number	Address Of Property	(A) Market Value	(B) Current Value	(C) Change in Value
1 340-07-00035-322-001	40 N. Wittenberg Ave. Springfield, OH 45502	122,700	28,870	93,830
2 340-07-00035-322-002	30-32 N. Wittenberg Ave. Springfield, OH 45502	270,100	63,650	206,450
3 340-07-00035-322-003	N. Wittenberg Ave. Springfield, OH 45502	192,200	45,310	146,890
4 340-07-00035-322-027	N. Wittenberg Ave. Springfield, OH 45502	171,300	40,370	130,930
5 340-07-00035-322-029	100 W. Main St. Springfield, OH 45502	24,143,700	5,688,830	18,454,870
TOTALS		24,900,000	5,867,030	19,032,970

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.

These issues are currently pending before the Franklin County Common Pleas Court in case 23CV-03-001706.



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	LD	Tax list year	2021	County number	12	Tax. dist. number	3020	Date	9/29/2022
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Property located in Springfield Corp taxing district
 Name on tax duplicate Springfield Surgical Properties LLC Tax duplicate year 2021
 Acct. or permanent parcel no. SEE EXHIBIT "A" ATTACHED HERETO. Map book _____ Page _____
 Description SEE EXHIBIT "B" ATTACHED HERETO. Platted Unplatted

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

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

1. Grantor's name SPRINGFIELD SURGICAL PROPERTIES, LLC Phone _____
 2. Grantee's name HPIII DAYTON, LLC Phone _____
 Grantee's address 1400 NORTH WATER STREET, SUITE 500, MIWAUKEE, WI 53202
 3. Address of property 100 WEST MAIN STREET AND N. WITTENBERG AVE., SPRINGFIELD, OHIO
 4. Tax billing address 1400 NORTH WATER STREET, SUITE 500, MIWAUKEE, WI 53202
 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 SURGICAL HOSPITAL
 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) \$ 18,553,800.00
 b) Balance assumed (if any) \$ 0.00
 c) Cash (if any) \$ 6,346,200.00
 d) Total consideration (add lines 7a, 7b and 7c) \$ \$24,900,000.00
 e) Portion, if any, of total consideration paid for items other than real property \$ 0.00
 f) Consideration for real property on which fee is to be paid (7d minus 7e) \$ \$24,900,000.00
 g) Name of mortgagee The Huntington National Bank
 h) Type of mortgage Conv. F.H.A. V.A. Other _____
 i) If gift, in whole or part, estimated market value of real property \$ N/A
 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 [Signature] Date 9/29/2022

Number	4163
No. of Parcels	5
DTE Code No.	442
Neigh. Code	
No. of Acres	
Land Value	
Bldg. Value	
Total Value	
DTE Use Only	
DTE Use Only	
DTE Use Only	
DTE Use Only	
Consideration	
DTE Use Only Valid sale	
1. Yes 2. No	
Receipt Number	

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 _____

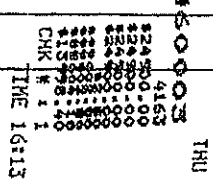


EXHIBIT "A"

3400700035322029

3400700035322027

3400700035322003

3400700035322002

3400700035322001



202200014554 09/29/2022 03:49 PM
 Filed for Record in CLARK County, Ohio
 Nancy Pence, Recorder Rec Fees: \$82.00
 WARR OR Vol 2216 Pgs 287 - 294

APPROVED
 Clark County Tax Map

SEP 16 2022

- TOM*
- Legal Description
 - Survey Plat / Lotsplit
 - Subdivision / Annexation

Transferred
 Sale Price *4103* 24,900,000 *JAL*
 SEP 29 2022

John S. Federer
 Auditor

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that, SPRINGFIELD SURGICAL PROPERTIES, LLC, an Ohio limited liability company ("Grantor"), for valuable consideration paid, grants, with limited warranty covenants, to HPHI DAYTON, LLC, a Delaware limited liability company ("Grantee"), whose tax mailing address is 1400 North Water Street, Suite 500, Milwaukee, WI 53202, the real property located generally at North Wittenberg Ave., Springfield, Ohio and at 100 West Main Street, Springfield, and more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

Parcel Number: 3400700035322029
 3400700035322027
 3400700035322003
 3400700035322002
 3400700035322001

The real property is being conveyed subject to those exceptions to title set forth on Exhibit "B" attached hereto and made a part hereof.

Prior Instrument Reference: Volume 1845, Page 152 of the Clark County, Ohio Official Records and Book 1984, Page 2480 of the Clark County, Ohio Official Records.

This is a Limited Warranty Deed – Ohio Statutory Form. Refer to Section 5302.08 of the Ohio Revised Code as to the covenants made and warranties given by the Statutory Form of Limited Warranty Deed.

[Signature Page immediately follows]

ZAYRA DOMINGUEZ
 833 E MICHIGAN STREET
 SUITE 550
 MILWAUKEE, WI 53202



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Executed this 31st day of Aug, 2022.

SPRINGFIELD SURGICAL PROPERTIES, LLC,
an Ohio limited liability company

By: [Signature]
Printed Name: STEPHEN EISENTRAGER
Title: PRESIDENT

STATE OF OHIO)
COUNTY OF Clark) SS.

This is an acknowledgement clause. No oath or affirmation was administered to the signer.

The foregoing instrument was acknowledged before me this 31 day of August, 2022,
by Stephen Eisentrager, the President of Springfield Surgical Properties, LLC, an Ohio
limited liability company, for and on behalf of said limited liability company.



EMILY R. DYER
Notary Public, State of Ohio
My Commission Expires 08-26-2024

Emily R. Dyer
Notary Public
My commission expires: 8-25-2024

Instrument Prepared By and Return to:

Aryeh Younger, Esq.
Reed Smith LLP
Three Logan Square
Suite 3100
1717 Arch Street
Philadelphia, PA 19103

[Signature Page to Limited Warranty Deed]



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Exhibit "A"

LEGAL DESCRIPTION

100 West Main Street, Springfield, Ohio

Situate in the State of Ohio, Clark County, City of Springfield, lying in Section 35, Township 5, Range 9, Between the Miami's, being all of Lots 102, 104, 147 and 148 of Revised James DeMint's 2nd Plat, as recorded in Volume 4, Page 2, being known as that 2.661 acre tract as conveyed to Springfield Surgical Properties, LLC, by deed of record in Official Record 1838, Page 2439 and all of the vacated East half of the first North-South alley, East of Wittenburg Avenue, from West Main Street to West Columbia Street and all of the vacated First East-West alley, North of West Main Street, from the West line of North Center Street, by Ordinance Number 08-16, as recorded in Official Record 1839, Page 1607 and shown in Plat Volume 18, Page 218 (all records herein are from the Recorder's Office, Clark County, Ohio) and being more particularly described as follows:

Beginning at a 3/4 inch iron pipe set at the intersection of the Northerly right-of-way line of West Main Street (66 feet in width) and the Westerly right-of-way line of North Center Street (66 feet in width);

Thence North 84° 28' 00" West, a distance of 303.96 feet along the Northerly right-of-way line of West Main Street, passing a rail road spike set for reference at 295.71 feet, to the centerline of said vacated North-South alley;

Thence North 05° 21' 21" East, a distance of 395.66 feet along the centerline of said vacated alley, to point on the Southerly right-of-way line of West Columbia Street (66 feet in width);

Thence South 84° 23' 21" East, a distance of 306.67 feet along the Southerly right-of-way line of West Columbia Street, passing a 3/4 inch iron pipe set for reference at 8.25 feet, to a 3/4 inch iron pipe set at the intersection of said Southerly right-of-way line of West Columbia Street and the Westerly right-of-way line of North Center Street;

Thence South 05° 44° 54" West, a distance of 395.25 feet, passing 3/4 inch iron pipes set at 193.19 feet and 209.69 feet along the Westerly right-of-way line of North Center Street, to the Point of Beginning; containing 2.772 acres, more or less.

Parcel No. 340-07-00035-322-029

North Wittenberg Ave., Springfield, Ohio (parking parcels)

Parcel 1:



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Situate in the County of Clark, State of Ohio and City of Springfield:

Being part of Lot Number One Hundred and Eight (108) of the James Demints Second Addition to the City of Springfield, Ohio as recorded in Plat Book 4, Page 2, Plat Records of Clark County, Ohio.

Beginning at a P.K. Nail on the East line of North Wittenberg Avenue, said P.K. Nail bears North 198.00' from the intersection of the East line of North Wittenberg Avenue and the North line of West main Street;

thence North with the East line of North Wittenberg Avenue 49.50' to a P.K. Nail set;

thence parallel to the South line of Lot #108 Demints Addition 99.00' to a P.K. Nail set at the Northeast corner of the herein described tract;

thence South parallel to the East line of North Wittenberg Avenue 49.50' to P.K. Nail set at the Southeast corner of Lot #108 of Demints Addition;

thence with the South line of said Lot #108 Demints Addition 99.00' to the point of beginning containing 0.1125 acre.

The above tract described pursuant to a new survey by George S. Lambert, Jr., Registered Surveyor #4229, dated August 30, 1988

Parcel No. 340-07-00035-322-027

Parcel 2:

Situate in the County of Clark, State of Ohio and City of Springfield:

Being part of Lot Number One Hundred and Eight (108) of the plat of said town (now City) of Springfield, West of Mill Run as recorded in Plat Book 4, Page 3, Plat Records of Clark County, Ohio.

Beginning Ninety-three (93) feet and Six (6) inches from the Northwest corner of said Lot in the Western boundary line thereof;

thence running South Fifty-five (55) feet;

thence East Six (6) rods to the Eastern boundary line of said lot;

thence with the same North fifty-five (55) feet;

thence Six (6) rods to the place of beginning.

Also the following premises, Beginning at Fifty eight (58) feet and Five (5) inches South of the Northwest corner of the aforesaid Lot No. 108 on the West boundary line of said lot:

thence with the West boundary line of said lot, South thirty-five (35) feet and One (1) Inch;

thence East Six (6) poles;



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thence with the boundary line of said lot Thirty-five (35) feet and One (1) inch;

thence West Six (6) poles to the place of beginning.

EXCEPTING Thirty-two (32) feet off the North end or side of said premises conveyed by John Woodrow to Eli Arbogast by deed recorded in Volume 29, Page 76, Deed Records of said County.

Parcel No. 340-07-00035-322-003

Parcel 3:

Situate in the County of Clark, State of Ohio and City of Springfield:

Being part of Lot Number 108 as the same is designated on James Demint's Addition to the Town, now City of Springfield, West of Mill Run, as recorded in Plat Book 4, Page 3, Plat Records of Clark County, Ohio, lying on the East side of Factory Street (now Wittenberg Avenue); beginning at a point in said East line of Factory Street (now Wittenberg Avenue), 28 feet and 5 inches South of the Northwest corner of said Lot No. 108 and at the Southwest corner of the lot of Maria C. Kelly;

thence South with said Factory Street (now Wittenberg Avenue), 62 feet to an Iron bolt and to the Northwest corner of the lot of W.W. Diehl;

thence East parallel with main Street and on the North line of W.W. Diehl's lots 99 feet to an iron bolt or staple;

thence North parallel with Factory Street (now Wittenberg Avenue) 62 feet;

thence West parallel with Columbia Street 99 feet to the place of beginning

Parcel No. 340-07-00035-322-002

Parcel 4:

Situate In the County of Clark, State of Ohio and City of Springfield:

Being the North part of Lot Number One Hundred and Eight (108) as the same is numbered and designated on the plat of an Addition to Springfield, laid out by James Demint, West of Mill Run as recorded in Plat Book 4, Page 3, Plat Records of Clark County, Ohio.

Beginning at the Northwest corner of said lot at the intersection of Columbia and Factory Streets;

thence South with the East line of Factory Street 28 feet and 5 inches to an Iron bolt, to a Northwest corner of a lot conveyed to John D. Smith by Dennis N. Kelley, be deed dated July 23, 1978;

thence East with the North line of said lot so conveyed, six poles to the Eastern boundary of said lot;

thence with the same North 28 feet and 5 inches to the Northeast corner of said Lot One Hundred Eight



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(108) on Columbia Street;

thence with the same West six poles to the place of beginning.

Parcel No. 340-07-00035-322-001



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Exhibit "B"

EXCEPTIONS TO TITLE

With respect to 100 West Main Street, Springfield, Ohio:

1. THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED SEPTEMBER 5, 2007, RECORDED ON SEPTEMBER 9, 2007, IN BOOK 1829, PAGE 1292. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

Land Use Limitation. As a portion of the remedy under the VAP to protect against exposure to hazardous substances and/or petroleum on the property described herein, the Property is hereby restricted to only commercial land use and/or industrial land use as those terms are defined in OAC 3745-300-08(B)(2)(c)(ii) and (B)(2)(c)(iii) (effective October 21, 2002). For informational purposes, the referenced definitions of "commercial land use" and "industrial land use" are set forth below:

OAC 3745-300-08(B)(2)(c)(ii) defines commercial land use as "land use with potential exposure of adult workers during a business day and potential exposure of adults and children who are customers, patrons, or visitors to commercial facilities during the business day. Commercial land use has potential exposure of adults to dermal contact with soil. Inhalation of vapors and particles from soil and ingestion of soil. Examples of commercial land uses include but are not limited to warehouses; building supply facilities; retail gasoline stations; automobile service stations; automobile dealerships; retail warehouses; repair and service establishments for appliances and other goods; professional offices; banks and credit unions; office buildings; retail businesses selling foods or merchandise; golf courses; hospitals and clinics; religious institutions; hotels; motels; and parking facilities."

OAC 3745-300-08(B)(2)(c)(iii) defines industrial land use as "land use with potential exposure of adult workers during a business day and potential exposures of adults and children who are visitors to industrial facilities during the business day. Industrial land use has potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil. Examples of industrial land uses include, but are not limited to: lumberyards; power plants; manufacturing facilities such as metalworking shops, plating shops, blast furnaces, coke plants, oil refineries, brick factories, chemical plants and plastic plants; assembly plants; non-public airport areas; limited access highways; railroad switching yards; and marine port facilities."

Owner shall notify Ohio EPA within thirty (30) days after each conveyance of an interest in any portion of the Property. Owner's notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing



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- the conveyance, and a survey map that shows the boundaries of the property being transferred.
2. Coal, oil, natural gas, or other mineral interests and all rights incident thereto now or previously conveyed, transferred, leased, excepted or reserved.
 3. Taxes or assessments approved, levied or enacted by the State, County, Municipality, Township or similar taxing authority, but not yet certified to the tax duplicate of the County in which the Land is situated, including but not limited to any retroactive increases in taxes or assessments resulting from any retroactive increase in the valuation of the Land by the State, County, Municipality, Township, or other taxing authority.
 4. Taxes and Assessments for the year 2022 and subsequent years are a lien, not yet due or payable.
 5. Grant of Right of Way recorded July 24, 1931 in/as Vol 275, Page 42.
 6. Environmental Covenant for Former Greenawalt/Trenor Complex Property 100 to 120 West Main Street, Springfield, Ohio 45502 recorded September 21, 2007 in/as OR Volume 1829, Page 1292.
 7. Declaration of Covenants and Restrictions for the Southwest Downtown Urban Renewal Area recorded December 29, 2008 in/as OR Volume 1864, Page 1360.
 8. Building lines, easements and restrictions, according to the plat and instrument recorded in Plat Survey 4 Page 896.

With respect to the parking parcels at North Wittenberg Ave., Springfield, Ohio (parking parcels):

1. Taxes and Assessments for the year 2022 and subsequent years are a lien, not yet due or payable.
2. Coal, oil, natural gas, or other mineral interests and all rights incident thereto now or previously conveyed, transferred, leased, excepted or reserved.
3. Taxes or assessments approved, levied or enacted by the State, County, Municipality, Township or similar taxing authority, but not yet certified to the tax duplicate of the County in which the Land is situated, including but not limited to any retroactive increases in taxes or assessments resulting from any retroactive increase in the valuation of the Land by the State, County, Municipality, Township, or other taxing authority.
4. Any Building Setback lines, Restrictions and Easements as shown or referenced on the recorded plat in Plat Book 4, Page 2 and Plat Book 4, Page 3 of the Clark County Records.
5. Terms and provisions of an unrecorded lease dated January 31, 2013, by and between Springfield Surgical Properties, LLC, an Ohio limited liability company as lessor and St. John's Evangelical Lutheran Church of Springfield, Clark County, Ohio. as lessee, as disclosed by a Memorandum of Lease recorded February 01, 2013 as OR Volume 1984, Page 2484 of Official Records.
6. Building lines, easements and restrictions, according to the plat of said Subdivision and instrument recorded in Book 4, Page 3.