

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

IN RE:

CIVIL CAUSE NO 2022-0281

APPLICATION TO PAY THE CLAIM OF APAC-MISSISSIPPI, INC.  
FOR SERVICES AND MATERIALS RECEIVED BY  
MADISON COUNTY, MISSISSIPPI

**FILED**  
MADISON COUNTY

DEC 12 2022

ANITA WRAY, CIRCUIT CLERK

BY Anita Wray D.C.

ORDER

THIS MATTER coming before the Court on application to pay claim of APAC-Mississippi, Inc., for certain products and materials delivered to Madison County, for which the county acknowledges receipt, but which nonetheless exceeded the amount of the relevant purchase orders, in the aggregate, that were approved by the Madison County Board of Supervisors, for the materials.

It appearing that multiple invoices were presented to Madison County Board of Supervisors in the amount of \$34,814.65, in the aggregate, for road improvement materials delivered to the county, which exceeded the upper limit of the applicable purchase orders, by the amount of \$2,314.65.

It further appearing that pursuant to the Minutes of Madison County Board of Supervisors, that the amount of \$2,314.65 was denied by the county for payment to APAC-Mississippi, Inc., because the incremental amount of \$2,314.65 exceeded the upper limit of the applicable purchase orders for said road materials that both parties acknowledge were delivered to,

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received by, and utilized by Madison County; and

It further appearing that §19-13-31 MS Code of 1972 (Annotated) authorizes the Circuit Court to order payment for materials and products that were requested and received by Madison County, but for which payment could not be made under the regular procurement processes of the county because the cost for the materials received exceeded the upper payment limits of the applicable purchase orders; and

It further appearing that APAC-Mississippi, Inc., vendor in this matter, has agreed to the substance of the aforementioned Complaint for Declaratory Relief, has entered its Joinder in the Complaint, has waived service of process through its authorized representative, and has Agreed to the Form of the Order in this matter;

And the Court having jurisdiction of the subject matter and the parties is of the opinion that said claim should be paid pursuant to §19-13-31 MS Code of 1972 (Annotated).

NOW, THEREFORE, BE IT ORDERED that the Madison County Board of Supervisors be, and they are hereby authorized and empowered to pay to APAC-Mississippi, Inc., the amount of \$2,314.65, which reflects the amount due for the volume-cost of road materials, that exceeded the upper limit of purchase orders previously approved by the Madison County Board of Supervisors, for said road supplies and products that were delivered by APAC-Mississippi, Inc., and that the Clerk and Comptroller of the Madison County Board of Supervisors

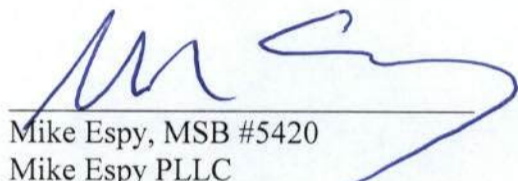


are hereby authorized to place the amount of \$2,314.65 upon the Claims Docket for due payment by the Madison County Board of Supervisors to APAC-Mississippi, Inc.

SO ORDERED on this the 9th day of December ~~November~~, 2022.

  
CIRCUIT JUDGE

For the Madison County Board of Supervisors:

  
Mike Espy, MSB #5420  
Mike Espy PLLC  
4420 Old Canton Rd.  
Suite 205  
Jackson, MS 39211

Agreed as to Form:

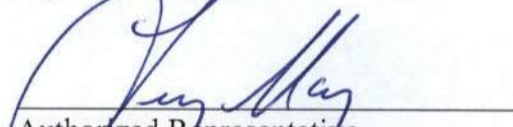
  
Authorized Representative  
APAC-Mississippi, Inc.

EXHIBIT B.

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

IN RE:

CIVIL CAUSE NO 2022-0281

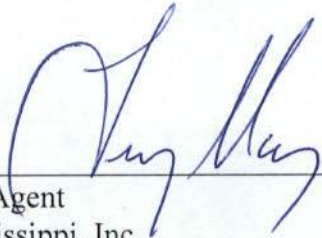
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JOINDER OF COMPLAINT AND WAIVER OF HEARING

COMES NOW, APAC-Mississippi, Inc., and after being duly sworn and does depose:


1. That I am the duly authorized representative of APAC-Mississippi, Inc., named as a Joint Applicant and Complainant in this proceeding. I am over the age of 21 years and am competent to execute this Joinder on behalf of APAC-Mississippi, Inc.
2. That I have reviewed the Complaint filed by Madison County, and the relief demanded therein. I have specifically reviewed the proposed Order herein.
3. That the vendor, APAC-Mississippi, Inc., does hereby join in the Complaint, waives service of process, and consents to the entry of the Order. APAC-Mississippi, Inc., does further waive the necessity of a hearing, and specifically agrees that said Complaint may be heard and disposed of ex-parte without further notice to Joint Applicant, APAC-Mississippi, Inc.

WITNESS MY SIGNATURE, on this the 29<sup>th</sup> day of November, 2022.

  
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Authorized Agent  
APAC-Mississippi, Inc.

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned Notary Public, in and for the aforesaid jurisdiction John May, who be first duly sworn, on his/her oath does affirm that the facts and matters set forth the above and foregoing Joinder and Waiver are true and correct as stated therein.

  
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NOTARY PUBLIC

SWORN TO AND SUBSCRIBED before me, this the 29th day of November, 2022.

