

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

APPELLANT

VS.

CAUSE NO.

APPELLEE

**BILL OF EXCEPTIONS**

COMES NOW , by and through its attorney of record, having been agreed by the decision of the (hereinafter " ") to accept the bid for legal advertising submitted by the in response to that certain legal notice for bids published by in the on and would respectfully show unto the Court the following:

1. By order of dated a legal notice was published in the soliciting sealed bids for for the publishing of monthly Board Proceedings as required by Section 19-3-35, Mississippi Code of 1972 as Amended. Said legal notice was published in the on . A copy of the proof of publication of said legal notice is attached hereto as Exhibit " " and incorporated herein by reference.

2. At 's meeting on , two (2) bids were submitted in response to the bid notice. submitted a bid dated . A copy of said bid is attached hereto as Exhibit " " and incorporated herein by reference. submitted a bid dated . A copy of said bid is attached hereto as Exhibit " " and incorporated herein by reference. The bids opened by on were taken under advisement.

3. On , held a scheduled meeting at the County Courthouse. A copy of the minutes of said meeting are attached hereto as Exhibit " " and incorporated herein by reference.

4. At the meeting, took up for consideration the advertising bids previously taken under advisement at the meeting. failed to notify that the bids would be considered at the meeting. Apparently, however, was notified as its representative along with its attorney was present at the meeting.

5. After a discussion of the relative statutes, stated that he/she would "entertain a motion" to award the legal advertising to the " " for a period of ( ) year on a trial basis. After being informed that the statute provide for a ( ) year period, Supervisor amended his/her "entertainment of a motion" to ( ) years for the " ". The

statement of \_\_\_\_\_ was seconded by \_\_\_\_\_. A vote of \_\_\_\_\_ to \_\_\_\_\_ in favor of/against the \_\_\_\_\_ bid was entered in the minutes.

EXCEPTION NO.1- \_\_\_\_\_'S ACTION WAS VOID

6. \_\_\_\_\_ stated that he/she would "entertain a motion" however, no motion to accept the bid of the \_\_\_\_\_ was ever properly made, seconded and voted upon. As a result, the proported action of \_\_\_\_\_ is void.

EXCEPTION NO. 2- \_\_\_\_\_ BID WAS IMPROPER

7. The Bid notice published by \_\_\_\_\_ requested bids for the publishing of monthly Board Proceedings as required by Section 19-3-35, Mississippi Code of 1972 as Amended. Pursuant to Miss. Code Ann. § 19-3-5, the cost of publication on which \_\_\_\_\_ sought bids cannot exceed \$ \_\_\_\_\_ per month. The bid of the \_\_\_\_\_ was the legal rate of \$ \_\_\_\_\_ per month. However, the bid of the \_\_\_\_\_ provided as follows:

\_\_\_\_\_ cents (\$ \_\_\_\_\_) per word for the first publication and \_\_\_\_\_ cents (\$ \_\_\_\_\_) per word for each subsequent publication, plus \$ \_\_\_\_\_ for each proof of publication... \$ \_\_\_\_\_ per column inch per insertion for camera ready materials...\$ \_\_\_\_\_ per parcel per insertion for tax sales.

Said bid by the \_\_\_\_\_ does not properly address the publication cost on \_\_\_\_\_ sought bids and in any event, said bid of the \_\_\_\_\_ exceeds the statutory maximum.

EXCEPTION NO. 3- \_\_\_\_\_ IS NOT QUALIFIED UNDER MISSISSIPPI CODE SECTION 19-3-35

8. Section 19-3-35 Miss. Code. Ann. of 1972 as Amended provides that \_\_\_\_\_ shall publish monthly Board Proceedings "within fifteen (15) days after adjournment in some newspaper of general circulation published in the county..."(emphasis added). Pursuant to Section 13-3-31, (1)(e) Miss. Code Ann. (1972), as Amended provides that "a newspaper shall be deemed single "published" at the place where its known office of publication is located".

9. Section 19-3-35 specifically provides that monthly Board Proceedings shall be published in a newspaper, which is published in the applicable county. The \_\_\_\_\_ is published in \_\_\_\_\_ County and therefore qualifies under the provisions of Section 19-3-35. \_\_\_\_\_ is "published" at its known office located at \_\_\_\_\_ Mississippi. Because it is not published in \_\_\_\_\_ County, the \_\_\_\_\_ is not qualified under the provisions of Section 19-3-35 and \_\_\_\_\_ acceptance of its bid was improper.

EXCEPTION NO. 4- \_\_\_\_\_ IS NOT A QUALIFIED NEWSPAPER UNDER MISS. CODE ANN. § 13-3-32

10. Section 13-3-31, Miss. Code Ann. (1972) as Amended, sets forth the qualifications for a newspaper, which are in addition to any other requirements imposed by law, and which must be met before any summons, order, citation, advertisement or other legal notice

may be published therein. The        fails to meet the qualifications set forth in Section 13-3-31 in the following regards:

1.        The        does not maintain a general circulation predominantly to "bona fide paying subscribers" as required by Miss. Code Ann. § 13-23-31 (1)(a);

2.        The        does not maintain a legitimate list of its bona fide paying subscribers by the category specified in Miss. Code Ann. § 13-3-31 (1)(b).

3.        The        is published primarily for advertising purposes in violation of Miss. Code Ann. § 13-3-31 (1)(c).

4.        The        is not numbered consecutively as required by Miss. Code Ann. § 13-3-31 (1)(d).

5.        The        is not originated and published for the discrimination of current news and intelligence of varied, broad and general public interest and does not contain opinions such as editorials on a regular or irregular basis and therefore does not meet the requirements of Miss. Code Ann. § 13-3-31 (1)(g).

6.        The        is designed primarily for free circulation or for circulation at nominal rates in violation of Miss. Code Ann. § 13-3-31 (1)(h).

DATED this the        day of        , 20        .

Respectfully submitted,

BY: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS