

Department of Engineering
Tim Bryan, P.E., County Engineer

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MEMORANDUM

September 7, 2021

To: Sheila Jones, Supervisor, District I
Trey Baxter, Supervisor, District II
Gerald Steen, Supervisor, District III
Karl Banks, Supervisor, District IV
Paul Griffin, Supervisor, District V

From: Tim Bryan, P.E., PTOE
County Engineer

Re: Request for Payment
Civil Action No. 2021-0556 JH
David Scott Kimbrough et al
Bozeman Road Improvements

The Engineering Department requests that the Board authorize payment of \$28,920.00 to the above referenced party as settlement of Civil Action No. 2021-0556 JH as approved at the Board Meeting on August 2, 2021. It is also requested that the Board President be authorized to sign the attached authorization document.

The payment instrument shall be payable to the Circuit Clerk of Madison County and reference "Madison County v. Kimbrough, Cause No. 2021-1556 JH".

SHEILA JONES
District One

TREY BAXTER
District Two

GERALD STEEN
District Three

KARL BANKS
District Four

PAUL GRIFFIN
District Five

**AUTHORIZATION TO DISBURSE FUNDS
BOZEMAN ROAD IMPROVEMENTS PROJECT**

County: Madison
Project: LPA 106993-701000
Parcel: 027-00-00-W
Owner: David Scott Kimbrough and Mary Jo Kimbrough

Re: **Civil Action No. 2021-0556 JH**
In the Special Court of Eminent Domain, Madison County, Mississippi
Madison County, Mississippi, a body politic vs. David Scott Kimbrough; Mary Jo Kimbrough; Mortgage Electronic Registrations Systems, Inc.; and Advantage Title, LLC, Trustee

This is a request to authorize the payment of monies pursuant to a settlement agreement previously approved (8-2-2021) by the Madison County Board of Supervisors in Madison County Civil Action No. 2021-0556 JH, styled *Madison County, Mississippi, a body politic vs. David Scott Kimbrough et al.*, In the Special Court of Eminent Domain, Madison County, Mississippi.

On August 2, 2021, the Madison County Board of Supervisors approved a proposed settlement in the amount of \$28,920 for Madison County Civil Action No. 2021-0556 JH. Said settlement was contingent upon obtaining a Partial Release from additional named Defendants (Mortgage Electronic Registration Systems, Inc. ("MERS") and Advantage Title, LLC, as Trustee). On August 31, 2021, approval of the settlement was received by the additional named defendants and their servicer, namely Wells Fargo Bank, N.A.

Having considered the above and other matters discussed in Executive Session at the September 7, 2021 Board of Supervisors Meeting, I have been authorized to direct payment of the previously authorized settlement (**\$28,920**) be made in Madison County Civil Action No. 2021-0556 JH, styled *Madison County, Mississippi, a body politic vs. David Scott Kimbrough et al.*, In the Special Court of Eminent Domain, Madison County, Mississippi.

I hereby further direct that the payment instrument shall be made payable to the "**Circuit Clerk of Madison County, MS**" and reference "**Madison County v. Kimbrough, Cause No. 2021-0556 JH.**" Upon issuance, notice shall be sent to Barry Zirulnik of Price & Zirulnik, PLLC to retrieve the check and deposit same into the registry of the Court for disbursal.

Karl M. Banks
Board President
Madison County Board of Supervisors

Date