### MINUTES OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

REGULAR MEETING OF MAY 7, 2007 Being the first day of the May Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on May 7, 2007, in the County Law Library located on the second floor of the Madison County Circuit Courthouse in Canton, Mississippi, as follows, to-wit:

The President of the Board, Andy Taggart, presided and called the meeting to order. The following members were present that day:

### Present:

Absent:

Supervisor Douglas L. Jones Supervisor Tim Johnson Supervisor Andy Taggart Supervisor Karl M. Banks Supervisor Paul Griffin Sheriff Toby Trowbridge Chancery Clerk Arthur Johnston None

Also in attendance:

County Administrator Donnie Caughman County Comptroller and Deputy Chancery Clerk Mark Houston Assistant Comptroller and Deputy Chancery Clerk Quandice Green County Purchase Clerk Hardy Crunk Board Secretary and Deputy Chancery Clerk Cynthia Parker Board Attorney Edmund L. Brunini, Jr. County Zoning Administrator Brad Sellers Deputy Chief Tax Assessor Kent Hawkins County Road Manager Lawrence Morris County Engineer Rudy Warnock E911 and Emergency Management Director Butch Hammack County Fire Coordinator Mack Pigg County Personnel Director Lisa Mayo Buildings and Grounds Superintendent Barry Parker

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Emergency Management Director Butch Hammack opened the meeting with a prayer and County Personnel Director Lisa Mayo led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

### In re: Approval of Minutes From April 2007 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the April 2007 term, said meetings having been conducted on April 2, 16 and 23, 2007.

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to approve the minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said minutes after said corrections have been made. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the minutes for the April 2007 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

Prior to the consideration of the following matter, Supervisor Karl M. Banks announced he had a conflict with respect thereto and recused himself from all discussions and deliberations of this matter and departed the meeting room, and

### *In re:* Petition of Orco Investments, Inc./Twisted Oak, LLC Petition to Rezone R-1 Residential District to R-2 Residential District with Planned Unit Development District Overlay and Amend Land Use Plan

### ORDINANCE BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, <u>AMENDING THE MADISON COUNTY ZONING ORDINANCE</u>

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Orco Investments, Inc./Twisted Oak, LLC to re-zone certain R-1 residential use property to a R-2 residential use district with a Planned Unit Development district overlay (PUD) in Section 26, Township 8 North, Range 2 East, Madison County, and to amend the Zoning Maps adopted pursuant thereto, and the county's Land Use Plan, and

WHEREAS, on March 19, 2007, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, and directed that the Zoning Administrator publish notice in said paper, the same having been accomplished on March 29, 2007, and

WHEREAS, a true and correct copy of said Notice is attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, the Board President declared said public hearing to be open as noticed, and

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented said Petition, together with (1) a certain letter dated March 21, 2007 from Orco Investments, Inc. reflecting certain changes to the original development plan and original covenants as proposed, and (2) a proposed preliminary subdivision plat prepared by Mendrop Wages engineers, true and correct copies of both of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Sellers announced that although the Planning and Zoning Commission did, on March 1, 2007, recommend denial of the request, many of the concerns of the Commission and those of the objecting landowners and neighboring homeowners' associations were addressed and ameliorated in the concession set forth in aforesaid letter, and

WHEREAS, Mr. Sellers further announced that there was no longer any opposition to the proposed re-zoning, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Andy Taggart did second a motion to close the public hearing, grant the request and adopt the following Ordinance, to-wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That appropriate public need and change in character of the neighborhood having been demonstrated, the following described tract of real property be, and the same is hereby, rezoned from its present R-1 Residential Use District classification to an R-2 Residential use District with a Planned Unit Development overlay:

A parcel of land located on Yandell Road, containing 80.00 acres (3,484,800.00 square feet), more or less, being situated in Section 26, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

*Commence at a found iron pin marking the Northwest corner of Section 23, Township 8 North,* Range 2 East, said pin being 10665.84 feet North and 10466.00 feet West of a found box blade at the Southeast corner of Section 25, Township 8 North, Range 2 East; run thence South 00 degrees 29 minutes 36 seconds East for a distance of 2634.05 feet to a concrete monument; run thence South 00 degrees 29 minutes 01 second East for a distance of 2668.38 feet to the Southwest corner of said Section 23; thence along the West line of Section 26 South 00 degrees 25 minutes 57 seconds East for a distance of 17.69 feet; thence South 89 degrees 34 minutes 03 seconds East for a distance of 32.60 feet to a point on the South right of way line of Yandell Road (a 70 foot right of way per Book 276 at Page 269) and the POINT OF BEGINNING for the parcel herein described; thence run along said right of way South 89 degrees 36 minutes 51 seconds East for a distance of 107.83 feet (deed South 88 degrees 45 minutes 30 seconds East); thence run 300.90 feet along the arc of a 11493.50 foot radius curve to the left, said arc having a 300.89 foot chord bearing South 89 degrees 21 minutes 51 seconds East (deed South 89 degrees 30 minutes 30 seconds East); thence North 89 degrees 53 minutes 09 seconds East for a distance of 907.63 feet (deed South 89 degrees 44 minutes 30 seconds East); thence leave said right of way and run South 00 degrees 19 minutes 38 seconds West for a distance of 2665.58 feet; thence North 89 degrees 46 minutes 09 seconds West for a distance of 1293.99 feet to the East line of Clarkdell Road (a 50 foot right of way); thence run along said right of way North 00 degrees 18 minutes 46 seconds East for a distance of 200.65 feet; thence South 89 degrees 37 minutes 47 seconds West for a distance of 10.00 feet; thence North 00 degrees 02 minutes 29 seconds East for a distance of 2461.99 feet to the POINT OF BEGINNING.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the Madison County Land Use Plan be, and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 7<sup>th</sup> day of May, 2007.

The foregoing the question having been called on the foregoing motion, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

Supervisor Douglas L. Jones Supervisor Tim Johnson Supervisor Andy Taggart Supervisor Karl M. Banks Supervisor Paul Griffin

Aye Aye Not Present and Not Voting Aye

President's Initials:\_\_\_\_\_ Date Signed:\_\_\_\_\_ For Searching Reference Only: Page 3 of 16 (05/07/07) the matter carried by the unanimous vote of those present and the Petition of Orco Investments, Inc./Twisted Oak, LLC to rezone from R-1 Residential District to R-2 Residential District with a Planned Unit Development overlay (PUD) in Section 26, Township 8 North, Range 2 East, Madison County was and is hereby approved, the subject property was and is hereby re-zoned, and the County zoning ordinance and map and the County's Land Use Plan were and are amended accordingly.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

### In re: Approval of Consent Agenda Items

WHEREAS, President Taggart did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (3) through (22) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any of the aforesaid Items be removed from the Consent Agenda, and

WHEREAS, the Supervisor Tim Johnson requested that item 22 be removed from the Consent Agenda and addressed separately, and

WHEREAS, the following items were taken up as "Consent Items," to-wit:

### 3. Acceptance of Lease Agreement - West Madison Utility Company

That certain Lease Agreement between West Madison Utility Company and Madison County, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes was and is hereby approved and the Board President was and is hereby authorized and directed to execute the same.

### 4. Approve Renewing Polling Lease Agreements

Those certain Polling Lease Agreements, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes were and are hereby approved for renewal and the Board President was and is hereby authorized and directed to execute the same.

### 5. Authorization for Temporary Employment - Road Department

The appointment of C. L. Ball for temporary employment as a light equipment operator at the Road Department at an hourly salary of \$9.50 was and is hereby acknowledged and approved.

### 6. Approval of Lease-Purchase Resolution and Related Documents Purchase of Vehicles/Sheriff's Department

As requested in that certain memorandum dated April 26, 2007 from Purchase Clerk Hardy Crunk, the Board hereby approves and adopts that certain lease-purchase Resolution from Hancock Bank for the lease-purchase financing of 21 new vehicles for the Sheriff's Department. A true and correct copy of said Resolution is attached hereto as Exhibit B, spread hereupon, and incorporated herein by reference. The Board also hereby authorizes the Board President to execute said Resolution and authorizes and directs Board Attorney Edmund L. Brunini, Jr. to prepare the necessary legal opinion to effectuate the same.

### 7. Approval of Maintenance Agreement and Related Documents - Burster

As set forth in that certain memorandum dated April 26, 2007 from Purchase Clerk Hardy Crunk, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, that certain maintenance agreement with Pitney-Bowes pertaining to the County's 2530 burster was and is hereby approved and the Board President was and is hereby authorized to execute the same.

### 8. Approval to Take Uninterruptible Power Supply (UPS) Bids Under Advisement

As requested in that certain memorandum dated May 1, 2007 from Purchase Clerk Hardy Crunk, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, all bids for Uninterruptible Power Supply (UPS) were and are hereby taken under advisement.

### 9. Acceptance of Lowest and Best Bid for New Telephone System - Chancery Court/Office Complex

As requested in that certain memorandum dated May 1, 2007 from Purchase Clerk Hardy Crunk, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, the low bid of Cross of Bloomington, Minnesota for the Avaya IP telephone system for the Chancery Courthouse addition in the amount of \$22,152.97 was and is hereby accepted and awarded to said firm.

### **10.** Approve Sole Source Declaration for Diebold Voting Machines with Printers

Diebold Election Systems was and is hereby declared a sole source provider for voting machines with printers as recommended by Purchase Clerk Hardy Crunk in that certain memorandum dated April 24, 2007, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and the purchase of thirty (30) new voting machines for use by the Election Commission was and is hereby approved.

### 11. Approval to Take all Term Bids Under Advisement

As set forth and requested in that certain memorandum dated April 24, 2007 from Purchase Clerk Hardy Crunk, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, all term bids for the period 1 July 2007 to 31 December 2007 were and are hereby taken under advisement.

### 12. Approval of Zoning Matter - Yerger Family LP Petition to Rezone R-1 Residential District to C-1A Highway Commercial District

The action of the Madison County Planning and Zoning Commission of April 12, 2007, granting the petition of Yerger Family, LP to rezone from R-1 Residential District to C-1A Highway Commercial District, consisting of 30.02 acres and being situated in Section 33, Township 8 North, Range 2 East was and is hereby acknowledged and approved and in the event there is a change in site plan, it is to be brought back to the Board of Supervisors.

### 13. Approval of Adolescent Offender Program Grant

The request of Adolescent Offender Director Chris Wimberley to apply for Adolescent Offender Program Grant monies as presented in that certain "AOP Budget Narrative" was and is hereby approved.

### 14. Acknowledgment of Chancery Court Order Appointing & Setting Salary for Staff

That certain Chancery Court Order appointing and setting the salary of Staff Attorney, Patricia Brown-Chatelain for Judge Janace Harvey-Goree was and is hereby acknowledged.

### 15. Approval of Utility Permit

The following permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, and a copy thereof may be found in the Miscellaneous Appendix to these Minutes: (1) West Madison Sewer Collection - seeking to perform utility work on Harris Road

### 16. Approval of Petition for Reduction of Assessments - Real Property 2006 Tax Year

The *en masse* petition for the reduction of assessment of <u>real</u> property taxes in the amount of \$362,980.00, which petition, together with its spreadsheet attachment is attached hereto as Exhibit C, spread hereupon, and incorporated herein by reference, was and is hereby approved.

### 17. Approval of Petition for Increase of Assessments - Real Property 2006 Tax Year

As requested by Tax Assessor Gerald Barber, a public hearing was and is hereby set for May 23, 2007 on the matter of increasing real property assessments on certain individuals and businesses in the county as set forth in those certain Notices to Increase Assessment, true and correct copies of which are attached hereto as Collective Exhibit D, spread hereupon, and incorporated herein by reference.

### 18. Approval of Amended Homestead Exemption Applications - 2006 Tax Year

The corrections and/or amendments of homestead exemptions on property in Madison County, Mississippi listed on those certain materials submitted by Homestead Director Emily Anderson dated May 2, 2007 which may be found in the Miscellaneous Appendix to these minutes were and are hereby approved and the Chancery Clerk was and is directed to forward the same to the State Tax Commission in accordance with law.

### 19. Acknowledgment of April Monthly Report - Road Department

The April 2007 Monthly Road and Bridge Report submitted by the Madison County Road Department was and is hereby acknowledged received.

### 20. Acknowledgment of May Service Call Schedule Report - Road Department

The May 2007 Service Call Schedule submitted by the Madison County Road Department was and is hereby acknowledged received.

### 21. Acknowledgment of April Closed Call Analysis - Road Department

The April 2007 Closed Call Analysis submitted by the Madison County Road Department was and is hereby acknowledged received.

Thereafter, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve, adopt, and authorize each of the above and foregoing matters, the same being numbered Items (3) through (21) herein above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and each item was and is approved, adopted and authorized.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

### In re: Approval of Amended Contract with Red-Cycling, Inc.

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and requested the approval of the amended contract with Red-Cycling, Inc., and

WHEREAS, a true and correct copy of said contract may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve said amended contract provided the end dates thereof conform to those set forth in the county's contract with Red River Service Corporation recycling contract previously adopted by the Board. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby approved and the Board President authorized to execute the same.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

# *In re:* Request to Approve Clubhouses at Bridgewater and Fontanelle Subdivisions

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented a request to approve the construction of clubhouses at Bridgewater and Fontanelle Subdivisions, and

WHEREAS, Mr. Sellers did explain that the clubhouses were already shown on the subdivision plats when presented for approval and the development plans are on file in the Planning and Zoning Department,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to approve the issuance of a building permits for the clubhouses in Bridgewater and Fontanelle Subdivisions without site plan review. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said request was and is hereby approved.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

# *In re:* Request of Val Moore & Company to Continue with Construction of Home at Lot 46, Reunion

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. Jerry Kontouris of Val Moore & Company requesting permission to continue construction on Lot 46 at Reunion,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the request to continue construction on Lot 46 at Reunion subject to subsequent review of a request for variance, and acknowledge that the owner and builder are continuing at their own risk and not at the risk of the county. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said request was and is hereby approved.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

# *In re:* Consideration of Engineering Contracts SAFE-T-LU Project/City of Canton

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a fee contract for SAFE-T-LU Project/City of Canton with Madison County, and

WHEREAS, a true and correct copy of said contract may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said contract contingent upon the Board Attorney's review of said contract, and authorize and direct the Board President to execute the same. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby approved and the Board President so authorized.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

### *In re:* Approval of Certain Budget Amendment Multipurpose Equine Center

WHEREAS, County Comptroller Mark Houston appeared before the Board and requested approval of a budget amendment for construction of wall at the Multipurpose Equine Center in the amount of \$10,000.00,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve said budget amendment for in the amount of \$10,000.00 being line item no. 001-707-701. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye

President's Initials: Date Signed: For Searching Reference Only: Page 8 of 16 (05/07/07) Supervisor Paul Griffin

Aye

the matter carried unanimously and said budget amendment was and is hereby approved.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

### In re: Request to Lower Speed Limit - Bozeman Road

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to take the request to lower the speed limit on Bozeman Road under advisement. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting <sup>1</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said request was and is hereby taken under advisement.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

### In re: Request for Speed Bumps - West Deerfield Drive

WHEREAS, County Road Manager Lawrence Morris appeared before the Board and presented a petition from the residents of West Deerfield Drive requesting the installation of speed bumps,

Following discussion, Mr. Douglas L. Jones did offer and Karl M. Banks did second a motion to approve said request and direct the Road Department to install speed bumps on West Deerfield Drive. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said request was and is approved and the Road Department was and is hereby so directed.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

# *In re:* Appointment to the Mississippi Regional Housing Authority No. VI Board of Commissioners

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to appoint Mr. Bill Washington to a new full five (5) year term on the Mississippi Regional Housing Authority No. VI Board of Commissioners in place of Mr. Frank Carter. The vote on the matter being as follows:

<sup>1</sup>Mr. Johnson excused himself from the meeting prior to the call of the question.

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Bill Washington was and is hereby so appointed.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

# *In re:* Authorization of Board Members and Other Officials to Travel to and Attend NACo Annual Conference

WHEREAS, County Administrator Donnie Caughman informed the Board that the NACo Annual Conference is scheduled for July 13-17, 2007, in Richmond, VA, and

WHEREAS, the Board does desire to approve the payment of travel and related expenses for any Board member and other officials to attend said conference, the Board finding that such expenses are in the best interest of the county,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the payment of travel, lodging and food expenses of any Board member, the County Administrator, the County Comptroller, the Chancery Clerk, and the Board Attorney to attend said conference, and authorize the payment of the same expenses incurred by the Chancery Clerk and the Comptroller to attend the NACRC Annual Conference held simultaneously therewith. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and such approval was and is hereby granted.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

# *In re:* Consideration of Re-write of Solid Waste Management Plan 2007

### RESOLUTION OF THE MADISON COUNTY BOARD OF SUPERVISORS

**WHEREAS**, pursuant to Mississippi Code Annotated, Section 17-17-227, the Madison County Board of Supervisors has determined it necessary to develop a comprehensive up-to-date Solid Waste Management Plan Rewrite to address current and future solid waste management issues due to the need for area specific and current solid waste planning information, and;

**WHEREAS,** the Madison County Board of Supervisors has prepared a revised Solid Waste Management Plan in accordance with M.C.A. 17-17-227 to determine changes necessary to provide the County with effective, safe and practical solid waste management, and;

**WHEREAS**, the Madison County Board of Supervisors has followed the appropriate legal and technical procedures in preparing the Solid Waste Management Plan Rewrite, and;

**WHEREAS**, the Madison County Board of Supervisors established a thirty (30) day comment period from March 27, 2007, through April 27, 2007, for written comments from the general public, and;

**WHEREAS**, the Madison County Board of Supervisors conducted a public hearing on April 23, 2007, on the proposed Solid Waste Management Plan Rewrite, and;

WHEREAS, the Madison County Board of Supervisors has determined the need of systematically providing for the proper management of solid wastes generated in Madison County for the next twenty (20) years and to develop and implement a long-term solid waste management and waste minimization strategy that protects the environment and at the same time is cost-effective for Madison County, and:

**THEREFORE, BE IT RESOLVED** that the Madison County Board of Supervisors hereby adopts the Solid Waste Management Plan Rewrite replacing the Madison County Solid Waste Management Plan approved in February 1994.

Following the reading of the foregoing resolution, Supervisor Karl M. Banks made the motion for adoption and for acknowledgment of the receipt of those comments presented by Mr. Rory Reardon and Mr. Jim McNaughton and Supervisor Douglas L. Jones seconded the motion and the following vote was recorded:

Supervisor Douglas Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl Banks	Aye
Supervisor Paul Griffin	Aye

The motion having received the majority vote (4-0) of the those present, the President declared the motion carried and the resolution adopted.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

### In re: Approval of Claims Docket for May 7, 2007

WHEREAS, the Board reviewed the claims docket for May 7, 2007, and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	2307 to 2477	171	863,917.42
002	2 to 2	1	42,170.00
012	154 to 172	19	31,599.99
014	8 to 8	1	2,464.57
051	17 to 18	2	55,432.89
095	13 to 14	2	34,694.08
096	8 to 9	2	1,342.67
097	185 to 211	27	40,647.44
105	33 to 35	3	131,115.06

President's Initials:\_\_\_\_\_ Date Signed:\_\_\_\_\_ For Searching Reference Only: Page 11 of 16 (05/07/07)

114	12 to 12	1	998.51
116	26 to 26	1	90.89
119	4 to 4	1	150.00
120	48 to 52	5	219.23
121	35 to 37	3	390.67
137	9 to 9	1	76.68
150	494 to 543	50	144,013.39
160	209 to 228	20	71,315.54
170	2 to 2	1	500.00
190	128 to 137	10	5,341.87
226	6 to 8	3	1,679,838.37
240	1 to 1	1	4,061.15
291	5 to 6	2	1,448,710.53
302	44 to 49	6	535,508.23
303	7 to 7	1	392,095.40
401	27 to 30	4	18,895.28
690	13 to 14	2	21,490.72
691	13 to 14	2	10,476.95
	TOTAL ALL FUNDS	342	5,537,557.53

Following discussion, Mr. Paul Griffin did offer and Mr. Douglas L. Jones did second a motion to approve the claims docket as presented. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit E, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

# *In re:* Request to Add Madison Avenue to the Four-Year County Road Plan

WHEREAS, Supervisor Tim Johnson presented a letter from the City of Madison requesting Madison Avenue be added to the county road plan, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to add Madison Avenue to the Four-Year County Road Plan. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Madison Avenue was and is hereby added to the Four-Year

President's Initials:\_\_\_\_\_ Date Signed:\_\_\_\_\_ For Searching Reference Only: Page 12 of 16 (05/07/07) County Road Plan.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

# *In re:* Acknowledge Receipt of Funds for Feeding and Housing Prisoners Madison County Sheriff's Office

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks for feeding and housing of prisoners as follows:

Entity	Amount
U.S. Marshall	\$ 135,920.00
City of Ridgeland	\$ 4,019.13
City of Ridgeland	\$ 6,336.00
City of Canton	\$ 3,594.49
Evercom (Jail Phone)	\$ 24,280.70

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said checks were and are hereby acknowledged received.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

### *In re*: Entering into "Closed Session" to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to certain litigation matters and acquisition of certain property, and

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin did offer and Mr. Douglas L. Jones did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing certain litigation matters and personnel matters , with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Edmund L. Brunini, Jr., County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, Mr. Woody Sample, Mr. Johnny Brunini and Sheriff Toby Trowbridge. The vote on the matter being as follows:

Supervisor Douglas L. Jones Supervisor Tim Johnson Supervisor Andy Taggart Aye Not Present and Not Voting<sup>2</sup> Aye

<sup>2</sup>Mr. Johnson excused himself from the meeting prior to the call of the question.

President's Initials:\_\_\_\_\_ Date Signed:\_\_\_\_\_ For Searching Reference Only: Page 13 of 16 (05/07/07) Supervisor Karl M. Banks Supervisor Paul Griffin Not Present and Not Voting<sup>3</sup> Aye

the matter carried by the unanimous vote of those present, and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

### In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and Board Attorney Edmund L. Brunini, Jr. informed the Board that Mr. Johnny Brunini had information on certain litigation matters, and

WHEREAS, Mr. Woody Sample presented the Board with information on acquisition of certain property in Madison County,

Following discussion, Mr. Paul Griffin did offer and Mr. Douglas L. Jones did second a motion to enter into Executive Session to discuss certain litigation matters and personnel matters. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried unanimously and President Taggart declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

During Executive Session Mr. Woody Sample appeared before the Board and discussed the acquisition of certain real property pertaining to the Yandell Road improvements project. Mr. Sample advised the Board that the Madison County School District had determined to donate its right of way described as Tracts 1 and 2, with the same being valued at \$26,700 by the District's appraiser. The District had requested, however, that the county pay the cost of the appraisal. Mr. Sample also presented three separate memoranda pertaining to the acquisition of tracts 4, 5 and 6 within said project and recommended the board establish just compensation for the same in the amounts set forth thereon.

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to (1) establish just compensation for Tracts 1 and 2, owned by the Madison County School District in the amount of \$26,700.00 for said tracts, (2) authorize the payment of the appraisal cost in the amount of \$600.00 to the Madison County School District, (3) set and establish just compensation (a) for Tract 4, owned by Ms. Irene Boyles in the amount of \$9,800.00 as set forth in that certain memorandum dated May 2, 2007 from Mr. Sample, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, (b) for Tract 5, owned by Doraleen M. Morrison Revocable Trust in the amount of \$1,384.00 as set forth in that certain memorandum dated May 2, 2007 from Mr. Sample, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, (b) for Tract 5, owned by Doraleen M. Morrison Revocable Trust in the amount of \$1,384.00 as set forth in that certain memorandum dated May 2, 2007 from Mr. Sample, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and (c) for Tract 6, owned by Doraleen M. Morrison Revocable Trust in the amount of \$5,849.00 as set forth in that

<sup>&</sup>lt;sup>3</sup>Mr. Banks excused himself from the meeting prior to the call of the question and returned shortly thereafter.

certain memorandum dated May 2, 2007 from Mr. Sample, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and (4) authorize and direct the Chancery Clerk to issue pay warrants for all of the above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and just compensation was and is hereby established and approved and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

Thereafter, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to authorize the Board President prepare and execute correspondence to recalcitrant landowners adjoining Park Place Boulevard and direct the Chancery Clerk, at such time as he deems appropriate, to withdraw funds sufficient to equal one-half ( $\frac{1}{2}$ ) of said costs incurred by the county thus far in connection with said project against the Letter of Credit previously submitted by Mr. Joe Brata and/or such firm or corporation owned, managed or controlled by him. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board President and Chancery Clerk were and are hereby directed.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

Thereafter, discussion was had on the sale of bulldozer at auction, at the conclusion of which Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to issue refund of the purchase price thereof to Chain Equipment Company due to the erroneous number of hours of use thereof reflected on the odometer of said bulldozer, said erroneous hours occurring due to a re-setting of said odometer during repairs made by a servicing company unbeknownst to the county. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said refund on bulldozer was and is hereby approved.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

Thereafter, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to reimburse Durham Auction for service charges in the amount of \$1,650.00 associated with the aforementioned bulldozer. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

the matter carried by majority vote (3-1) of those present and said reimbursement was and is hereby approved.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present, the Executive Session declared adjourned, and the Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 7<sup>th</sup> day of May, 2007.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, May 21, 2007 at 9:00 a. m. to consider a docket of claims and any other business which may properly come before the Board.

Andy Taggart, President Madison County Board of Supervisors

Date signed:

ATTEST:

Arthur Johnston, Chancery Clerk

### **PROOF OF PUBLICATION** THE STATE OF MISSISSIPPI MADISON COUNTY

### NOTICE OF PUBLIC HEARING ON PETITION FOR REZONING

NOTICE IS HEREBY GIVEN that Orco Investments, Inc. and Twisted Oak, LC have filed a petition with the Board of Supervisors of Madison County, MS, to request rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and amend the Zoning Maps adopted pursuant thereto, and amend the Zoning Maps adopted pursuant thereto, and amend the Zoning Maps adopted pursuant thereto, and amend the Zoning Kaps Plan, by rezoning R-1 Residential District to R-2 Residential District, with a Planned Unit Development Overlay, more particularly described, to-wit:

parcel of land located on Yandell Road, con 0.00 acres (3,484,800.00 square teet), more o ing situated in Section 26 Township 8 North, Ras 54, Madison County, Mississippi, and being inticularly described by metes and bounds as follow

particularly described by metes and bounds as follows:-Commence at a found iron pin marking the Northwest comer of Section 23, Township 8 North, Range 2 East, said pin being 10665.84 feet North and 10466.00 feet West of a found box blade at the Southeast comer of Section 25, Township 8 North, Range 2 East; run thence South 00 degrees 29 minutes 01 second East for a distance of 2634.05 feet to a concrete monument; run thence South 00 degrees 29 minutes 01 second East for a distance of 2668.38 feet to the Southwest comer of said Section 23; thence along the West line of Section 26 South 00 degrees 25 minutes 57 seconds East for a distance of 17.69 feet; thence South 89 degrees 34 minutes 03 seconds East for a distance of 22.60 feet to a point on the South right of way life of Yandelf Road (a 70 foot right of way per Book 276 at Page 269) and the POINT OF BEGINNING for the parcel herein described;

thence run along said right of way South 89 degree minutes 51 seconds East for a distance of 107.83 (deed South 88 degrees 45 minutes 30 seconds East); thence run 300.90 feet along the arc of a 11493.50 radius curve to the left, said arc having a 300.89 chord bearing South 89 degrees 21 minutes 51 second East (deed South 89 degrees 30 minutes 30 second East);

t); ice North 89 degrees 53 minutes 09 seconds East for istance of 907.63 feet (deed South 89 degrees 44 ites 30 seconds East); ice leave said right of way and run South 00 degrees minutes 38 seconds West for a distance of 2665.58

ce North 89 degrees 46 minutes 09 seconds stance of 1293.99 feet to the East line of d (a 50 foot right of way); ce run along said right of way North 00 de riss 46 seconds East for a distance of 200.65

of way North 00 degrees 18 a distance of 200.65 feet; minutes 47 seconds West for utes 46 seconds East for a distance of 200.65 feet; nce South 89 degrees 37 minutes 47 seconds West for stance of 10.00 feet; nce North 00 degrees 02 minutes 29 seconds East for stance of 2461.99 feet to the POINT OF BEGINNING.

NOTICE IS FURTHER GIVEN that the Board of Supervisors of Madison County, MS, will meet at 9 a.m. on May 7, 2007, at the Madison County Circuit Court Building, in the Law Library, located at 128 West North Street, Canton, Madison County, MS to consider and act upon the petition, and will at such time, date and place, hold and conduct a public hearing at which all parties in interest and citizens shall have an opportunity to be heard on the matter of the petition, either in person, by petition, or by attorney.

UF DY attorney. BY ORDER OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, on this the 19th day of March, 2006.

/s/ Brad Sellers, Zoning Administrator

Publish: March 29, 2007

PERSONALLY appeared before me, the undersigned notary public in and for Madison County, Mississippi,

### Andrew Westerfield

an authorized clerk of the MADISON COUNTY HERALD, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

Thursday, March 29, 2007

Size: 2 col. / 669 Words Published 1 Time(s) Total: \$45.14

Signed

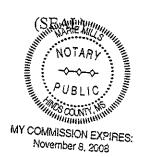
Authorized Clerk of The Madison County Herald

SWORN to and subscribed before me the 29th day of March, 2007.

Notary Public S

Notary Public State of Mississippi at Large. Bonded thru Notary Public Underwriters





### 100x2007PAGE0440

## HANCOCK BANK Lease Purchase Closing Memorandum

### <u>Transaction Profile</u>

Date of Funding: Government Name: Type of Governing Body: Amount, Rate & Term of Lease: Monthly Payment Amount: Equipment Description:

#### To Be Determined Madison County, Mississippi **Board of Supervisors** \$419,692.00 / 4.88% / 36 months \$12,555.95 Twenty-One (21) New Sheriff Patrol Cars

### Schedule & Description of Closing Documents

Step # and Document Description:

2.

4.

Authorizing Resolution - This document authorizes the lease purchase financing by the governing body. 1. and gives the appropriate officials the authority to enter into such contract. The Resolution must be passed by the Board of Supervisors and executed (signed) by the Board President and Chancery Clerk before any ... other document is executed. The original, signed copy needs to be sent back to Hancock Bank in the Federal Express envelope provided within.

Governmental Lease Purchase Agreement – This document is the contract between the lessor and the lessee (Madison County) which is the basis of the transaction. This Agreement must be signed and dated on or after the Resolution is passed and before or at the funding of the lease (not after!). The original, signed copy needs to be sent back to Hancock Bank in the Federal Express envelope provided within.

Attachments to the Lease Agreement – These various documents support and perfect the Lease Agreement as well as the interests of the parties to the transaction. These documents should be signed and 3. executed by the appropriate officials and dated with the same date as that of the Lease Agreement. The original, signed copies need to be sent back to Hancock Bank in the Federal Express envelope provided within.

Important Notes Regarding Attachments:

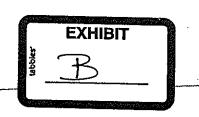
IRS Form 8038G - Hancock Bank will file this form with the Internal Revenue Service, as required by law, on behalf of the County. Please have it signed by the appropriate official and return it to Hancock Bank along with the rest of the documents.

Purchase Orders and Invoices - Hancock Bank must have all Purchase Orders and Invoices (copies are sufficient) issued to or received from the equipment vendor.

Evidence of Insurance - Hancock Bank must be shown as additional insured and loss payee on the equipment's insurance policy. Please provide an insurance certificate or some other form of evidence of insurance.

Legal Opinion of Lessee's Counsel - This opinion must be printed on the Board Attorney's letterhead and dated on or after the date of the Lease Agreement (not before!). The original, signed copy needs to be sent back to Hancock Bank in the Federal Express Envelope provided within.

\*\*\*Please Note: There is no need to make copies of the documents. Hancock Bank will provide a package containing copies of all transaction documents soon after closing.



#### AUTHORIZING RESOLUTION

BOARD MEMBER

\_ moved the adoption of the following Resolution and Order:

. . . . . .

A RESOLUTION OF THE BOARD OF SUPERVISORS, THE GOVERNING BODY ("THE BOARD") OF MADISON COUNTY, MISSISSIPPI (THE "LESSEE"), FINDING IT NECESSARY TO ACQUIRE EQUIPMENT FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH EQUIPMENT UNDER THE TERMS OF A LEASE PURCHASE AGREEMENT: FINDING THAT THE HANCOCK BANK, GULFPORT, MISSISSIPPI, (THE "LESSOR") HAS OFFERED TO ACQUIRE SUCH EQUIPMENT, OR TO ACQUIRE FROM AND REIMBURSE THE LESSEE FOR THE COST OF SUCH EQUIPMENT IN THE EVENT THE EQUIPMENT HAS ALREADY BEEN PURCHASED BY THE LESSEE, AND TO LEASE SUCH EQUIPMENT TO LESSEE: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE LESSEE AND AUTHORIZING AND DIRECTING THE AUTHORIZED OFFICERS (AS HEREINAFTER DEFINED) TO EXECUTE A LEASE PURCHASE AGREEMENT AND SUPPORTING SCHEDULES AND ATTACHMENTS INCLUDING, BUT NOT LIMITED TO, ASSIGNMENTS OF TITLE TO THE EQUIPMENT TO HANCOCK BANK TO THE END THAT THE EQUIPMENT SHALL BE ACQUIRED BY SUCH BANK AND LEASED TO THE LESSEE ON THE TERMS AND CONDITIONS EXPRESSED IN SUCH LEASE.

WHEREAS, the Board has determined that it is necessary to acquire certain items of Equipment (the "Equipment") for use by the Lessee for purposes authorized by law and

WHEREAS, the Board had by these presents determined that it would be in the public interest to acquire such Equipment through a . Lease Purchase Agreement as provided under Section 31-7-13 (e) MISS.CODE ANN. (1972), as amended, and

WHEREAS, the Hancock Bank of Gulfport, Mississippi, has proposed to acquire the Equipment at the offered price and to lease the Equipment to the Lessee at a rate of 4.88% per month.

#### NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1: The President and Clerk of the Board (hereinafter the "Authorized Officers") are hereby authorized and directed to execute a Lease Purchase Agreement (also referred to as a "Governmental Lease Purchase Agreement"), either reference being the "Agreement", and all attachments thereto. Such Agreement shall be in substantially the form attached hereto with such appropriate variations, omissions and insertions as are permitted or required by this Resolution and as are consented to by the Lessee's representatives (the "Authorized Officers") executing the Agreement, such consent being evidenced by their signatures.

SECTION 2: The Equipment to be leased pursuant to the Agreement shall be more fully described in a schedule to the Agreement titled "Exhibit D - Description of the Equipment". Upon delivery and acceptance by the Lessee of the Equipment, the Authorized Officers are authorized and directed to execute a Certificate of Acceptance of such Equipment and, as provided in Section 4.01 of such Lease, the lease term shall commence on the date of acceptance.

SECTION 3: The Authorized Officers are further authorized and directed to execute on behalf of the Lessee a Financing Statement and all other documents as provided for under Section 7.02 of such Lease to establish and maintain the security interest of Hancock Bank in such Equipment.

SECTION 4: The Lessee and the Board understand Section 8.03 of the Agreement ("Provisions Regarding Insurance") and agree to provide property damage and liability insurance in accordance with the terms of the Agreement.

BOARI	MEMBER	seconded the motion and after a full discussion, the				
same wa	as put to vote with the following results					
		Voted:				
		Voted:				
		Voted:				
	· · · · · · · · · · · · · · · · · · ·	Voted:				
· · ·		Voted:	· · · · · ·			
· . · · · · · · · · · · · · · · · · · ·						

By: \_\_\_\_\_ Mr. Andy Taggart President, Board of Supervisors {Seal}

Attest:\_\_\_\_\_\_ Mr. Arthur Johnston

Clerk of Board

. . . .

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### **Governmental Lease Purchase Agreement**

Lessor:

#### Hancock Bank P.O. Box 4019 Gulfport, MS 39502

Lessee: Board of Supervisors of Madison County, MS 146 West Center Street Canton, MS 39046

This GOVERNMENTAL LEASE PURCHASE AGREEMENT (the "Agreement") entered into between HANCOCK BANK, a corporation duly organized and existing under the laws of the State of Mississippi (the "Lessor"), and the BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI (Lessee), a body, corporate and politic, duly organized and existing under the laws of the State of Mississippi ("State").

#### WITNESSETH

WHEREAS, Lessor desires to lease the Equipment, as hereinafter defined, to Lessee, and Lessee desires to lease the Equipment from Lessor, subject to the terms and conditions of, and for the purposes set forth in, this Agreement; and

WHEREAS, Lessee is authorized under the Constitution and laws of the State to enter into this Agreement for the purposes set forth herein;

NOW, THEREFORE, for and in consideration of the premises hereinafter contained, the parties hereby agree as follows:

#### ARTICLE I

Covenants of Lessee. Lessee represents, covenants and warrants, for the benefit of Lessor and its assignces, as follows: (a) Lessee is a public body, corporate and politic, duly organized and existing under the Constitution and laws of the State. (b) Lessee will do or cause to be done all things necessary to preserve and keep in full force and effect its existence as a body corporate and politic. (c) Lessee is authorized under the Constitution and laws of the State to enter into this Agreement and the transaction contemplated hereby, and to perform all of its obligations hereunder. (d) Lessee has been duly authorized to execute and deliver this Agreement under the terms and provisions of the resolution of its governing body, attached hereto as Exhibit "A", or by other appropriate official approval, and further represents, covenants and warrants that all requirements have been met, and procedures have occurred in order to ensure the enforceability of this Agreement, and Lessee has complied with such public bidding requirements as may be applicable to this with such public bloding requirements as may be applicable to uns Agreement and the acquisition by Lessee of the Equipment hereunder. Lessee shall cause to be executed an opinion of its counsel substantially in the form attached hereto as Exhibit "B". (c) During the term of this Agreement, the Equipment will be used by Lessee only for the purpose of performing one or more governmental or proprietary functions of Lessee consistent with the permissible scope of Lessee's authority and Lessee consistent with the permissible scope of Lessee's authority and will not be used in a trade or business of any person or entity other than the Lessee. (f) During the period this Agreement is in force, Lessee will provide Lessor with current financial statements, budgets, proof of appropriation for the ensuing fiscal year and such other financial information relating to the ability of Lessee to continue this Agreement as may be recomply requested by Lessee to continue this Agreement as may be reasonably requested by Lesser to continue this Agreement as may be reasonably requested by Lessor or its assignee. (g) The Equipment will have a useful life in the hands of the Lesser that is substantially in excess of the Original Term and all Renewal Terms. (h) The Equipment is, and shall remain during the period this Agreement is in force, personal property and when subject to use by Lessee under this Agreement, will not be or become fixtures.

ARTICLE II Definitions: The following terms will have the meanings indicated below unless the context clearly requires otherwise:

"Agreement" - means this Governmental Lease Purchase Agreement including the Exhibits attached hereto, as the same may be supplemented or amended from time to time in accordance with the terms hereof.

"Commencement Date" - is the date when the term of this Agreement begins and Lessee's obligation to pay rent accrues, which date shall be the date on which the Equipment is accepted by Lessee as indicated on the Certificate of Acceptance attached hereto as Exhibit "F".

"Equipment" - means the property described in Exhibit "D" and which is the subject of this Agreement.

"Lease Term" - means the Original Term and all Renewal Terms provided for a state in this Agreement under Section 4.01, but in no event longer than the number of months set forth in Exhibit "E" of the Agreement.

"Lessee" - means the entity which is described in the first paragraph of this Agreement and which is leasing the Equipment from Lessor under the provisions of this Agreement.

"Lessor" - means (i) Hancock Bank, a corporation, acting as Lessor hereunder; (ii) Any surviving, resulting or transferee corporation; and (iii) Except where the context requires otherwise, any assignee(s) of Lessor.

"Original Term" - means that period from the Commencement Date until the end of the fiscal year of Lessee in effect at the Commencement Date.

"Purchase Price" - means the amount which Lessee may, in its discretion, pay to Lessor in order to purchase the Equipment, as set forth in Exhibit "E" hereto.

"Renewal Term(s)" - means the automatic renewal terms of this Agreement as provided for in Article IV of this Agreement, each having a duration of one (1) year and a term co-extensive with the Lessee's fiscal year except the last of such automatic renewal terms which shall end on the anniversary of the Commencement Date therein.

"Rental Payments" - means the basic rental payments payable by Lessee pursuant to the provisions of this Agreement during the Lease Term, payable in consideration of the right of Lessee to use the Equipment during the then current portion of the Lease Term. Rental Payments shall be payable by Lessee to the Lessor or its assignee in the amounts and at the times during the Lease Term as set forth in Exhibit "E" of this Agreement.

"Vendor" - means the manufacturer of the Equipment as well as the agents or dealers of the manufacturer from whom Lessor purchased or is purchasing the Equipment.

#### ARTICLE III

Lease of Equipment. Lessor hereby demises, leases and lets to Lessee, the Lessee rents, leases and hires from Lessor, the Equipment, in accordance with the provisions of this Agreement, to have and to hold for the Lease Term.

#### ARTICLE IV

#### Section 4.01 Commencement of Lease Term

LEASE TERM

The original Term of this Agreement shall commence on the Commencement Date as indicated in Exhibit "F" and shall terminate the last day of Lessee's current fiscal year.

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The Lease Term will be automatically renewed at the end of the Original Term or any Renewal Term for an additional one (1) year, unless the Lessee gives written notice to Lessor not less than sixty (60) days prior Lessee gives whiten house to Lessor hot less than sixty (ob) days prior to the end of the Original Term or Renewal Term then in effect, or such greater notice as may be provided in Article VI, of Lessee's intention to terminate this Agreement at the end of the Original Term or the then current Renewal Term pursuant to Article XI or Article VI, as the case may be.

#### Section 4.02 Termination of Lease Term.

The Lease Term will terminate upon the earliest of any of the following events: (a) The expiration of the Original Term or any Renewal Term of this Agreement and the non-renewal of this Agreement in the event of non appropriation of funds pursuant to Section 6.06; (b) The exercise by Lessee of the option to purchase the Equipment granted under the provisions of Articles IX or XI of this Agreement; (c) A default by essee and Lessor's election to terminate this Agreement under Article XIII; or (d) The payment by Lessee of all Rental Payments authorized or required to be paid by Lessee hereunder.

ARTICLE V Enjoyment of Equipment Lessor hereby covenants to provide Lessee during the Lease Term with quiet use and enjoyment of the Equipment, and Lessee shall during the Lease Term peaceably and quietly have and hold and enjoy the Equipment, without suit, trouble or hindrance from Lessor, except as expressly set forth in this Agreement.

Lessor shall have the right at all reasonable times during business hours to enter into and upon the property of Lessee for the purpose of inspecting the Equipment.

#### ARTICLE VI

Section 6.01 Rental Payments to Constitute a Current Expenses of Lessee

Lessor and Lessee understand and intend that the obligation of Lessee to pay Rental Payments hereunder shall constitute a current expense of pay Kental Payments hereinder shall constitute a current expension. Lessee and shall not in any way be construed to be a debt of Lessee in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by Lessee, nor shall anything contained herein constitute a pledge of the general tax revenues, funds or monies of Lessee.

**Rental Payments** 

Section 6.02 <u>Payment of Rental Payments</u>. Lessee shall pay Rental Payments, exclusively from legally available funds, in lawful money of the United States of America to Lessor, or in the event of assignment by Lessor, to its assignee, in the amounts and on the dates set forth in Exhibit "E" hereto. Rental Payments shall be in consideration for Lessee's use of the Equipment during the applicable year in which such payments are due.

#### Section 6.03 Interest and Principal Component.

A portion of each Lease Rental Payment is paid as, and represents payment of, interest, and the balance of each Rental Payment is paid as, and represents payment of, principal. Exhibit "E" hereto sets forth the interest component and the principal component of each Rental Payment during the Large Term during the Lease Term.

#### Section 6.04 Rental Payments to be Unconditional.

The obligations of Lessee to make payment of the Rental Payments required under this Article VI and other sections hereof, and to perform and observe the covenants and agreements contained herein, shall be absolute and unconditional in all events, except as expressly provided absolute and unconditional in all events, events, event as expressly power and under this Agreement. Notwithstanding any dispute between Lesser and Lessor, and Vendor or any other person, Lessee shall make all payments of Rental Payments when due and shall not withhold any Rental Payments pending final resolution of such dispute, nor shall Lessee

assert any right of setoff or counterclaim against its obligation to make such payments required under this Agreement. Lessee's obligation to make Rental Payments during the Original Term or the then current Renewal Term shall not be abated through accident or unforeseen circumstances.

#### Section 6.05 Continuation of Lease Term by Lessee.

Lessee intends, subject to the provisions of Section 6.06 to continue the Lease Term through the Original Term and all of the Renewal Terms and to pay the Rental Payments hercunder. Lessee reasonably believes that legally available funds of an amount sufficient to make all Rental Payments during the Original Term and each of the Renewal Terms can be obtained. Lessee further intends to do all things lawfully within its power to obtain and maintain funds from which the Rental Payments may be made, including making provision for such payments to the extent necessary in each bi-annual or annual budget submitted and adopted in accordance with applicable provisions of state law, to have such portion of the budget approved.

#### Section 6.06 Non-appropriation.

In the event sufficient funds shall not be appropriated for the payment of the Rental Payments required to be paid in the next occurring Renewal Term, and if Lessee has no funds legally available for Rental Payments from other sources, then Lessee may terminate this Agreement at the end of the then current Original Term or Renewal Term; and Lessee shall not be obligated to make payment of the Rental Payments provided for in this Agreement beyond the then current original or Renewal Term. Lessee agrees to deliver notice to Lessor of such termination at Least sixty (60) days prior to the end of the then current Original or Renewal Term. If this Agreement is terminated under this Section 6.06, Lessee agrees, at Lessee's cost and expense, peaceably to deliver the Equipment to Lessor at the location specified by Lessor. To the extent lawful, Lessee shall not, until the date on which the next occurring Renewal Term would have ended, expend any funds for the purchase or use of Equipment similar to the Equipment subject to this Agreement.

#### ' ARTICLE VII TITLE TO EQUIPMENT; SECURITY INTEREST

#### Section 7.01 Title To The Equipment

During the Term of this Agreement, title to the Equipment any and all During the term of this Agreement, the to the Equiphent any and an additions, repairs, replacements or modifications shall vest in Lessee, subject to the rights of Lessor under this Agreement. In the event of default as set forth in Section 13.02 or nonappropriation as set forth in Section 6.06, Title to the Equipment shall immediately vest in Lessor, and Lessee will reasonably surrender possession of the Equipment to Lessor. Lessee, invocably, hereby designed and another the Equipment of Lessor (and all nersons decignated designates, makes, constitutes and appoints Lessor (and all persons designated by Lessor) as Lessee's true and lawful attorney (and agent-in-fact) with power, by Lessor) as Lessees true and lawing attorney (and agent-in-fact) with power, at such time of default or nonappropriation or times thereafter as Lessor in its sole and absolute discretion may determine, in Lessee's or Lessor's name, to endorse the name of Lessee upon any Bill of Sale, document, instrument, invoice, freight bill, bill of lading or similar document relating to the Equipment in order to vest title in Lessor and transfer possession to Lessor.

#### Section 7.02 Security Interest.

To secure the payment of all Lessee's obligations under this Agreement, Lessee grants to Lessor a security interest constituting a first lien on the Equipment and on all additions, attachments, accessions and substitutions thereto, and on any proceeds therefrom. Lessee agrees to execute such additional documents, including financing statements, certificates of title, affidavits, notices and similar instruments, in form satisfactory to Lessor, which Lessor deems necessary or appropriate to establish and maintain its security interest, and upon assignment, the security of any assignce of Lessor, in the Equipment.

#### ARTICLE VIII

Maintenance; modification taxes, exemption from federal taxation, insurance and other charges.

#### Section 8.01 Maintenance of Equipment by Lessee.

Lessee agrees that at all times during the Lease Term, Lessee will, at Lessee's own cost and expense, maintain, preserve and keep the Equipment in good repair, working order and condition, and that Lessee will from time to time

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make or cause to be made all necessary and proper repairs, a make or cause to be made all necessary and proper repairs, replacements and renewals. Lessor shall have no responsibility in any of these matters or for the making of improvements or additions to the Equipment. The Lessee may from time to time add further parts or accessories to any item of leased Equipment, provided such addition does not affect or. impair the value or utility of such item of Equipment. Any part or repla accessory so added, if not required as a replacement hereunder, shall remain the property of the Lessee and may be removed at any time prior to the expiration of the lease term of such item, provided such removal does not affect or impair the value or utility of such item of Equipment. Any parts or accessories not so removed shall become the property of the Lessor.

Section 8.02 Taxes, Other Governmental Charges and Utility Charges.

The parties to this Agreement contemplate that the Equipment will be used for a governmental or proprietary purpose of Lessee and, therefore, that the Equipment will be exempt from all taxes presently assessed and levied with respect to personal property. In the event that the use, possession or acquisition of the Equipment is found to be subject to taxation in any form (except for income taxes of Lessor). Lessee will pay during the Lease Term, as the same respectively come due, all taxes and governmental charges of any kind whatsoever that may at any time, be lawfully assessed or levied against or with respect to the Equipment and any Equipment or other property against or with respect to the Equipment and any Equipment or other property acquired by Lessee in substitution for, as a renewal or replacement of, or modification, improvement or addition to the Equipment, as well as all gas, water, steam, electricity, heat, power, telephone, utility and all other charges incurred in the operation, maintenance, use, occupancy and upkeep of the Equipment; provided that, with respect to any governmental charges that may lawfully be paid in installments over a period of years, Lessee shall be obligated to pay only such installments as have accrued during the time this Agreement is in effect. ·. .

The Lessor has entered into this Agreement contemplating that the interest portion of rental payments will be exempt from federal income taxation. In the event any governmental taxing authority successfully imposes tax treatment, under this Agreement or any other lease of the Lessor which in the opinion of Lessor's coursel will be determinative of the tax treatment under this Agreement, which differs from the tax treatment contemplated to be taken by the Lessor hereto at the inception of this Agreement or which effectively denies to the Lessor the use or benefit of such tax treatment as contemplated, then Lessee agrees to pay rents with an interest factor equal to the maximum rate of interest which, under applicable law, Lessor is permitted to charge, retroactively from the date of imposition of the change of tax treatment through the term of each Equipment Lease Schedule under this Agreement during which the change of tax theory is imposed, and subsequently thereto, as rental payments would otherwise become due, until the end of the lease term. Any retroactive payments of rent under this paragraph shall be due and payable at the date that Lessor gives notice to Lessee of imposition of the change of tax-treatment

Lessee agrees to pay its pro-rata share of attorney's fees that may reasonably be incurred by Lessor in the event legal action or administrative action is taken by the Lessor to secure the tax treatment intended to be taken by Lessor under this Agreement or any other lease which in the opinion of Lessor's counsel will be determinative of the tax treatment under this Agreement whether such action is successful or not. Lessee's pro-rata share shall be determined by the percentage that the Lessor's original cost of leased equipment for all other similar leases of the Lessor involving similar issues of fact or law. In the event the Lessor is successful in securing the tax treatment intended to be taken by Lessor, Lessor shall refund to Lessee the total amount of increased interest (as hereinabove provided) which has been paid by Lessee and rental payments for the remainder of the lease term shall be the original rentals specified in the Equipment Lease Schedules.

#### Section 8.03 Provisions Regarding Insurance.

At its own expense, Lessee shall cause casualty, public liability and property damage insurance to be carried and maintained sufficient to protect the Full Insurable Value (as that term is hereinafter defined) of

the Equipment, and to protect Lessor from liability in all events. All insurance proceeds from casualty losses shall be payable as hereinafter provided in this Agreement. Lessee shall furnish to Lessor Certificates evidencing such coverage throughout the Lease Term. Such Certificates shall name the Lessor as an additional insured or loss payee, as Lessor's interests may appear.

Alternatively, Lessee may insure the Equipment under a blanket insurance policy or policies which cover not only the Equipment, but other properties.

The term "Full Insurable Value" as used herein shall mean the full replacement value of the Equipment or the then applicable Purchase Price, whichever is greater.

Any insurance policy pursuant to this Section 8.03 shall be written with Hancock Bank as an additional insured or loss payee, as its interests may appear. The Net Proceeds (as defined in Section 9.01) of the insurance required in this Section 8.03 shall be applied as provided in Article IX hereof. Each insurance policy provided for in this Section 8.03 shall contain a provision to the effect that the insurance company deal not access the relian provision to the effect that the insurance company shall not cancel the policy or modify it materially and adversely to the interest of Lessor without first giving written notice thereof to Lessor at least ten (10) days in advance of such cancellation.

The Lessee will at all times carry liability insurance from a third party insurer, such coverage being for the joint benefit of the Lessee and Lessor and with the Lessor named as an additional insured. الموادية والمعارية والمعاد المراج والمعاد والمعاد المعاد

Under this Agreement, the Lessee is required to maintain property damage insurance from a third party insurer, against loss, theft, damage or destruction from every cause whatsoever for not less than the Full Insurable Value of the Equipment. Alternately, with regard to property damage insurance, and subject to the terms of this Agreement, including the preceding paragraphs of this Section 8.03, the Lessee may optionally elect to self insure through a self insurance program ("Self-Insurance"), against loss, theft, damage or destruction from every cause whatsoever for not less than the Full Insurable Value of the Equipment. Such Self-Insurance shall be in the joint names of the Lessor and Lessee, with the Lessor and Lessee named as loss payees. With regard to any Self- Insurance, which is alternatively elected, chosen, initiated and maintained by the Lessee, in order to meet the requirements of this Agreement, the Lessee by the Lessee, in order to meet the requirements of this Agreement, the Lessee does hereby declare and name the Lessor as a joint and additional insured and loss payee with regard to Self-Insurance which, Lessee alternately chooses to implement and maintain in order to meet it's responsibilities under this Agreement. With regard to any Self-Insurance elected, in substitution for third Agreement. Will regard to any sein-instrance elected, in substantion for third party insurance as required by the Agreement, the Lessee agrees that it will at all times maintain sufficient monetary and other necessary resources, under its Self-Insurance election, to enable the Lessee to meet all of its obligations under this Agreement. The Lessee, and the Lessee's Governing Body, agree and declare that they individually and collectively have the necessary experience and scalibilitization is mattern participies to any and ell where the necessary experiences. and sophistication in matters pertaining to any and all risks and responsibilities taken and assumed with the alternative election and choice of Self-Insurance. The Lessee, and the Lessee's Governing Body, individually and collectively understand, that there will be no abatement or reduction of responsibilities under this Agreement (including making rental payments) by Lessee for any reason, including but not limited to, the election of Self-Insurance, loss, theft, damage or destruction from any cause whatsoever.

#### Section 8.04 Advances.

In the event Lessee shall fail to maintain the full insurance coverage required by this Agreement or shall fail to keep the Equipment in good repair and operating condition, Lessor may (but shall be under no obligation to) purchase the required policies of insurance and pay the premiums on the same or may make such repairs or replacements which are necessary and provide for payment thereof; and all amounts so advance therefore by Lessor shall become additional rent for the then current Original Term or Renewal Term which amounts Lessee agrees to pay, together with interest thereon at the rate of twelve (12%) per cent per annum or the highest rate permitted by applicable law, whichever is less.

ARTICLE IX DAMAGES, DESTRUCTION AND CONDEMNATION: USE OF NET PROCEEDS

Section 9.01 Damages, Destruction and Condemnation.

Unless Lessee shall have exercised its option to purchase the Equipment by making payment of the Purchase Price as provided herein, if prior to the termination of the Lease Term; (A) the Equipment or any portion thereof is destroyed (in whole or in part) or is damaged by fire or other casualty; or

casually; or (B) title to, or the temporary use of, the Equipment of any part thereof or the estate of Lessee or Lessor in the Equipment or any part thereof shall be taken under the exercise of the power of eminent domain by any governmental body or by any person, firm or corporation acting under governmental authority, Lessee and Lessor will cause the Net Proceeds of any insurance claim or condemnation award to be applied to Lessee's editors automate to Section 8.02 hereof obligations pursuant to Section 9.02 hereof.

For purposes of Section 8.03 and this Article IX, the term "Net-Proceeds" shall mean the amount remaining from the gross proceeds of any insurance claim or condemnation award deducting all expenses (including attorney's fees) incurred in the collection of such claim or award.

#### Section 9.02 Insufficiency of Net Proceeds.

Provided, the Equipment is not deemed to be a total loss, Lessee shall if Lessee is not in default hereunder, cause the repair, replacement or restoration of the Property and pay the cost thereof.

In the event of total destruction or damage to the Equipment, whether or not Lessee is in default, at Lessor's option, Lessee shall pay to Lessor on the rent payment due date next succeeding the date of such loss ("Rent Payment Due Date") the amount of the Purchase Price applicable to such Rent Payment Due Date, plus the Rental Payment due on such date, plus any other amounts payable by Lessee hereunder, and, upon such payment, the Lease Term shall terminate and Lessor's security interest in the Equipment shall terminate as provided in Article XI of this Agreement. The amount of the Net Proceeds in excess of the then applicable Purchase Price, if any, may be retained by Lessee. Lessee agrees that if the Net proceeds are insufficient to pay in full Lessee's obligations hereunder, Lessee shall make such payments to the extent of any such deficiency. Lessee shall not be entitled to any reimbursement therefore from Lessor nor shall Lessee be entitled to any diminution of the amounts payable under Article VI hereof.

ARTICLE X DISCLAIMER OF WARRANTIES; VENDOR'S WARRANTIES; USE OF THE EQUIPMENT

### Section 10.01 Disclaimer of Warranties.

Lessor makes no warranty or representation, either express or implied, as to the value, design, condition, mechanism or fitness for particular purposes or fitness for use of the Equipment, or warranty with respect thereto. In no event shall Lessor be liable for any incidental, indirect, special or consequential damage in connection with or arising out of this. Agreement or the existence, furnishing, functioning or Lessee's use of any item or products or services provided for in this Agreement.

#### Section 10.02 Vendor's Warranties.

Lessor hereby agrees to assign to Lessee solely for the purpose of Lessor nereby agrees to assign to Lessee solely for the purpose of making and prosecuting any such claim against Vendor, all of the rights which Lessor has against Vendor for breach of warranty or other representation respecting the Equipment. Lessee's sole remedy for the breach of such warranty, indemnification or representation shall be against the Vendor of the Equipment, and not against the Lessor, nor chall such matter have any effect whatsoever on the rights and shall such matter have any effect whatsoever on the rights and obligations of Lessor with respect to this Agreement, including the right to receive fully and timely payments hereunder. Lessee expressly acknowledges that Lessor makes, and has made, no representation or warranties whatsoever as to the existence or availability of such warranties of the Vendor of the Equipment.

Section 10.03 Use of the Equipment.

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Lessee will not install, use, operate or maintain the Equipment improperly, carelessly, in violation of any applicable law or in a manner contrary to that contemplated by this Agreement. Lessee shall provide all permits and licenses, if any, necessary for the installation and operation of the Equipment. In addition, Lessee attract to comply in all consets (including mithant limits) addition, Lessee agrees to comply in all respects (including, without limitation, with respect to the use, maintenance and operation of each item of the Equipment) with all laws of the jurisdiction in which its operations involving any item of Equipment may extend and any legislative, administrative or judicial body exercising any power or jurisdiction over the items of the Equipment, provided, however, that Lessee may contest in good faith the validity or application of any such law or rule in any reasonable manner which does not, in the opinion of Lessor, adversely affect the estate of Lessor in and to any of the items of the Equipment or its interest or rights under this Agreement.

#### ARTICLE XI

Option to Purchase. At the request of Lessee, Lessor's security interest in the Equipment will be terminated and this Agreement shall terminate: (a) At the, end of the Lease Term (including Renewal Terms), upon payment in full of the Rental Payments and other amounts payable by Lessee hereunder; or (b) At the and other amounts payable by Lessee hereunder; or (b) At the end of the Original Term or any Renewal Term upon payment by Lessee of the then applicable Purchase Price; or (c) If the Lease Term is terminated pursuant to Article IX of this Agreement.

ARTICLE XII ASSIGNMENT: SUBLEASING: INDEMNIFICATION: MORTGAGING AND SELLING

Section 12.01 <u>Assignment by Lessor</u>. This Agreement, and the obligations of Lessee to make payments hereunder, may be assigned and reassigned in whole or in part to one or more assignees or subassignees by Lessor at any time subsequent to its execution, without the necessity of obtaining the consent of Lessee. Lessor agrees to give notice of assignment to Lessee and upon receipt of such notice Lessee agrees to make all payments to the assignee designated in the assignment, notwithstanding any claim, defense, set off or counterclaim whatsoever. (whether arising from a breach of this Agreement or otherwise) that Lessee may from time to time have breach of this Agreement or otherwise) that Lessee may from time to time have against Lessor, or the assignee. Lessee agrees to execute all documents, including notices of assignment and chattel mortgages or financing statements which may be reasonably requested by Lessor or its assignee to protect their interests in the Equipment and in this Agreement.

#### Section 12.02 No Sale, Assignment or Subleasing by Lessee.

This Agreement and the interest of Lessee in the Equipment may not be sold, assigned or encumbered by Lessee without the prior written consent of Lessor.

#### Section 12.03 Release and Indemnification Covenants.

To the extent permitted by the laws and Constitution of the State, Lessee shall to the extent permitted by the laws and constitution of the State, Lessee shall protect, hold harmless and indemnify Lessor from and against any and all liability obligations, losses, claims and damages whatsoever, regardless of cause thereof, and expenses in connection therewith, including, without limitation, counsel fees and expenses, penalties and interest arising out of or as, the result of the entering into of this Agreement, the ownership of any item of the Equipment, the ordering acquisition use operation condition numbers the result of the entering into of this Agreement, the ownership of any item of the Equipment, the ordering acquisition, use, operation, condition, purchase, delivery, rejection, storage or return of any item of the Equipment or any accident in connection with the operation, use, condition, possession, storage or return of any item of the Equipment resulting in damage to property or injury to or death to any person. The indemnification arising under this paragraph shall continue in full force and effect notwithstanding the full payment of all obligations under this Agreement or the termination of the Lease Term for any reason. Lessee agrees not to withhold or abate any portion of the payments required pursuant to this Agreement by reason of any defects, malfunctions. required pursuant to this Agreement by reason of any defects, malfunctions, breakdowns, or infirmities of the Equipment.

ARTICLE XIII EVENTS OF DEFAULT BY LESSEE AND REMEDIES THEREUPON

#### Section 13.01 Events of Default by Lessee Defined.

With respect to Lessee, the following shall be "Events of Default" under this Agreement and the terms "Event of Default" and "Default" shall mean, whenever they are used in this Agreement, any one or more of the following events: (a) Failure by Lessee to pay any Rental Payment or other payment

required to be paid hereunder at the time specified herein; or (b) Failure by Lessee to observe and perform any covenant, condition or agreement on its part to be observed or performed, other than as referred to in Section 13.01(a), for a period of thirty (30) days after written notice, specifying such failure and requesting that it be remedied as given to Lessee by Lessor, unless Lessor shall agree in writing to an extension of such time prior to its expiration; provided, however, if the failure stated in the notice cannot be corrected within the applicable period, Lessor will not unreasonably withhold its consent to an extension of such time if corrective action is instituted by Lessee within the applicable period and diligently pursued until the default is corrected; or (c) Breach of any material representation or warranty by Lessee under this Agreement; or (d) Commencement by Lessee of a case or proceeding under the Federal bankruptcy laws or filing by Lessee of any petition or answer seeking reorganization, anangement, composition, readjustment, liquidation or similar relief under any existing or future bankruptcy, insolvency or other similar law or any answer admitting or not contesting the material allegations of a petition filed against Lessee in any such proceeding; or (e) A Petition against Lessee in a proceeding under any existing or future bankruptcy, insolvency or other similar law shall be filed and not withdrawn or dismissed within thirty (30) days thereafter.

The foregoing provisions of this Section 13.01 are subject to (i) the standard to be been any provision of this Agreement shall be held invalid or: (ii) if by reason of force maleure Lessee is unable in whole or in part to unenforceable by any court of competent jurisdiction, such holding shall not carry out its agreement on its part herein contained, other than the obligations on the part of the Lessee contained in Article VI hereof, Lessee shall not be deemed in default during the continuance of such inability. The term "force majeure" as used herein shall mean; without limitation, the following: Acts of God, strikes, lockouts or other industrial disturbances; acts of public enemies, order or restraints of any kind of the government of the United States of America or of the State wherein Lessee is located or any of their department, agencies or officials, or any civil or military authority; insurrections; riot, landslides; earthquakes; fire, storms; droughts; floods; or explosions.

#### Section 13.02 Remedies on Default.

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Whenever any event of default referred to in section 13.01 hereof shall have happened and be continuing, Lessor shall have the right, at its sole option without any further demand or notice, to take one or any combination of the following remedial steps: (a) with or without terminating this Agreement, retake possession of the Equipment and sell, lease or sublease the Equipment for the account of Lessee, to be applied to Lessee's obligations hereunder, holding Lessee liable for the Purchase Price applicable on the rent payment due date immediately preceding the date of default, plus the Rental payments due on such date, plus any other amounts payable by Lessee hereunder, including, but not limited to, attorney's fees expenses and costs of repossession; (b)Require Lessee at Lessee's risk and expense to promptly return the Equipment in the manner and in the condition set forth in Section 6.06 and 8.01 hereof; (c) If the Lessor is unable to repossess the Equipment for any reason, the

Equipment shall be deemed a total loss and Lessee shall pay to Lessor the amount due pursuant to Article IX hereof, and (d) Take whatever action at law or in equity may appear necessary or desirable to enforce its rights as the owner of the Equipment.

#### Section 13.03 No Remedy Exclusive

No remedy herein conferred upon or reserved to Lessor is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power and may be exercised from time to time and as often as may be deemed expedient.

#### ARTICLE XIV LESSOR'S WARRANTIES

Section 14.01 Lessor's Warranties.

As to each item of leased Equipment to be leased hereunder, the Lessor warrants that: (a) It has the right to lease the same to Lessee. (b) It will keep each item of leased Equipment free of security interests except for the security interest provided for in Section 7.02 of this Agreement. (c) It will do nothing to disturb Lessee's full right of possession and enjoyment thereof and the exercise of Lessee's rights with respect to the Equipment leased hereunder subject to compliance by Lessee of the terms of this Agreement.

#### ARTICLE XV

## MISCELLANEOUS

Section 15.01 Notices.

All notices, certificates of other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by certified mail, postage prepaid, to the parties at their respective places of business.

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#### Section 15.02 Binding Effect.

This Agreement shall insure to the benefit of and shall be binding upon Lessor and Lessee and their respective successors and assigns.

#### Section 15.03 Severability.

invalidate or render unenforceable any other provision hereof.

### Section 15.04 Amendments.

The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by the Lessor and the Lessee; nor shall any such amendment that affects the rights of Lessor's assignee be effective without such assignee's

#### Section 15.05 Execution in Counterparts.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

#### Section 15.06 Applicable Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of Mississippi.

#### Section 15.07 Captions.

The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions of sections of the Agreement.

#### Section 15.08 Entire Agreement.

This Agreement constitutes the entire Agreement between Lessor and Lessee. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing signed by both parties, and then such waiver, ent, modification or change shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, representations or warranties, express or implied, not specified herein regarding this Agreement or the Equipment lease hereunder. Any terms and conditions of any purchase order or other document (with the exception of Supplements) submitted by Lessee in connection with this Agreement which are in addition to or inconsistent with the terms and conditions of this Agreement will not be binding on Lessor and will not apply to this Agreement. Lessor and Lessee by their signatures acknowledge that each has read this Agreement, understands it, and agrees to be bound by its terms and conditions, and certifies that each signature is duly authorized and the signers are empowered to execute this Agreement on behalf of their respective principals.

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IN WITNESS WHEREOF, Lessor has executed this Agreement in its corporate name with its corporate seal hereunder affixed and attested by its duly authorized officer, and Lessee has caused this Agreement to be executed in its corporate name with its corporate seal hereunto affixed and attested by its duly authorized officers. All of the above occurred as of the date first written below.

### LESSOR: HANCOCK BANK

OF MADISON COUNTY, MS . . By By MR. ANDY TAGGART MR. JONATHAN KING PRESIDENT, BOARD OF SUPERVISORS PUBLIC FINANCE OFFICER

. . . ' • . 2.1.3 .... .....

ATTEST:

## By:

LESSEE: BOARD OF SUPERVISORS.

As of

MR. ARTHUR JOHNSTON CLERK OF BOARD

### {COUNTY SEAL}

()- (<sup>\*\*</sup>-

As of

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1.

2.

3.

### EXHIBIT "C" CERTIFICATE AS TO ARBITRAGE

We, the undersigned, BOARD OF SUPERVISORS OF MADISON COUNTY, MS ("Lessee"), being the person duly charged, with others, with responsibility for issuing the Lessee's obligation in the form of that certain agreement entitled "Governmental Lease Purchase Agreement" (the "Agreement") dated \_\_\_\_\_\_, 2007 and issued said date hereby certify that:

The Agreement was issued by the Lessee under and pursuant to SEC. 31-7-13(e) MISS. CODE ANN. (1972) Law to finance the acquisition of certain equipment described therein.

Pursuant to the Agreement, the Lessee is entitled to receive said equipment in consideration for the obligation of the Lessee under the Agreement. Said equipment will be used in furtherance of the public purposes of the Lessee. The Lessee does not intend to sell equipment or said Agreement or to otherwise dispose of said equipment during the term of the Agreement. The Lessee will not receive any monies, funds, or other "proceeds" as a result of the Agreement.

The Lessee expects to make payments under the Agreement from its general funds on the basis of annual appropriations in amount equal to the required payments under the Agreement. The remaining general funds of the Lessee are not reasonably expected to be used to make such payments and no other monies are pledged to the Agreement or reasonably expected to be used to pay principal and interest on the Agreement.

4. The Lessee has not received notice that its Certificate may not be relied upon with respect to its own issues nor has it been advised than any adverse action by the Commissioner of Internal Revenue is contemplated.

To the best of our knowledge, information and belief the expectations herein expressed are reasonable and there are no facts, estimates or circumstances other than those expressed herein that would materially affect the expectations herein expressed.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_\_ 2007.

### BOARD OF SUPERVISORS OF MADISON COUNTY, MS

Bv:

ANDY TAGGART Board President

By:

### EXHIBIT "D" DESCRIPTION OF EQUIPMENT

The Equipment that is listed on the invoices attached to this Exhibit D is the subject of the Governmental Lease Purchase Agreement dated \_\_\_\_\_\_, 2007 entered into between Hancock Bank and the Board of Supervisors of Madison County, Mississippi. Lessee hereby certifies that the description of the personal property set forth in the attached invoices constitutes an accurate description of the "Equipment", as defined in the above referenced Governmental Lease Purchase Agreement.

### BOARD OF SUPERVISORS OF MADISON COUNTY, MS

#### By:\_\_\_\_\_

ANDY TAGGART Board President

By:\_\_\_\_\_\_ ARTHUR JOHNSTON

Clerk of Board

### EXHIBIT "E" RENTAL PAYMENTS

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Monthly rentals on this agreement are \$12,555.95. The first rental due on this agreement will be due on the TBD day of TBD Month 2007 and subsequent monthly rentals will be due on the TBD day of each month thereafter. The lease term of this agreement is 36 monthly payments with a \$1.00 Purchase Option available to the Lessee at contract end. The purchase price during the original or any renewal term shall be the amount set forth as the "balance" or "outstanding balance" on the attached amortization schedule plus \$1.00 plus accrued but unpaid interest amounts as set forth on the attached schedule plus other amounts payable by lessee under the terms of the lease.

#### EXHIBIT "F" ACCEPTANCE CERTIFICATE

The undersigned, BOARD OF SUPERVISORS OF MADISON COUNTY, MS as Lessee; under the Governmental Lease Purchase Agreement (the "Agreement") dated \_\_\_\_\_\_\_\_. 2007 with HANCOCK BANK ("Lessor"), acknowledges receipt in good condition of all of the Equipment described in the Agreement and Exhibit "D" thereto this \_\_\_\_\_\_\_, 2007 and certifies that Lessor has fully and satisfactorily performed all of its covenants and obligations...

BOARD OF SUPERVISORS OF MADISON COUNTY, MS

By:\_\_

ANDY TAGGART Board President

By:\_\_\_

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### EXHIBIT G ESSENTIAL USE/SOURCE OF FUNDS LETTER

RE: Governmental Lease Purchase Agreement

HANCOCK BANK

#### Gentlemen:

TO:

functions of the undersigned as or to the service we provided to our citizens.

Further, we have an immediate need for, and expect to make immediate use of, substantially all the Property, which need is not temporarily or expected to diminish in the foreseeable future. The Property will be used by us only for the purpose of performing one or more of the governmental or proprietary functions consistent with the permissible scope of our authority.

We expect and anticipate adequate funds to be available for all future payments of rent due after the current fiscal year in as much as there will be a continued need for such property.

#### Very truly yours,

#### BOARD OF SUPERVISORS OF MADISON COUNTY, MS

By: ANDY TAGGART Board President

By:

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#### Exhibit H BILL OF SALE

For and in consideration of the purchase price of \$419,692.00 paid by Hancock Bank, Gulfport, Mississippi ("Lessor"), to \_\_\_\_\_\_\_\_\_\_ ("Lessee/Vendor"), receipt of which is hereby acknowledged, the Lessee hereby sells, assigns, and transfers to Lessor, the equipment (the "Equipment") now in the possession of Lessee as described on Exhibit D and the attachments thereto.

It is agreed that the Equipment is to remain in the possession of Lessee but that the possession thereof by Lessee shall, from and after the date hereof, be subject to the Governmental Lease Purchase Agreement dated as of \_\_\_\_\_\_, 2007 between Lessor and Lessee (the "Agreement"), with the same effect as though the Equipment had been acquired by Lessor and delivered to Lessee as of the date hereof. The rental applicable to the Equipment shall be determined in accordance with the terms of the Agreement.

Lessee hereby represents and warrants that the Equipment is now in the possession of the Lessee and hereby transfers to Lessor the Equipment free and clear of any and all liens and encumbrances, subject to re-conveyance and retention of title to Lessee as provided in the Agreement.

Lessee hereby agrees, upon request of Lessor, to execute and deliver any other instruments, papers, or documents which may be required, or desirable, in the opinion of Lessor in order to give effect to this Bill of Sale.

IN WITNESS WHEREOF Lessee has duly executed this Bill of Sale as of this day of \_\_\_\_\_\_ 2007.

### BOARD OF SUPERVISORS OF MADISON COUNTY, MS

BY:

ANDY TAGGART-Board President

BY:

#### Exhibit J ASSIGNMENT OF PURCHASE ORDERS

### For value received, the BOARD OF SUPERVISORS OF MADISON COUNTY, MS ("Assignor") does hereby, sell, assign and transfer to Hancock Bank, Gulfport, Mississippi ("Assignee") all its right, title and interest in and to and delegates all its duties under the purchase orders attached hereto and made a part hereof (the "Purchase Orders"), including without limitation the right to take title to the equipment (the "Equipment") described in the Purchase Orders and to be named as purchaser in any bills of sale and/or invoices to be delivered in connection therewith, subject to the provisions of the Agreement with respect to the transfer of title to Lessee.

The Assignor represents that the Purchase Orders are in full force and effect and enforceable in accordance with the terms thereof, and are assignable and the duties thereunders are assignable and that this Assignment is a valid exercise of the rights of the Assignor.

This Assignment is executed for the purpose of enabling Assignee to purchase the Equipment specified on the Purchase Orders which Assignee will lease to Assignor pursuant to a certain Governmental Lease Purchase Agreement dated as of \_\_\_\_\_\_, 2007 and of which this Assignment constitutes an integral part, and is subject to the provisions of the Agreement with respect to the transfer of title to Lessee.

Assignee has caused or will cause all actions to be taken as provided in the Purchase Orders assigned hereby including those pertaining to the delivery, installation, quality and quantities of Equipment.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_ 2007.

BOOK 2007 PAGE 0455

BOARD OF SUPERVISORS OF MADISON COUNTY, MS

BY: \_\_\_\_\_\_\_ANDY TAGGART Board President BY:

## 800X 2007 PAGE 0456

#### Exhibit K ASSIGNMENT OF INVOICES

## For value received, the BOARD OF SUPERVISORS OF MADISON COUNTY, MS

("Assignor") does hereby sell, assign and transfer to Hancock Bank, Gulfport, Mississippi ("Assignee") all its right, title and interest in and to and delegates its duties under the invoices attached hereto and made a part hereof (the "Invoices").

The Assignor represents that the Invoices are in full force and effect and are assignable and that this Assignment is a valid exercise of the rights of the Assignor.

This Assignment is executed for the purpose of establishing in Assignee clear title to the equipment specified on the Invoices which equipment is subject to that certain Governmental Lease Purchase Agreement dated as of \_\_\_\_\_\_\_, 2007 by the Assignor and Assignee, of which this Assignment constitutes an integral part, including those provisions for the transfer and a second seco

This Assignment of Invoices is executed as of this \_\_\_\_\_ day of \_\_\_\_\_\_ 2007.

### BOARD OF SUPERVISORS OF MADISON COUNTY, MS

BY: ANDY TAGGART Board President

	•						
Form	8038-G	inf	formation Return for 1	ax-Exempt Governme	ntal Obligati	ons	1
(Rev.	November 2000)		Under Inter	nal Revenue Code section 149	)(e)		OMB No. 154
Departe	ment of the Tressury			e separate Instructions. rice Is under \$100,000, use Form	n 8028. CC		
Par	and the second se	αΑυ				d Des.	I Irn, check here
1	Issuer's name						r identification
<del></del>			s of Madison County		64 60		
3	146 West Cente	r St.	O, box if mail is not delivered to	street address)	Room/suite	4 Re 3	port number 2007-2
5	Canton, Ms. 390		, state, and ZIP code		•	6 Da	te of issue
7			se Purchase Series-2007			8 CL	JSIP number
9	Mr. Arthur John	ston,	Clerk of the Board	e IRS may call for more information	r 601	1859-	officer or legal repre- 0337
Par	Type of I	ssue	e (check applicable box(	es) and enter the issue p	o <b>rice)</b> See instru	ctions	and attach scl
11	Education .					. 11	
12 13	Health and ho Transportation	•			• • • • •	. 12	
	Public safety.		• • • • • • • • • •		••••	. 13	
15			ling sewage bonds)	••••••	• • • • •	15	
	🗋 Housing					16	5
••	Utilities					. 17	··· • • ··· • · · · · · · · · · · · · ·
18 19	Other. Describ If obligations are 1		or RANs, check box >	If obligations are BANs, cl		18	
20	If obligations are i	n the	form of a lease or installme	nt sale, check box	<b>&gt;</b> 🛛		
Part	III Descript	ion o	of Obligations. Complete	for the entire issue for wh	ich this form is	s beind	filed.
	(a) Final maturity da		(b) Issue price	(c) Stated redemption	(d) Weighted average maturit		(e) Yield
21	·		\$ \$419,692.00	price at maturity \$			
Part	V Uses of I	Proce		s uding underwriters' disc	<u> </u>	ears	4
_	Proceeds used fo				Juny	22	
23	Issue price of enti	re iss	sue (enter amount from line 2	?1, column (b))	• • • • •	23	· · · · · · · · · · · · · · · · · · ·
24	Proceeds used for	bond	issuance costs (including und	lerwriters' discount) . 24			
			dit enhancement				
26 27	Proceeds allocated	to rea	asonably required reserve or				
28	Proceeds used to	curre	ently refund prior issues	27	**************************************		
29	Total (add lines 24	throu	uoh 28)			29	
30	Noniterunding proc	reeus	or the issue (subtract line 2	9 from line 23 and enter amo	ount here) .	30	
Part	V Descripti	on of	f Refunded Bonds (Com	plete this part only for re	efunding bond	s.)	
31 1	Enter the remainin	g wei	ighted average maturity of th	ne bonds to be currently refu	inded >	·	
32	Enter the remainin	g wei	ighted average maturity of the	te bonds to be advance refu	nded 🕨		
33 I	Enter the date(s) t	he ref	which the refunded bonds will funded bonds were issued	ll be called	· · · · ►		******
Part	VI Miscellan	eous	S				
			**************************************	to the issue under section 1	(41/b)(5)	35	1
36a B	Enter the amount of gi	ross pri	roceeds invested or to be invested	in a guaranteed investment contra	ict (see instructions)	36a	
b	Enter the final mat	urity (	date of the guaranteed inve-	stment contract 🕨		<u> IIII</u>	
37 F	Pooled financings:	a Proc	ceeds of this issue that are to be	e used to make loans to other g	overnmental units	37a	
b l	r this issue is a lo sever <b>&gt;</b>	oan m	nade from the proceeds of	another tax-exempt issue, c	heck box 🕨 🛄	and en	ter the name
38 If	the issuer has de	sinna	ted the issue under costion	and the date of 265(b)(3)(B)(i)(III) (small issue	the issue 🕨 📖		
22 11	ule issuer has ele	ectea	TO DAV a Denalty in lieu of a	rhitrade rehate, check hov			
<u>40 lf</u>	nie 1220er 1192 int	sume	a neuge, cneck box				1
			rjury, I declare that I have examined ue, correct, and complete.	this return and accompanying sched	lules and statements,	and to t	he best of my kno
Sign							
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-	A	of issue	er's authorized representative	Date.	Mr. Andy Tag Type or print nam		Board Preside
	1 /						

### (To Be Printed on Attorney Letterhead)

(To Be Dated On or After Date of Agreement)

Hancock Bank Public Finance Dept. P.O. Box 4019 Gulfport, MS 39502

RE: Lease-Purchase of Equipment by Board of Supervisors of Madison County, MS

104.13 24 3

#### Gentlemen:

1.

Pursuant to your request, we hereby render the following opinion regarding the Governmental Lease Purchase Agreement (the "Agreement"), dated \_\_\_\_\_\_, 2007 between the Board of Supervisors of Madison County, Mississippi ("Lessee") and Hancock Bank (the "Lessor").

We have acted as counsel to the Lessee with respect to certain legal matters pertaining to the Agreement, and to the transactions contemplated thereby. We are familiar with the Agreement and we have examined such agreements, schedules, statements, certificates, records, including minutes of the governing body of the Lessee and any other governing authority, and other instruments of public officials, Lessee, and other persons, as we have considered necessary or proper as a basis for the opinions hereinafter stated.

Based on such examination, we are of the opinion that:

Lessee has full power, authority and legal right to purchase equipment, as defined in the Agreement, and to execute, deliver and perform the terms of the Agreement. The purchase of the equipment and the execution, delivery and performance of the Agreement has been duly authorized by all necessary action on the part of Lessee and any other governing authority and does not require the approval of, or giving of notice to, any other federal, state, local, or foreign governmental authority and does not contravene any law binding on Lessee or contravene any indenture, credit agreement or other agreement to which Lessee is a party or by which it is bound. The Agreement grants the Lessor a valid, first priority security interest in the Equipment.

## BOOK 2007 PAGE 0459

2.

The agreement has been duly authorized, executed and delivered and constitutes a legal, valid and binding obligation of Lessee, enforceable in accordance with its terms.

- 3. All required procedures and laws for the purchase of the equipment and the execution, delivery and performance of the Agreement, including competitive bidding, if applicable, have been complied with, and all will be paid out of funds which are legally available for such purposes.
- 4. With respect to the tax-exempt status of the portion of rental payments under the Agreement, under present law:
  - (a) The Agreement is a conditional sales agreement which qualifies as the an obligation for purposes of Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury regulations and rulings thereunder.
  - (b) The interest portion of the rental payments under the terms of the Agreement is exempt from federal income taxation pursuant to Section 103(a) of the Code and the Treasury regulations and rulings thereunder. The interest portion of the rental payments under the terms of the Agreement is exempt from Mississippi Income Taxation.
- 5. There are no pending or threatened actions or proceedings before any court, administrative agency or other tribunal or body against Lessee which may materially affect Lessee's financial condition or operations; or which could have any effect whatsoever upon the validity, performance or enforceability of the terms of the Agreement.

This opinion is being furnished to you in connection with the above-referenced transaction. The opinions expressed herein are for the sole benefit of and may be relied upon by the Lessor and its assigns and are not to be delivered to or relied upon by any other party without prior written consent.

Sincerely,

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orm 60-605 (Rev ormerly 71-026	r. 6/99)			t in Duplicate		IN ALL BLANKS
		PETITION	FOR REL	DUCTION OF ASS	SESSMENT BOOK 20	
roperty o	1MA]	DISON			,	
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TAX ASSI	ESSOR		GERA	LD R BARBER -	TAX ASSESSOR	
			ORDER OF BOA	ARD OF SUPERVISORS		
STATE	OF MIS	SISSIPPI				•
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COOMIS	· • · · · · · · · · · · · · · · · · · ·					
	IT I	said application that S, THEREFORE, ORDERED	) by the Boar	d of Suppervisors of	MADISON	
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and sai		les being for the year	~~~~			• ·
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		ORDEREED AND ADJUDG	ED this the_		May , Topp T Int of Board of Super	20 07.
	<u></u>					
			CLER	K'S CERTIFICATE		
	I, f	Irthur Johnston		, Clerk of t	he Board of Superv	isors of
m	1.			.ssippi, do hereby	certify that the f	foregoing
is a	+ ruo à				-	Oregoing
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the d	lay	nd correct transcri		der of said Board	of Supervisors, pa	assed on ;
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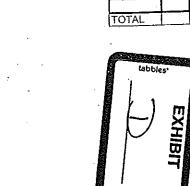
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PAGE	LINE	OWNERS NAME	PARCELN	NUMBER	ASSESSMENT AS			AMOUNT	REASON	CODE	RQST NO.	TAX DIST
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GROUP 2	006	MAY - DECREASES				ļ		CHANGE	CHANGE			
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PAGE 1		HAMMOND MICHAEL W	051B-09C-		7176				10% FORM		6143-06	4FM
PAGE 1	-	BARROW EVELYN -EST-	051E-16B-		/1/0			the second s	10% FORM		2662-06	4FM
PAGE 1		JONES KELBY S	051G-36 -		16191	1230			MADISON CO SCHOOL/CODE 15/lease expired		2708-06	4FM
PAGE 1	1	DUNN JOEY & KAREN	0576-30 -		447	3000			10% FORM	All shares and shares a	6204-06	3M
PAGE 1		PARKER BENITA RENEE	071A-02 -0		11591	3000 5130			10% FORM		2684-06	4M
PAGE 1		BISHOP BEVERLY V II	071B-10-0		36404	11655	16721 48059		10% FORM		6144-06	3M
PAGE 1	A DESCRIPTION OF THE OWNER OF THE	HILL GREGORY B	071A-11 -0		34242	9750					6151-06	3M
PAGE 1		SIMS NEKKI	071F-23A-(		42155	7500	43992		CLASS 1/OWNER OCCUPIED		6087-06	3MM
PAGE 1		SMITH CLINTON L JR	071F-23B-0		53939	13200		A REAL PROPERTY AND A REAL	10% FORM	and the second	2696-06	3RM
PAGE 1		THRASHER TIMOTHY D	072C-05A-		16686	6000			10% FORM 10% FORM		6201-06	3RM
PAGE 1		JUNG ROBERT E JR	072B-09C-		33972	9750		and the second	10% FORM	A REPORT OF A REPORT OF	6139-06	1M
PAGE 1		BLACK CODY & MEGAN	072A-11A-0		8031	3000	11031	and the second	10% FORM		6157-06	2MM
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PAGE 1	Contraction of the local division of the loc	ABBEY RANDALL M	072D-17C-		13767	5250	19017	a second seco	10% FORM		6148-06	2MM
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	1	VICE J DONALD & CAROL	072D-20B-034/00,00	8297	4200	12497		10% FORM		6225-06	2MM
PAGE 2			072E-21C-009/00.00	16461	6000	the second s		10% FORM		6136-06	2MM
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PAGE 2 PAGE 2		MACALLISTER TINICIA	072H-28D-002/01.38	7268		f	· · · · · · · · · · · · · · · · · · ·	10% FORM		6146-06	2RM
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PAGE 2		WEBB HOWARD TAFT	072I-29D-141/00.00	16809	a second s	the second s		10% FORM		6172-06	3RM
PAGE 2		GRANTHAM LISA LEE	072I-31B-137/00.00	8909	the second se			10% FORM		2685-06	3RM
PAGE 2		HAWKS JENNIFER L	072I-31A-301/74.00	9149		13649		10% FORM 10% FORM		26187-06	.1RM
PAGE 2		WEEMS JOHNIE F III	072H-33D-004/37.00	64805	the second se			10% FORM		26155-06	3M
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PAGE 2	12	SIMS GIBSON R JR	081D-18 -006/04.00	(	1			10% FORM		2 6210-06	3M
PAGE 2		TATE DALE I	081G-25 -001/22.00	36219		است في الم		10% FORM		2 6191-06	3M
PAGE 2	13	VAN DUSEN JAMES D	081G-25 -022/00.00	30632				10% FORM		2 6230-06	3M
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PAGE 3	A	VANCE DAVID D	082H-27 -		20720	Contraction of the Contraction o	1		10% FORM 2006		2681-06	1M
PAGE 3		NELSON HATTIE B	0821-29-		14207	4500			10% FORM 2006		2680-06	3M
PAGE 3	<u>.</u>	LINDSEY DUANE J		-002/48.00	17394	5250	(		10% FORM 2006		6198-06	1M
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PAGE 3		MYERS BILLY A	093D-20C		9762	2250	12012		10% FORM 2006	2	2674-06	5CC
PAGE 3	المحمد معد محل	BURNSIDE BRYAN	093I-29B-	F	15209	4875	20084	-6695	10% FORM 2006	2	2673-06	4CC
PAGE 3	1	BAILEY CLIFTON	094F-14 -(		575	2700	3275	-2525	DELETE IMP/LOWER LAND VALUE	11	2699-06	5M
PAGE 3		JOHNSON JEWEL	095C-07 -		2020	18400	20420	-303	DELETE IMP/MOBILE HOME	11	2623-06	5M
PAGE 3	the second second	STOKES WELTON	105H-28 -		2055	2250	4305	-1305	REDUCE IMP VALUE	11	6118-06	5M
PAGE 3		MATTHEWS JERRY	1051-32 -0	29/00.00	3038	2340	5378	-3082	DELETE MH	11	2621-06	5M
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GROUP 20					·						(2013) (Š.1
<u>`</u>						6895	3448	DELETE HS/CLASS 2			4FM
PAGE 1	1	MOSS BRADLEY L JR	051C-08D-006/00.0					REMOVE MH/PKU METAL BLDG			4M
PAGE 1		PRINCE HOWARD C JR	0521-31-006/01.02				582	DELETE HS/CLASS 2		2564-06	3RM
PAGE 1		PAYTON JOHNNIE	071G-36A-061/00.0					DELETE HS/CLASS 2		2601-06	2MM
PAGE 1	- 4	HUCKABEE THOMAS	072C-08B-077/02.3			1	0	REMOVE EXEMPT CODE 15			4M
PAGE 1	4	GLUCKSTADT SCHOOL	082E-16 -002/00.0		0 29250			REMOVE EXEMPT CODE 15		2100 00	4M
PAGE 1	5	GLUCKSTADT SCHOOL	082E-16 -003/01.0		0 11265 81 700		541	DELETE HS/CLASS 2			5C
PAGE 1	6	HICKS JAMES-LIFE-EST	083E-15C-037/00.0					DELETE HS/CLASS 2		2538-06	4CC
PAGE 1	7	GRIFFIN MARIAH	092F-13C-116/00.0				444	DELETE HS/CLASS 2		2533-06	4CC ·
PAGE 1	8	PUCKETT LOUELLA	092D-18-005/00.00			1	697	DELETE HS/CLASS 2		2476-06	4CC
PAGE 1	1 8	GARRETT IRA CURTIS	092F-24A-223/00.0					DELETE HS/CLASS 2		2540-06	5CC
PAGE 1	9	CARR MATTIEL&LOIS	093D-19C-190/00.				2701	DELETE HS/CLASS 2		2477-06	5M
PAGE 1	10	IDAY JOE NATHAN	094A-11 -004/00.0	,	86 203	· · · · · · · · · · · · · · · · · · ·		DELETE HS/CLASS 2		2532-06	5C
PAGE 1	11	ROSSTJ	102F-23 -015/00.0	0	33 .75		-742	DELETE HS/CLASS 2		2536-06	5C
PAGE 1	12	CHAMBERS ANNIE MAE	103F-24 -016/00.0				3467	DELETE HS/CLASS 2		2537-06	5M .
PAGE 1	13	HARRELL WILLIE L	105H-28 -025/00.0		89 150	•	2495	DELETE HS/CLASS 2		2530-06	5M
PAGE 1	.14	WILDER LOTTIE RUTH	1051-31 -003/00.00			×		DELETE HS/CLASS 2(2ND PCL)	1	2711-06	5M
PAGE 1	-14	HARRELL WILLIE L	105H-34 -027/01.0	<u>10 30</u>	01 100	<u> </u>				<u></u>	
PAGE 1	1 1	5								<u> </u>	
PAGE 1	1	3			<del>_  </del>				_ <u></u>	<b></b>	
PAGE 1		7		╾┼┼╴┯╴┯┈┯							+
	1-				_	-	\$ 29,754	TO BOS - MAY 07, 2007			
TOTAL	1				!		<u></u>		•		



BOOK 2007 PAGE 0464

## BOX 2007 MGE0 465

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NOTICE TO INCORDER WHEN DOCTOR		
NOTICE TO INCREASE THE ASSESSMENT OF		
ATE OF MISSISSIPPI COUNTY OF		<u> </u>
sessed to <u>MOSS BRADLEY L JR</u>		·.
Road District Sc	chool District Munic	cipality
To the Board of Supervisors of <u>MADISON</u>	, County, Miss.	issippi
w comes _CERALD_R_BARBER_ and gives notice a	as required by Section 27-35-147.	Code o
72, that the assessment of the property herein described		
	•	property
(Real/Personal)	DLL of said County.	
The undersigned recommends that the assessment of the said proc Page Line Parcel Land Terroremonte	Total	Total
Number Value Implovements		ncrease
0510-08D-0062800 4095	6895	3448
eason for increase UPON DISCOVERY - OWNER DECE		
	······································	
tness my signature this the <u>7TH</u> day of <u>MA</u>	Y, 20_07	
GERALD GERALD	R. BARBER, TAX ASSESSOR	
	(Title of Officer)	*******
cceptance by Taxpayer:	Date:	
d it affirmatively appearing to this board:		
1. "That the Clerk of this Board has sime the	ired notice to said owner to the	e last
1. That the Clerk of this Board has given the requirements by mail more than too have been the	fired notice to said owner to the sing, as directed by the Order of to appear);	e last f this
<ol> <li>That the Clerk of this Board has given the requirements of the second term of term</li></ol>	to appear);	f this
<ol> <li>That the Clerk of this Board has given the required nown address, by mail, more than ten days before this meet ard; and who appeared an presented objections (or failed</li> <li>That the said owner has, in writing, agreed to pearance before this Board and requested that the assessment of the Board Daving heard the environment and the Board Daving heard the environment.</li> </ol>	<pre>clng, as directed by the Order of to appear); the increase, waived notice, ent ment be made final;</pre>	f this
<ol> <li>That the Clerk of this Board has given the required and address, by mail, more than ten days before this meet and; and who appeared an presented objections (or failed 2. That the said owner has, in writing, agreed to ppearance before this Board and requested that the assessment before that the assessment should be increased, as</li> </ol>	<pre>clng, as directed by the Order of to appear); the increase, waived notice, ent ment be made final; .ly considered the same, and bein herein set forth;</pre>	f this cered
<ol> <li>That the Clerk of this Board has given the required nown address, by mail, more than ten days before this meet ard; and who appeared an presented objections (or failed</li> <li>That the said owner has, in writing, agreed to pearance before this Board and requested that the assessment before that the sase and the evidence, and careful tisfied that the said assessment should be increased, as</li> <li>IT IS, THEREFORE, ORDERED and approximate before the said assessment should be increased.</li> </ol>	<pre>clng, as directed by the Order of to appear); the increase, waived notice, ent ment be made final; .ly considered the same, and beir herein set forth;</pre>	f this cered
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m 60-607 (Rev. 6/99) -					Ballynnnyahro
m 60-607 (Rev. 6/99) . meny 71-027					BOOK 2007 PAGE 04
not	TCE TO INCREM	ASE THE A	SSESSMENT OF REA	AL/PERSONAL PROPER	<b>TY</b>
ATE OF MISSI	ISSIPPI		COUNTY OF		
sessed to	PRINCE HOWA	RD C JR &	SHARON F		
n	Road	District	Schoo	l District	Municipality
To the	Board of Super	visors of	MADISON	. County,	Mississippi:.
w comes _CE	RALD R. BARBI	FR	and gives notice as r	equired by Section 27-3	5-147, Code of
972, that th	he assessment of	the property	y herein described sh	ould be increased; the	said property
assesse	d on the 20 <u>06</u>	RFAL.	Assessment ROLL	of said County	
The	undersigned recommends	(Real/Person s that the asse		should be INCREASED as shown	below:
Page Line	, Parcel : Number	Land Value	Improvements	Total Value	Total Increase
052	7-31-006/01:0	2 2596	1762	4358	30
<u> </u>	<u> </u>				
eason for i	increase <u>REMOV</u>				
itness my	signature this t	the 7TH	day of MAY	, 20 <u>0</u>	
	(Signatule of Officer		GERALD_R	BARBER, TAX ASSE	ESSOR
<u> </u>		، د <b>ومیر</b> مدر در .			
cceptance 1	by Taxpayer:	<u></u>		Date:	
	matively appearin		pard:		
11	That the Clerk of				
wown addres.	s. by mail. more	than ten day	vs before this meetin	ed notice to said owner g, as directed by the On appear):	to the last rder of this
Board; and wi 2. I	s, by mail, more ho appeared an pr That the said own	than ten day esented object er has, in w	ys before this meetin ections (or failed to writing, agreed to th	g, as directed by the Or appear); e increase, waived notic	rder of this
Board: and wi 2. I appearance be	s, by mail, more ho appeared an pr That the said own efore this Board	than ten day esented obje er has, in w and requeste	ys before this meetin actions (or failed to writing, agreed to th ed that the assessmen	g, as directed by the D appear); e increase, waived notic t be made final;	rder of this
Board; and wi 2. I appearance be And th	s, by mail, more ho appeared an pr That the said own efore this Board he Board Daving h	than ten day esented object er has, in w and request heard the evi	ys before this meetin actions (or failed to writing, agreed to th ed that the assessmen	<pre>g, as directed by the O appear); e increase, waived notic t be made final; considered the same, ar</pre>	rder of this
Board; and wi 2. T appearance b And th satisfied th IT IS	s, by mail, more ho appeared an pr That the said own efore this Board he Board having h at the said asses , THEREFORE, ORDE	than ten day esented obje er has, in w and requeste seard the evi ssment shoul.	ys before this meetin actions (or failed to miting, agreed to th ed that the assessmen idence, and carefully d be increased, as he	<pre>g, as directed by the or appear); e increase, waived notic t be made final; considered the same, ar rein set forth; hat an increase in the s</pre>	rder of this re, entered nd being
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Formerty 71-	(Rev. 6/99) 027				· · · · · · · · · · · · · · · · · · ·	
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· •	NO.	LICE TO INCR	LASE THE	ASSESSMENT OF READ	L/PERSONAL PROPE	RTY
STATE C	OF MISS	ISSIPPI		COUNTY OF		•
Assess	ed to	PAYTON JOHN	NIE & ROS	SIE NELL	•	
In		Road	District	School	District	Municipalit
	To the	Board of Suna	Tricore of	MADISON		
					County,	•
Now con	nes - GE	CRALD BARB	FR.	and gives notice as rec	mired by Section 27-3	5-147, Code
1972,	that t	be assessment of	the proper	ty herein described show	ild be increased; the	said proper
		d on the 2006		Assessment ROLL of		
	. •		(Real/Perso	(Land		
Page	Line	Parcel	Land	essment of the said property s	hould be INCREASED as shown Total	below: Total
		Number	Value	Improvements	Value	Increas
	071	G-36A-061	350	814	1164	582
		1		· · · · · · · · · · · · · · · · · · ·		
		<u>}</u>	<u> </u>	······		
Reason	. for i	increase - UPON	DISCOVE	RY OWNER DECEASED.	7/22/03	
		by Taxpayer:	g to this b	oard:	(fithe of officer)	•
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//TY.N

<u>Athur Ophneton</u> in said County. Withness my hand and official seal, this the 29 day of <u>May</u> <u>Athur Ophneton</u> By: <u>Chile</u>

WX 20	107PAG	E0468

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NOTICE TO INCREASE THE ASSESSMENT OF REAL/PERSONAL PROPERTY STATE OF MISSISSIPPI

Assessed to HUCKABEE THOMAS RUSSELL

In\_\_\_\_\_Road District\_\_\_\_\_School District\_\_\_\_\_Municipality To the Board of Supervisors of \_\_\_\_\_\_, County, Mississippi:.

Now comes <u>CERAID P BAPRER</u> and gives notice as required by Section 27-35-147, Code of. 1972, that the assessment of the property herein described should be increased; the said property

being assessed on the 20<u>06</u> <u>(REAL</u> Assessment ROLL of said County.

	The	undersigned recommends	that the asse	sessment of the said property s)	hould be INCREASED as shown be	low:
Page	Line	Parcel Number	Land Value	Improvements	Total Value	Total Increase
	· 072	C-08B-077/02.	32 3000	0 8342	11342	5671
	1					

Reason for increase DELETE HS/MOVED OUT BECAUSE PROPERTY WENT TO BANK (CLASS 2)

MAY 20 07 the MINHChday of GERALD R. BARBER, TAX ASSESSOR

Acceptance by Taxpayer:\_\_\_\_\_ Date:\_\_\_\_\_

And it affirmatively appearing to this board:

That the Clerk of this Board has given the required notice to said owner to the last known address, by mail, more than ten days before this meeting, as directed by the Order of this Board; and who appeared an presented objections (or failed to appear);
 That the said owner has, in writing, agreed to the increase, waived notice, entered appearance before this Board and requested that the assessment be made final;

appearance before this Board and requested that the assessment be made final: And the Board having heard the evidence, and carefully considered the same, and being satisfied that the said assessment should be increased, as herein set forth; IT IS, THEREFORE, ORDERED AND ADJUDGED by this Board that an increase in the said original assessment be and is hereby made and finally approved as follows:

assessement be and is hereby made and finally approved as follows: The amount at Page \_\_\_\_\_, Line \_\_\_\_\_, be increased from \$ 11342

17013

IT IS, FURTHER ORDERED, that the Clerk of this Board is hereby directed and commanded to certify two copies of this order to the State Tax Commission, as required by Section 27-35-149, Code of 1972. ORDERED AND ADJUDGED the the 29 day of \_\_\_\_\_\_, 2007\_\_\_\_\_

the Board CLERK'S CERTIFICATE I. Arthur Johnstm, Clerk of the Board of Supervisors of Mod. Son\_ County, State of Mississippi, do hereby certify that the foregoing is a true and correct transcript of an order of said Board of Supervisors, passed on 20 07 as the same appears on Page \_\_\_\_\_ of the day 29 of Minute Book 2007 of said Board, now on file in the office of said Clerk in the Canton \_\_\_\_in said County. of \_ Withness my hand and official seal, this the 29 day of May By:

k of the Board of Supervisors of said County Clerk of

	1-027		-		·	
,	NO	TICE TO INCRE	EASE THE A	SSESSMENT OF RE	AL/PERSONAL	PROPERTY
STATE	OF MISS	ISSIPPI		COUNTY OF	· · · · · · · · · · · · · · · · · · ·	
Asses	sed to	GLUCKSTADT	SCHOOL PR	OPERTIES LLC		
In		Road	District	Schoo	l District	Municipality
	To the	Board of Supe	rvisors of	MADISON		ounty, Mississippi:
Now c	mes m		ייי ב רוידוי	•		
						on 27-35-147, Code of
		• i	the property	herein described sh	ould be increase	d; the said property
being	· •	d on the 20 <u>06</u>	REAL	1)		
·		undersigned recommend Parcel	Land	sment of the said property		
Page	Line	Number	Value	Improvements	Total Value	
		F-16-002	29250	0	29250	0
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				00000 15	· · ·	
	· .		VE EXEMPT			
Witne	ss my s	signature this.	2 day 18 day 1 day 1	the second s	1	, 20
		2	- Koskoliku S	and the second	BARBER, TAX	
	_	(Signature of Office	sar a som opprå konget to sta		(Title of Office	ASSESSOR
Accep	tance t	y Taxpayer:			Date:	•
					Date: 1	
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lanown	address	hat the Clerk of , by mail, more	this Board h than ten days	as given the required before this meeting tions (or failed to	d notice to said	owner to the last
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NO	FICE TO INCRE	ASE THE A	SSESSMENT OF REAL	PERSONAL PROPER	RTY
STATE OF MISS	ISSIPPI		COUNTY OF		
Assessed to	-GLUCKSTADT S	CHOOL PRO	OPERTIES LLC		
Iņ	Road	District	School	District	Municipality
To the	a Board of Super	visors of	MADISON	, County,	Mississippi:.
Now comes _G	ERALD R. BARB	<u>FR</u>	and gives notice as req	uired by Section 27-3	5-147, Code of
•			y herein described shou	ld be increased; the	said property
being assess	ed on the 2006	REAL.	Assessment ROLL of	. said County.	
The	undersigned recommend	(Real/Person s that the asse	syment of the said property s	hould be INCREASED as shown	below:
Page Line	Parcel "	Land Value	Improvements	. Total Value	Total Increase
082	E = 16 - 003/01.0		0	11265	0
			•		
	<u> </u> !				
Reason for	increase <u>REMO</u>	VE EXEMPI	CODE 15		
Witness my	signature this	the ZTH	day of <u>MAY</u>	, 20	07
	****		GERALD R	BARBER, TAX ASS	ESSOR
•	(Signature of Office:	🛣 - Constant of Solits (1997) 	*	(Title of Officer)	
Acceptance	by Taxpayer:	1		Date:	<u> </u>
And it affir	-		· · · · ·		
	matively appearin				ning <u>an an an an an an an an</u> an
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STATE	OF MISSI	SSIPPI		COUNTY OF		
Asses	sed to _	HICKS JAMES	-LIFE ESTA	re-	· ·	
In		Road	District	School	District	Municipality
	To the	Board of Super	visors of	MADISON		
Now c	omes GEF	1	•• •••	· · ·	and the second	Mississippi:
	1 A A A A A A A A A A A A A A A A A A A	CURRENT OF OTHER OF		•	quired by Section 27-35	
			the property h	erein described sho	uld be increased; the	said property
perud	•	on the 20 <u>06</u>		_ Assessment ROLL o	-	
	1 1	Parcel	s that the assessme Land	nt of the said property	should be INCREASED as shown )	
Page		Number	Value	Improvements	Total Value	Total Increase
	083E	<u>-15C-037</u>	700	381	1081	541
<del></del>						
	- <u>I</u>					
	· · · · ·			AMES HICKS-DEC	EASED-3/12/05	
Witne	se my si	mature this t	he <u><b>77</b></u>			<u>07</u> .
		(Signature of Officer	~	GERALD_R	BARBER, TAX ASSE	SSOR
÷		· · · ·	••••		(Title of Officer)	
Accer	ptance by	Taxpayer:	}.		Date: .	
And i	t affirma	tively appearing	g to this board			
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Form 60-807 (Rev.	evies)
Formerly 71-027	

NOTICE TO INCREASE THE ASSESSMENT OF REAL/PERSONAL PROPERTY

STATE OF MISSISSIPPI

In	Road DistrictSchool DistrictMunicipality
-	To the Board of Supervisors of <u>MADISON</u> , County, Mississippi:
Now com	es _ <u>CERAIN R</u> BARBER and gives notice as required by Section 27-35-147; Code of
1972,	that the assessment of the property herein described should be increased: the said property .
being a	ssessed on the 2006 REAL Assessment ROLL of said County.

COUNTY OF

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. . .

Page	Line	Parcel Number	Land Value	Improvements	Total Value	Total Increase
	092	F-13C-116	900	3413	4313	2157
			4.11	•	*	
		:	-		-	

Reason for increase UPON DISCOVERY-MARIAH GRIFFIN-DECEASED-1/12/05

Witness my sie	ature this the	· WTTH oday	of MAY	· .		, 20 <u>07</u>
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		And and a second division of the second divis	GERAL	0 R	BARBER. TAX	ASSESSOR
	(Signature of Officer	· · · · · · · · · · · · · · · · · · ·			(Title of Officer	
				•		
Acceptance by	Taxpaver:	•			Date:	

And it affirmatively appearing to this board:

 That the Clerk of this Board has given the required notice to said owner to the last known address, by mail, more than ten days before this meeting, as directed by the Order of this Board; and who appeared an presented objections (or failed to appear);
 That the said owner has, in writing, agreed to the increase, waived notice, entered appearance before this Board and requested that the assessment be made final; And the Board flaving heard the evidence, and carefully considered the same, and being satisfied that the said assessment should be increased, as herein set forth; IT IS, THEREFORE, ORDERED AND ADJUDGED by this Board that an inforease in the said original assessement be and is hereby made and finally approved as follows: The amount at Page \_\_\_\_\_, Line \_\_\_\_, be increased from \$ \_\_\_\_\_\_4313 \_\_\_\_\_ to \$ 6470

IT IS, FURTHER ORDERED, that the Clerk of this Board is hereby directed and commanded to certify two copies of this order to the State Tax Commission, as required by Section 27-35-149, Code of 1972. ORDERED AND ADJUDGED the the 29 day of \_\_\_\_\_\_, 2007\_\_\_\_\_.

CLERK'S CERTIFICATE Arthur Johnston \_\_\_\_\_, Clerk of the Board of Supervisors of County, State of Mississippi, do hereby certify that the foregoing a true and correct transcript of an order of said Board of Supervisors, passed on 2007 as the same appears on Page ----the day A of <del>~~</del>f. Minute Book 2007 of said Board, now on file in the office of said Clerk in the Caiton \_\_\_in said County. du of

Withness my hand and official seal, this the 🔗 day of onnaton an Supervisors of said County Clerk

COUNTY

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	NO	FICE TO INCRE	ASE THE A	ASSESSMENT OF	REAL/PERS	ONAL PROPER	TY
STATE		ISSIPPI		COUNTY OF _			
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		(Signature of Officer		GERALD		R, TAX ASSES	SSOR
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Accep	tance b	y Taxpayer:	ł		Dat	:e:	
And it	affirm	· • • · ·					
		atively appearing	g to this bo	ard:	• •		<b></b>
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Board;	1TI address and wh	hat the Clerk of , by mail, more t o appeared an pre	this Board 1 than ten day esented obje	has given the require before this meet ctions (or failed	to appear);	cted by the Ord	ler of th
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## 800K 2007 PAGE 0474

Formerly 71-027	· · · ·							·	
	NOTICE	TO INCRE	ASE THE	ASSESSME	NT OF	REAL/PERS	ONAL	PROPERT	Ϋ́
STATE OF	MISSISSIP	PI		cot	JNTY OF _				· · · · · ·
	11 A. A.	RRETT IR	A CURTIS					•	
In	• •	Road	District_		Sc	hool Distr:	.ct	Mı	micipali

To the Board of Supervisors of <u>MADISON</u> ... County, Mississippi: Now comes \_\_\_\_\_\_\_ BARRER and gives notice as required by Section 27-35-147, Code of 1972, that the assessment of the property herein described should be increased; the said property being assessed on the 20\_06\_\_ Assessment ROLL of said County.

Page	Line	Parcel Number	Land Value	nussing	nt of the said property : Improvements	Total Value	<u>s known de</u>	Total Increase	•
	092	F-24A-223	500·		994	1494	2	697	
•						· · · · ·			
		t							•

Reason for increase IPON DISCOVERY-OWNER DECEASED-11/06/05

Witness my cignature this the marth day of	MAY , 20 07
	GERALD R. BARBER, TAX ASSESSOR
(Signature of Officer	(Title of Officer)

Acceptance by Taxpayer: Date:

And it affirmatively appearing to this board:

2191

1. That the Clerk of this Board has given the required notice to said owner to the last known address, by mail, more than ten days before this meeting, as directed by the Order of this Board; and who appeared an presented objections (or failed to appear);

2. That the said owner has, in writing, agreed to the increase, waived notice, entered appearance before this Board and requested that the assessment be made final; And the Board having heard the evidence, and carefully considered the same, and being satisfied that the said assessment should be increased, as herein set forth; IT IS, THEREFORE, ORDERED AND ADJUDGED by this Board that an infreese in the said original sement be and is hereby made and finally approved as follows: • The amount at Page \_ , be increased from \$\_ , Line <u>7494</u>

IT IS, FURTHER ORDERED, that the Clerk of this Board is hereby direc y two copies of this order to the State Tax Commission, as required 1 eby directed and commanded to equired by Section 27-35-149, certify two c Code of 1972. ORDERED AND ADJODGED the the 29 day of mai 2007

CLERK'S CERTIFICATE \_\_\_\_\_, Clerk of the Board of Supervisors of I. Arthur Johnston \_\_\_\_County, State of Mississippi, do hereby certify that the foregoing is a true and correct transcript of an order of said Board of Supervisors, passed on may 2007 as the same appears on Page the day 29 of • of . Minute Book 2007 of said Board, now on file in the office of said Cl FRV Cantin said County. of · Withness my hand and official seal, this the <u>29</u> day of <u>7</u> Attus Johnston I the Board of Supervisors of said County Clerk of

	NO	FICE TO INCRE	LASE THE A	SSESSMENT OF REAL	PERSONAL PROPE	RTY
STATE	OF MISS	ISSIPPI		COUNTY OF		•
Assess	sed to	CARR MATTI	E L & LOIS			
In		Road	District_	School 1	District	Municipality
	To the	Board of Supe:	1 1 1 V 1			
New co		·				Mississippi:
		RALD R BARB		nd gives notice as requ		and the second
		•	the property	herein described shoul	d be increased; the	said property
peing	•	d on the 20 <u>06</u>	(Roal/Personal	Assessment ROLL of		
Page		Parcel	is that the asses Land	sment of the said property she	uld be INCREASED as shown Total	
	<u> </u>	Number	Value	Improvements	Value	Total Increase
·····	093	D-19C-190	1800	3574	5374	2687
······		t .				
Reason	1 for i	ncrease mor		MATTIE CARR-DECE		
		sigesture this			ASED-10/22/05	
2			the 794	day of <u>MAY</u>	, 20	<u>07</u> .
	~	(Signature of Office:		GERALD_R	ARBER, TAX ASS	ESSOR
Accept	tance	y Taxpayer:			1	
Contraction of Contract		atively appearin			Date:	
	1 .70	haf the Cleve of				an a
known	address	by mail more	then men aleres			
board;	and wh	o appeared an pr	esented objec	as given the required n before this meeting, a tions (or failed to app	is directed by the Operation	to the last rder of this
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om 60-607 (Rev	6(23)				
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Formerty 71-027 NOTICE TO INCREASE THE ASSESSMENT OF REAL/PERSONAL PROPERTY
STATE OF MISSISSIPPI COUNTY OF
Assessed to <u>DAY IOE NATHAN &amp; CORA LEE-LIFE EST</u>
In Koad District
To the Board of Supervisors of <u>MADISON</u> , County, Mississippi:
Now comes <u>CERAID P BARBER</u> and gives notice as required by Section 27-35-147, Code of
1972, that the assessment of the property herein described should be increased: the said property
being assessed on the 2006 REAL Assessment ROLL of said County.
The undersigned recommends that the assessment of the said property should be INCREASED as shown below:
Page Line Number Value Improvements Value Increase
<u>094A-11-004</u> 2189 3402 5591 2701
Reason for increase UPON DISCOVERY-CORE LEE ROBERTS DAY-DECEASED 4/7/00
Witness my signature this the same day of MAY
(Signature of Officer GERALD R. BARBER, TAX ASSESSOR
And it affirmatively appearing to this board: 1. That the Clerk of this Board has given the required notice to said owner to the last
known address, by mail, more than ten days before this meeting, as directed by the Order of this Board; and who appeared an presented objections (or failed to appear);
2. That the said owner has, in writing, agreed to the increase, waived notice, entered appearance before this Board and requested that the assessment be made final;
appearance before this Board and requested that the assessment be made linal. And the Board having heard the evidence, and carefully considered the same, and being
satisfied that the said assessment should be increased, as herein set forth;
IT IS, THEREFORE, ORDERED AND ADJUDGED by this Board that an inferease in the said original assessement be and is hereby made and finally approved as follows:
The amount at Page, Line, be increased from \$ 5591 to
\$ <u>8292</u>
IT IS; FURTHER ORDERED, that the Clerk of this Board is hereby directed and commanded to certify two copies of this order to the State Tax Commission, as required by Section 27-35-149,
Code of 1972. ORDERED AND ADJUDGED the the 27 day of may 2007
A A A
President of the Board
CLERK'S CERTIFICATE
I, Arthur Johnston , Clerk of the Board of Supervisors of
Madi Son
is a true and correct transcript of an order of said Board of Supervisors, passed on
the day $29$ of $m_{au}$ 2007 as the same appears on Pageof
Minute Book 2007 of said Board, now on file in the office of said Clerk in the
City of Canton in said County.
Withness my hand and official seal, this the 29 day of May 1
<u>Arthur Johnstein</u> Clerk of the Board of Supervisors of said County

# BOOK 2007 PAGE 0477 Form 60-607 (Rov. 8/b9) Formerty 71-027

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NOT	ICE TO INCRE	ASE THE	ASSESSMENT OF REA	L/PERSONAL PROPE	RTY
STATE OF MISSI		· · · ·	COUNTY OF	•	
Assessed to	ROSS T J	•			······································
Cn .	Road	District	School	District	
To the	Board of Super			District	
		•			Mississippi:
	RALD B. B. BARB		and gives notice as re		
		the proper	ty herein described sho	ald be increased; the	a said property
1	on the 20_06	(Real/Pers	Assessment ROLL o		
1 1	ndersigned recommend: Parcel	that the ass Land	essment of the said property		
Page Line	Number	Value ·	Improvements	Total Value	Total Increase
102	F-23-015	2030	1286	3316 '	1393
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Beacon for it		<u>I</u>	L <u></u>	1	
	-UPON		Y-OWNER-TOM ROSS-	DECEASED-3/18/05	· · · · · · · · · · · · · · · · · · ·
Witness my s:	mature this	ne <u>7TH</u>	day of MAY		<u>07</u> ·
	(Signature of Officer	وقعت فيعر ذرار ا	GERALD R	BARBER, TAX ASS	ESSOR
Acceptance b	· ·			(Title of Officer)	· · .
		} 		Date:	
	tively appearing				•
known address, Board: and who	by mail, more t	this Board han ten da	has given the required ys before this meeting, ections (or failed to	notice to said owner as directed by the O	to the last
2. Th	at the said own	- hnn i'.	Contract (or rested to 9	(ppear);	
	•		writing, agreed to the ed that the assessment	De made rinal;	
			idence, and carefully c d be increased, as here	an set forth;	
IT IS.	TEEREFORE OPDER		DDGED by this Board than nally approved as follo	· • •	aid original
		-	, be increased from		
\$ <u>4709</u>		*		*3316	'to
IT IS, certify two co	FURTHER ORDERED,	that the	Clerk of this Board is State Tax Commission	hereby directed and co	mmanded to
Code of 1972	AND ADJUDGED th			is required by Section	27-35-149,
•	• •			1	••••••••••••••••••••••••••••••••••••••
	•			Time	•
		+ $+$ $+$		sident of the Board	
	1		CLERK'S CERTIFICATE		
<u>⊥, ⊭r</u>	thur Johnstr	<u>n</u>	, Clerk o:	f the Board of Super	visors of
	County,	State óf	Mississippi, do hereb	ov certify that the	
11/20100				" " " " " " " " " " " " " " " " "	foregoing
is a true and	d correct trans	cript of,	an order of said Boar	rd of Supervisors	foregoing
is a true and the day $\mathcal{A}$	d correct trans	script of	an order of said Boar	rd of Supervisors, p	assed on
the day <u>29</u>	of <u>Span</u>	cript of	an order of said Boar $20 \land 7$ as the :	rd of Supervisors, p sameappears on Page	eof
·	d correct trans	cript of	an order of said Boas $20  0.7$ as the s d, now on file in the	rd of Supervisors, p sameappears on Page e office of said Cle	eof
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	NOTICE TO	INCREASE	THE AS:	SESSMENT O	F REAL	/PERSONAL	PROPERTY
						·	,

COUNTY OF STATE OF MISSISSIPPI

Assessed to CHAMBERS ANNIE MAE & RICHARD BROWN

School District Municipality Road District ·. \_\_\_\_, County, Mississippi:. To the Board of Supervisors of \_\_\_\_\_MADISON Now comes CERAID B BARBER and gives notice as required by Section 27-35-147, Code of 1972, that the assessment of the property herein described should be increased; the said property Assessment ROLL of said County.

being assessed on the 20<u>06\_\_\_\_\_REAL\_\_\_</u>

Page	I.ine	ndersigned recommends Parcel Number	that the ass Land Value	resonant of the sold property s	Total Value	SDOWN De	Total Increase
	10:	F-24-016	750	733	1483	* <sub>1.</sub>	742
-							
· · · · · · · · · · · · · · · · · · ·		-1			•		

Reason for increase UPON DISCOVERY\_OWNER ANNIE CHAMBERS\_DECEASED-11/08/02 

ignature this the \_\_\_\_\_\_ day of \_\_\_\_\_\_ MAY Witness

GERALD R. BARBER, TAX ASSESSOR re of Office Date:

Acceptance by Taxpayer: And it affirmatively appearing to this board:

1. That the Clerk of this Board has given the required notice to said owner to the last address, by mail, more than ten days before this meeting, as directed by the Order of this and who appeared an presented objections (or failed to appear); addres

2. That the said owner has, in writing, agreed to the increase, waived notice, entered appearance before this Board and requested that the assessment be made final; And the Board having heard the evidence, and carefully considered the same, and being satisfied that the said assessment should be increased, as herein set forth; IT IS, THEREFORE, ORDERED AND ADJUDGED by this Board that an inferease in the said original assessement be and is hereby made and finally approved as follows: , Line \_\_\_\_\_ The amount at Page , be increased from \$\_\_\_\_

2225 IT IS; FURTHER ORDERED, that the Clerk of this Board is hereby directed and commanded to y two copies of this order to the State Tax Commission, as required by Section 27-35-149, f 1972. ertify of 1972. ORDERED AND ADJUDGED the the 29 day of 2007 may

CLERK'S CERTIFICATE I. Hothur Johnstm \_\_\_, Clerk of the Board of Supervisors of maison County, State of Mississippi, do hereby certify that the foregoing is a true and correct transcript of an order of said Board of Supervisors, passed on Smary\_\_\_\_\_20 0.7 as the same appears on Page \_\_\_\_\_of the day <u>29</u> of Minute Book 2007 of said Board, now on file in the office of said Clerk in the of (cinton tu in said County. ma

Withness my hand and official seal, this the \_\_\_\_\_\_ day of\_\_\_

the Board of Supervisors of said County Clerk of the Supe

Formary 71.							
	NOT	FICE TO INCRI	EASE THE A	SSESSMENT OF REA	L/PERSONAL	PROPER	የሚ
STATE		ISSIPPI		COUNTY OF			
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In		Road	District	Sebee			
	To the	Board of Supe		Schoo			- 1
Now co							
1070		KALD R. BARB	ER z	nd gives notice as re	equired by Sect	ion 27-35	-147. Code
				herein described she	ould be increas	sed; the	said proper
being		d on the 20 <u>06</u>	(Real/Person	1)	. –		-
·		undersigned recommend Parcel	Land	sment of the said property			elow:
Page	Line	Number	Value	Improvements	Tota Valu	-	: Total Increas
	10	5H-28-025	1509	5434	6943	8	3467
		<u> </u>				۰.	
		}					<u> </u>
		-		OWNER-WILLIE HA	RRELL-DECEA	SED-12/	18/05
Witnee	s my s	signature this	the 7TH	day of MAY		20 (	7
		×~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		GERALD R	BARBER, T	Y ACCEC	COD
		(Signature of Office)	*		(Title of Offi	cer)	55UK
Accept	cance b	y Taxpayer:	1		Date:		
And it	affirm	atively appearin	to this bos		interest in the second s		
	1 .***1	hat the clamb as					
known Board;	l. T	hat the Clerk of	this Board h	as given the required	l notice to sai as directed h	d owner to by the Ord	o the last er of this
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	Io the	•	́н,	MADISON		
w com	es GE	RALD R BARBE	R	and gives notice as rea	quired by Section	.27-35-147, Code of
72,	that th	ie assessment of t	he property	y herein described show	uld be increased;	the said property
ing a	· ·		(Real/Person	Assessment ROLL o		abara balar
age	Line	Parcel	Land Value	Improvements	Total Value	Total
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		ncrease <u>OWNER-</u>	in the second			20 07
			ha <u>7</u> 777	day ofM	<u>AY</u> ,	20 07
			he <u>77TH</u>		<u>AY</u> ,	

1. "That the Clerk of this Board has given the required notice to said owner to the last address, by mail, more than ten days before this meeting, as directed by the Order of this and who appeared an presented objections (or failed to appear); 2. That the said owner has, in writing, agreed to the increase, waived notice, entered arance before this Board and requested that the assessment be made final; app And the Board having heard the evidence, and carefully considered the same, and being satisfied that the said assessment should be increased, as herein set forth;

IT IS, THEREFORE, ORDERED AND ADJUDGED by this Board that an inforease in the said original assessement be and is hereby made and finally approved as follows: \_\_\_\_, be increased from \$\_\_\_\_\_ The amount at Page , Line 5405 8104

IT IS; FURTHER ORDERED, that the Clerk of this Board is certify two copies of this order to the State Tax Commission, Code of 1972. ORDERED AND ADJUDGED the the Add day of Ma reby directed and co required by Section may 2007

. CLERK'S CERTIFICATE I. Arthur Johnston \_\_\_\_, Clerk of the Board of Supervisors of maison County, State of Mississippi, do hereby certify that the foregoing is a true and correct transcript of an order of said Board of Supervisors, passed on 20 07 as the same appears on Page the day 29 of may of said Board, now on file in the office of said Clerk Minute Book 2007 in the of Canton \_\_\_\_in said County. itte Withness my hand and official seal, this the  $\frac{2}{2}$ day of <u>N</u> Of the Board of Supervisors of said County Clerk of

COUNT

Board

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	NOT	ICE TO INCRI	EASE THE	SSESSMENT OF DET	L/PERSÓNAL PROPER	- 
STATE	OF MISSI				TATERSONAL PROPER	ci.x.
		WILDER LOT	תחוות כדי	COUNTY OF		
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In			District	School	L District	Municipalit
	To the	Board of Supe	rvisors of	MADISON	, County,	Mississippi
Now co	nes -GE	RALD R. BARR	ER	and gives notice as re	equired by Section 27-3	5-147. Code a
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Ni Cile	ж my s;	insture this	the <u>7TH</u>	day of <u>MAY</u>		07
		(Signature of Office)		GERALD_R_	BARBER, TAX ASSE	SSOR
Accort		- 1	• • •		(Title of Officer)	• •
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And it		atively appearin		ard:		
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### In the Matter of the Approval of the Claims Docket

### **RESOLUTION**

WHEREAS, the Supervisors reviewed the docket of claims dated May 7, 2007, (copies of which are attached hereto and marked as Exhibit "A"); and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had been properly

documented and where necessary, purchase orders were obtained in advance as required by law.

NOW THEREFORE BE IT RESOLVED BY THE SUPERVISORS OF MADISON COUNTY,

MISSISSIPPI that the Chancery Clerk is hereby authorized to pay claims filed against Madison County as set forth in Exhibit "A" which is attached hereto and made a part hereof by reference and that all claims which are marked as "Hold" or "Rejected" shall be treated as such by the Clerk and that invoice numbers should be attached to each claim on the claims docket and the Chancery Clerk is further directed to publish the Summary of Claims as required by law and the President is authorized to sign the Claims Docket, a copy of which is attached hereto and marked as "Exhibit" A.

This Resolution constitutes approval of that portion of the minutes of the May 7, 2007, meeting of the Board of Supervisors of Madison County wherein the aforesaid claims docket was approved.

After discussion on the matter, Supervisor Douglas L. Jones offered and moved for the adoption of the above and foregoing Resolution, which was seconded by Supervisor Karl M. Banks. The vote on said matter was as follows, to-wit:

> Supervisor Douglas L. Jones - District I Supervisor Tim Johnson - District II Supervisor Andy Taggart - District III Supervisor Karl M. Banks - District IV Supervisor Paul Griffin - District V

Voted: Aye Voted: Aye Voted: Aye Voted: Aye Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. Andy

Taggart, President of said Board as being duly carried on this the 7th day of May, 2007.

Ľ 107 Andy Taggart President

Madison County Board of Supervisors

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