

***In re: Discussion of Parkway South Public Improvement  
District Matters and Parkway East Public Improvement  
District Matters and Authorize Payment of Debt Service Shortfall***

WHEREAS, County Administrator David Overby appeared before the Board and reported that the Parkway South Public Improvement District has advised the county through correspondence from its bond paying agent addressed to the Chancery Clerk and the Board Attorney, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, that the District has failed to collect special assessments sufficient to make its debt service payment due May 1, 2013, and that, consequently, the county has been called upon to make up the shortfall under and pursuant to that certain Contribution Agreement between the PID and the county previously approved by the Madison County Board of Supervisors on January 21, 2005 found at Minute Book 2005, Page 154, as corrected and clarified by said Board on June 18, 2007 at Book 2007 Page 608, and

WHEREAS, Mr. Overby further reported that the Parkway East Public Improvement District has advised the county through correspondence from its bond paying agent addressed to the Chancery Clerk, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, that the District has failed to collect special assessments sufficient to make its debt service payment due May 1, 2013, and that, consequently, the county has been called upon to make up the shortfall under and pursuant to that certain Contribution Agreement between the PID and the county previously approved by the Madison County Board of Supervisors on February 18, 2005 found at Minute Book 2005, Page 278, and

WHEREAS, Mr. Overby further reported that based on the advice of the county's special bond counsel, Butler Snow, O'Mara Stevens and Cannada, PLLC, and the Board Attorney, the Board should consider making the requested shortfall payment of Parkway South PID in the amount of \$328,344.48 and shortfall payment of Parkway East PID in the amount of \$676,514.19,

Following discussion, Mr. \_\_\_\_\_ did offer and Mr. \_\_\_\_\_ did second a motion to:

(1) approve the payment of the sum of \$328,344.48 to the Parkway South Public Improvement District or to the bond trustee, Trustmark National Bank or its designee, under and pursuant to paragraph 3 of that certain Contribution Agreement previously approved by the Madison County Board of Supervisors on January 21, 2005 found at Minute Book 2005, Page 154, as corrected and clarified by said Board on June 18, 2007 at Book 2007 Page 608, and

(2) approve the payment of the sum of up to \$676,514.19 to the Parkway East Public Improvement District or to the bond trustee, Hancock Bank or its designee, under and pursuant to paragraph 3 of that certain Contribution Agreement previously approved by the Madison County Board of Supervisors on February 18, 2005 found at Minute Book 2005, Page 278;

(3) direct that such payments be made from the county general fund by wire transfer if necessary; and

(4) to further find, determine and declare that the payment contemplated and authorized herein is being made pursuant to the aforesaid Contribution Agreement in full reliance on the advice of special counsel, Butler Snow, O'Mara Stevens and Cannada, PLLC, as that advice was submitted via correspondence dated October 14, 2011, addressed to Board Attorney Eric Hamer, and its opinion of July 27, 2005, a true and correct copy of both of which may be found under seal in the Miscellaneous Appendix to the Minutes of this Board from its meeting of October 24, 2011, together with that certain correspondence dated April 21, 2010, a true and correct copy of which may be found under seal in the Miscellaneous Appendix to these Minutes from its meeting of October 24, 2011. The vote on the matter being as follows:

Supervisor John Bell Crosby	_____
Supervisor Ronny Lott	_____
Supervisor Gerald Steen	_____
Supervisor Karl M. Banks	_____
Supervisor Paul Griffin	_____

the matter carried unanimously and said payment in the amount of \$328,344.48 to the Parkway South Public Improvement District or to the bond trustee, Trustmark National Bank or its designee was and is hereby approved by wire transfer if necessary; said payment in the amount of \$676,514.19 to the Parkway East Public Improvement District or to the bond trustee, Hancock Bank or its designee was and is hereby approved; said payments from the county general fund were and are hereby approved by wire transfer if necessary; and the Chancery Clerk was and is hereby so authorized and directed.

SO ORDERED this the 15<sup>th</sup> day of April, 2013.

# INVOICE

Mr. Arthur Johnston  
Madison County Chancery Clerk  
146 West Center Street  
Canton, MS 39046

March 21, 2013

Re: Parkway South Public Improvement District Special  
Assessment Bonds, Series 20007

## May 1, 2013 Debt Service Payments:

Interest Payment	\$186,887.50
Principal Payment	\$ 450,000.00
Less Cash Held in Trust Account	<u>(\$308,543.02)</u>
Total Amount Due	\$328,344.48



**Trustmark**  
Banking and Financial Solutions



April 5, 2013

Madison County Board of Supervisors  
Attn: Arthur Johnston, Chancery Clerk

Via telefax 601-859-0337

Parkway East Public Improvement District  
Attn: Bob Montgomery, Board Attorney

Via telefax 601-859-3622

**Re: Notice of Debt Service Insufficiency**

\$27,770,000 Parkway East Public Improvement District Special Assessment Bonds Series 2005, dated as of July 1, 2005  
*as supplemented by*

\$3,000,000 Parkway East Public Improvement District Special Assessment Completion Bonds Series 2008, dated as of May 1, 2008

Gentlemen:

This notice of Debt Service Insufficiency is made pursuant to Section 6.03 of the Series 2005 Trust Indenture. The Trustee hereby states that the amounts in the Interest Account, Principal Account and Sinking Fund Account are insufficient to provide for the debt service due on these bonds on May 1, 2013. The Trustee further states that the amount available in the Revenue Fund to be transferred to the Interest Account, Principal Account and Sinking Fund Account is not sufficient to provide for the May 1, 2013 debt service.

The Debt Service Insufficiency for the May 1, 2013 payment date is \$798,043.32. The attachment to this letter gives the details of this determination and allocates that shortfall between the Series 2005 and Series 2008A bonds. The Indenture requires this money be on deposit with us 5 days before May 1, 2013.

Sincerely,

Susan R. Tsimortos  
Sr. Vice President & Trust Officer

enclosure

**Parkway East Series 2005****May 1, 2013 debt service**

\$	910,000.00	principal
\$	518,410.63	interest
\$	1,428,410.63	Series 2005 due 5-1-13
\$	(751,895.45)	rev fd allocation
\$	(0.99)	debt service fund balance
\$		from DS Reserve fund
\$	<b>676,514.19</b>	<b>Series 2005 shortfall</b>

**Parkway East Series 2008A****May 1, 2013 debt service**

\$	155,000.00	principal
\$	51,397.50	interest
\$	206,397.50	Series 2008 due 5-1-13
\$	(84,868.35)	rev fd allocation
\$	(0.02)	debt service fund balance
\$	<b>121,529.13</b>	<b>Series 2008 shortfall</b>
\$	846,013.80	revenue fd balance
\$	(9,250.00)	trustee fees due 5-1-13
\$	836,763.80	available revenue fd balance
\$	<b>798,043.32</b>	<b>Total Shortfall, 2005 &amp; 2008</b>
\$	<b>3,499.35</b>	<b>Acq. &amp; Con Fd balance</b>

**Allocation of Revenue Fund balance****Bonds Outstanding:**

\$	23,655,000.00	Series 2005	0.898575
\$	2,670,000.00	Series 2008A	0.101425
\$	<b>26,325,000.00</b>		