

*******AT THIS TIME A BUDGET REQUEST FROM FIRST REGIONAL LIBRARY FOR THE OXFORD-LAFAYETTE COUNTY LIBRARY. NO ACTION WAS TAKEN*******

*******UPDATE ON COMMUNICARE WAS PRESENTED. NO ACTION WAS TAKEN*******

**ORDER: REMOVAL OF SOLID WASTE LIEN ON PARCEL 098-33-026.00
CONCERNING SOLID WASTE ACCOUNT OF JAMES AND JENNIFER
HUDSON AND RELATED LATE FEES**

Pursuant to Miss. Code Ann. § 19-5-22, the matter of the status of the Solid Waste Account of James and Jennifer Hudson was considered, whereby James and Jennifer Hudson asserted they did not have actual or constructive notice of a past due bill for solid waste services previously provided to the owner of the parcel at the time the Hudson's purchased a part of the property in 2007. Having reviewed the relevant documents, including the 2007 Warranty Deed, related sale documents produced by the closing attorney, and the status of the solid waste account of the remaining parcel which continues to be owned by the original owner, Horace Wood Littlejohn, and being otherwise advised of the premises by the Attorney of the Board

Motion was made by Larry Gillespie, duly seconded by Brent Larson, to find and Order as follows:


1. That James and Jennifer Hudson purchased a certain parcel of undeveloped property from "Horace Wood Littlejohn aka Horace Littlejohn Wood" on March 27, 2007 said parcel being ten (10) acres of a 139 acre tract.
2. At the time of the Hudsons' purchase a separate address was assigned to the divided ten (10) acre parcel conveyed the Hudsons.
3. That "Horace Wood Littlejohn aka Horace Littlejohn Wood" continues to own the remaining larger parcel.
4. That at the time of purchase in 2007, "Horace Wood Littlejohn aka Horace Littlejohn Wood" maintained a solid waste account on the original parcel with Lafayette County which was delinquent at the time of sale to the Hudsons, and that the delinquency continues as to the remaining parcel as of the date of this order.
5. That the attorney handling the purchase in 2007 did not give any indication to the Hudsons that the pre-existing solid waste lien would attach to their parcel.
6. That the Hudsons did not receive any notice of the attachment of solid waste lien to their parcel from 2007 until 2021 when they were informed that they could not renew their car tag until full payment of the lien.
7. That James and Jennifer Hudson did not have actual or constructive notice at the time of their purchase of the ten (10) acre tract that a lien would attach to the purchased parcel and therefore the Hudsons were bona fide purchasers without notice of the lien.
8. That the Lafayette County Solid Waste Department and Tax Collector are hereby authorized to release and cancel the solid waste lien on Parcel 098-33-026.00 and as

to the account of James and Jennifer Hudson and rescind all related late fees, including late fees assigned to the Hudsons' motor vehicle tag.


The vote on the motion was as follows:

Supervisor Brent Larson, voted yes
Supervisor Larry Gillespie, voted yes
Supervisor David Rikard, voted yes
Supervisor Chad McLarty, voted yes
Supervisor Mike Roberts, voted yes

After the vote, President Roberts, declared the motion carried, this the 2nd day of August, 2021.



Mike Roberts, President
Board of Supervisors



Sherry Wall, Chancery Clerk

Lisa Carwyle

From: David O'Donnell <dodonnell@claytonodonnell.com>
Sent: Wednesday, July 28, 2021 4:37 PM
To: Lisa Carwyle
Subject: RE: agenda
Attachments: Lafayette County - Hudson Warranty Deed.pdf

Lisa:

I talked with Tonya at 3 Rivers, and after reviewing the property records and seeing the obvious confusion concerning who the record owner was (and is) on the larger tract, it is my opinion that the Hudsons were not bona fide purchasers WITH notice of the lien and therefore, the lien should not follow their account to the new address/location. A copy of the 2007 warranty deed to the Hudsons (attached) shows the owner of the property as "Horace Wood Littlejohn, aka Horace Littlejohn Wood" and the purchase concerned 10 acres from a 139 acre tract. Aside from the ambiguity of ownership, the Hudsons' 10 acre tract was given a separate address upon purchase and the pre-existing garbage lien remained on the larger remaining tract. There have been no other conveyances from the larger tract and the lien remains with the larger remaining tract to this day.

Under the AG Opinions which interpret Section 19-5-22 (Garbage liens), the BOS has the authority and discretion to determine whether land purchasers, like the Hudsons, were purchasers "without notice" of the existing lien. (See Russell, AG Opinion 2017-00333). If so, the lien would not attach to their land and they would be allowed to renew their motor vehicle tags.

David

From: Lisa Carwyle <LCarwyle@lafayettecoms.com>
Sent: Wednesday, July 28, 2021 8:57 AM
To: David O'Donnell <dodonnell@claytonodonnell.com>
Subject: FW: agenda

Can you send me what you have on this?

From: Larry Gillespie <LGillespie@lafayettecoms.com>
Sent: Wednesday, July 28, 2021 8:55 AM
To: Lisa Carwyle <LCarwyle@lafayettecoms.com>
Subject: Re: agenda

Jennifer Hudson

Consider correction of County lien on property.

David O has particulars if you need more info.

Larry Gillespie
Lafayette County Supervisor
District 2