

Tax year 2023 BOR no. 2023-043
County Clark Date received 3/20/2024

FILED
CLARK COUNTY AUDITOR

MAR 20 2024

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	HPIII Dayton, LLC, 1400 N. Water St., Ste. 500, Milwaukee, WI 53212		
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		
340-07-00035-322-032	140 W. Main St.		
7. Principal use of property: 450 Condominium office units			
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
340-07-00035-322-032	11,000,000	3,428,890	7,571,110
9. The requested change in value is justified for the following reasons: Recent arm's length sale of subject property for \$11,000,000			

10. Was property sold within the last three years? Yes No Unknown If yes, show date of sale 09/29/22 and sale price \$11,000,000 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 2/26/24 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

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.

EXHIBIT "A"

340-07-00035-800-012

340-07-00035-800-013

340-07-00035-800-014

340-07-00035-800-015



202200014555 09/29/2022 03:49 PM
 Filed for Record in CLARK County, Ohio
 Nancy Pence, Recorder Rec Fees: \$66.00
 WARR OR Vol 2216 Pgs 295 - 300

APPROVED

Clark County Tax Map

SEP 16 2022

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

Transferred
 Sale Price 11,000,000
4165 JSL
 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 HPIII 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 at 140 West Main Street, Springfield, and more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

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: Book 1950, Page 2131; Book 1950, Page 1577; Book 2007, Page 2505; Volume 2198, Page 4409, each of Clark County Records;
 Termination of Condominium Volume OR 2215, Page 471A;
 Termination of Ground Lease Volume OR 2215, Page 4722; each of the Clark County 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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Exhibit "A"

LEGAL DESCRIPTION

Situated in the City of Springfield, County of Clark, State of Ohio, and is described as follows:

PARCEL 1:

SITUATED IN THE CITY OF SPRINGFIELD, COUNTY OF CLARK, STATE OF OHIO AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEING PART OF LOTS NUMBER 151 AND 152 AS NUMBERED AND DESIGNATED ON THE PLAT OF THE TOWN OF SPRINGFIELD, WEST OF MILL RUN, AS RECORDED IN VOLUME 4, PAGE 3, PLAT RECORDS OF CLARK COUNTY, OHIO.

BEGINNING AT A PK SPIKE ON THE NORTH LINE OF MAIN STREET 58.00 FEET EAST OF THE SOUTHWEST CORNER OF LOT NUMBER 151; THENCE NORTH, PARALLEL TO WITTENBERG AVENUE, 99.00 FEET TO A PK SPIKE; THENCE WEST, WITH THE NORTH LINE OF SAID LOT NUMBER 151 AND PARALLEL TO MAIN STREET, 58.00 FEET TO A PK SPIKE; THENCE NORTH, WITH THE EAST LINE OF WITTENBERG AVENUE, 99.00 FEET TO A PK SPIKE; THENCE EAST, WITH THE NORTH LINE OF LOT NUMBER 152 AND PARALLEL TO MAIN STREET, 99.00 FEET TO A PK SPIKE; THENCE SOUTH, PARALLEL TO WITTENBERG AVENUE, 198.00 FEET TO A CHISEL MARK; THENCE WEST, ALONG THE NORTH LINE OF MAIN STREET, 41.00 FEET TO THE PLACE OF BEGINNING.

NEW SURVEY BY HUGHES AND ANTHES, REGISTERED SURVEYORS.

PRIOR INSTRUMENT REFERENCE: OFFICIAL RECORD BOOK 1908, PAGE 821

PARCEL 2:

SITUATED IN THE CITY OF SPRINGFIELD, COUNTY OF CLARK, STATE OF OHIO AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEING 58.00 FEET OFF THE WEST END OF LOT NUMBER 151 AS NUMBERED AND DESIGNATED ON THE PLAT OF THE TOWN OF SPRINGFIELD, WEST OF MILL RUN AS RECORDED IN VOLUME 4, PAGE 3, PLAT RECORDS OF CLARK COUNTY, OHIO.

BEGINNING AT A PK SPIKE AT THE SOUTHWEST CORNER OF SAID LOT NUMBER 151 AND AT THE INTERSECTION OF THE NORTH LINE OF MAIN



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STREET WITH THE EAST LINE OF WITTENBERG AVENUE; THENCE NORTH, WITH THE EAST LINE OF WITTENBERG AVENUE, 99.00 FEET TO A PK SPIKE; THENCE EAST, WITH THE NORTH LINE OF SAID LOT AND PARALLEL TO MAIN STREET, 58.00 FEET TO A PK SPIKE; THENCE SOUTH, PARALLEL TO WITTENBERG AVENUE, 99.00 FEET TO A PK SPIKE; THENCE WEST, WITH THE NORTH LINE OF MAIN STREET, 58.00 FEET TO THE PLACE OF BEGINNING.

PRIOR INSTRUMENT REFERENCE: OFFICIAL RECORD BOOK 1849, PAGE 1839.

PARCEL 3:

SITUATE IN THE STATE OF OHIO, COUNTY OF CLARK, CITY OF SPRINGFIELD, LYING IN SECTION 35, TOWNSHIP 5, RANGE 9, BETWEEN THE MIAMI'S, BEING ALL OF LOT 106, PART OF LOTS 151 AND 152 OF REVISED JAMES DEMINT'S 2ND PLAT AS RECORDED IN VOLUME 4, PAGE 2, AND BEING ALL OF TRACT I AND TRACT II AS CONVEYED TO THE FRATERNAL ORDER OF THE EAGLES CHAMPION AERIE 397, INC. BY DEED OF RECORD IN DEED VOLUME 860, PAGE 430 AND ALL OF TRACT I, TRACT II AND TRACT III AS CONVEYED TO THE FRATERNAL ORDER OF THE EAGLES #397 BY DEED OF RECORD IN DEED VOLUME 841, PAGE 886 AND ALL OF THE VACATED WEST HALF OF THE FIRST NORTH-SOUTH ALLEY EAST OF WITTENBERG AVENUE FROM WEST MAIN STREET TO WEST COLUMBIA 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:

BEGIN, FOR REFERENCE AT A PK NAIL FOUND AT THE SOUTHWESTERLY CORNER OF SAID LOT 151 AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WITTENBERG AVENUE (66 FEET IN WIDTH) AND THE NORTHERLY RIGHT OF WAY LINE OF WEST MAIN STREET (66 FEET IN WIDTH) AND BEING THE SOUTHWESTERLY CORNER OF THAT TRACT AS CONVEYED TO ALBERT E. ASEBROOK, JR. BY DEED OF RECORD IN OFFICIAL RECORD 1039, PAGE 304;

THENCE SOUTH 84° 28' 00" EAST, A DISTANCE OF 99.55 FEET, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID WEST MAIN STREET, TO A COTTON GIN SPINDLE SET AT THE SOUTHEASTERLY CORNER OF THAT TRACT AS CONVEYED TO JAMES R. LINKHART BY DEED OF RECORD IN OFFICIAL RECORD 1568, PAGE 435 AND BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 05° 21' 21" EAST, A DISTANCE OF 395.81 FEET, CROSSING SAID LOTS 151 AND 152, ALONG THE LINE COMMON TO LOTS 106 AND 108,



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THE EASTERLY LINE OF SAID LINKHART TRACT, THE EASTERLY LINE OF TRACT I, TRACT III, TRACT VI AND VIII AS CONVEYED TO ST. JOHNS EVANGELICAL LUTHERAN CHURCH BY DEED OF RECORD IN OFFICIAL RECORD 1435 PAGE 777, TO AN IRON PIPE SET ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST COLUMBIA STREET (66 FEET IN WIDTH)

THENCE SOUTH 84° 23' 21" EAST A DISTANCE OF 104.18 FEET, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST COLUMBIA STREET TO A PK NAIL SET IN THE CENTERLINE OF SAID VACATED NORTH/ SOUTH ALLEY, BEING THE NORTHWESTERLY CORNER OF THAT 2.772 ACRE TRACT AS CONVEYED TO SPRINGFIELD SURGICAL PROPERTIES, LLC BY DEED OF RECORD IN OFFICIAL RECORD 1845, PAGE 152;

THENCE SOUTH 05° 21' 21" WEST, A DISTANCE OF 395.66 FEET, ALONG THE WESTERLY LINE OF SAID 2.772 ACRE TRACT, THE CENTERLINE OF SAID VACATED NORTH/SOUTH ALLEY, TO A PK NAIL SET ON THE NORTHERLY RIGHT OF WAY LINE OF SAID WEST MAIN STREET;

THENCE NORTH 84° 28' 00" WEST, A DISTANCE OF 104.18 FEET, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SAID WEST MAIN STREET, TO THE POINT OF BEGINNING, CONTAINING 0.946 ACRE, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF NORTH 59° 12' 31" EAST AND A DISTANCE OF 5281.65 FEET BETWEEN CLARK 87 AZIMUTH AND THE RAILROAD SPIKE SET AT THE SOUTHWESTERLY CORNER OF THE TRACT DESCRIBED ABOVE AND ARE FROM A SERIES OF GPS OBSERVATIONS MADE ON SEPTEMBER 26, 2006, OHIO STATE PLANE, NAD 83, SOUTH ZONE.

ALL IRON PINS SET ARE 3/4 INCH IRON PIPES, 30 INCHES LONG, WITH A YELLOW CAP BEARING THE NAME "STANTEC".

THE ABOVE IS A NEW DESCRIPTION PREPARED BY STANTEC CONSULTING SERVICES, INC. (ROBERT J. SANDS, SURVEYOR NO. S-8053) ON APRIL 2, 2008.

PRIOR INSTRUMENT REFERENCE: OFFICIAL RECORD NUMBER 1851, PAGE 598.

Street Address: 140 West Main Street, Springfield, Ohio



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Exhibit "B"

EXCEPTIONS TO TITLE

1. Coal, oil, natural gas, or other mineral interests and all rights incident thereto now or previously conveyed, transferred, leased, excepted or reserved.
2. 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.
3. Taxes and Assessments for the year 2022 and subsequent years are a lien, not yet due or payable.
4. Any Building Setback lines, Restrictions and Easements as shown or referenced on the recorded plat in Plat 18, Page 300 (Prior 4, Page 2, Survey 4, Page 896 and Survey 5, Page 1187) also Plat 18, Page 218 and Plat 18, Page 219 of the Clark County Records.
5. An Ordinance No. 08.16 recorded January 18, 2008 in OR Book 1839, Page 1607 of Clark County Records.