

**SEVENTH (7TH) CIRCUIT COURT
SECOND JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI**

**BETTY L. SMITH (FORMERLY HEARN)
PLAINTIFF**

**Civil Action(s): 24-22
Refiling: 25CH2:15-cv-000016
25CH2:15-cv-000101**

vs.

**HINDS COUNTY BOARD OF SUPERVISORS
SUPERVISORS ROBERT GRAHAM, BOBBY MCGOWAN,
AND DEBORAH BUTLER-DIXON; DION QUINN (PUBLIC WORKS);
THELMA OWENS (PRIVATE ACTOR);
AND JOHN/JANE DOE(S)
DEFENDANTS**

**MOTION FOR DECLARATION REMOVING MAYOR ISLA TULLOS, IN/ON
BEHALF OF THE CITY OF RAYMOND, AS POTENTIALLY INTERESTED
PARTIES, AND TO DENY COUNTERCLAIM FOR ATTORNEY FEES**

Comes now, Betty L. Smith (hereafter "Plaintiff"), *pro se*, for a Declaration Removing Mayor Isla Tullos, in and on behalf of the City of Raymond (hereafter, "Mayor Tullos"), as Potentially Interested Parties, pursuant to her Answer, Exhibit A. In it, she denies interests in this case, its claims, and the property, at bar. Further, Plaintiff denies all counterclaims for related legal costs because (1) Plaintiff's summons to Mayor Tullos was served consistent with the Mississippi Rules of Civil Procedures, and (2) her Answer was improperly served to Plaintiff.

I. Background

1. In or about the year 1996, Mayor Tullos secured a contracted (recorded) water and sewer easement, below the ground, of the small section of property, at bar. However, Mayor Tullos was not served, in Plaintiff's Complaint, as a defendant. Instead, on August 2, 2024, as set forth in the following rules, as legally obligated, Plaintiff served a summons and copy of her Complaint upon Mayor Tullos, as a *potentially interested* party. As such, Mayor Tullos' decision to file an Answer was, arguably, one of duty or volition.

- *Rule 9(i) Pleading Special Matters: Unknown Parties in Interest.* In an action where unknown proper parties are interested in the subject matter of the action, they may be designated as unknown parties in interest.
- *Rule 57(b) Declaratory Judgments: (b) When Available. (1) Any person interested under a deed, will, written contract, or other writings constituting a contract....*
- *Rule 77(d) Courts and Clerks: Notice of Orders or Judgments.* Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry in the manner provided for in Rule 5 upon each party who is not in default for failure to appear and shall make a note in the docket of the service. (*Advisory Committee Historical Note: Effective February 1, 1990, Rule 77 was amended by adding subsection (d), requiring the clerk of the court to give notice of the entry of orders and judgments to the interested parties. 553-556 So. 2d XLII (West Miss. Cas. 1990).*)

2. *Pro Se* litigants have limited access to the Mississippi Electronic Court (MEC) system. Therefore, Plaintiff's Compliant and Summons, specifically requested that Answers be sent to her by mail. Instead, counsel for Mayor Tullos and the City of Raymond filed their Answer in MEC, on August 6, 2024, without mailing a copy to Plaintiff. As a result, allowing for the standard thirty days for an Answer, without access to MEC, Plaintiff remained unaware of this filing until contacting the MEC Helpdesk, for assistance, with the case's status, on September 16, 2024.

II. Conclusion

3. Plaintiff requests that this court:

- a. acknowledges Mayor Tullos' Answer, declare Mayor Tullos' disinterest in this case, its claims, and the property, at bar, and subsequently, that Mayor Tullos has no objections to

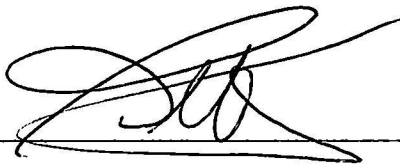
a judgment confirming title to Plaintiff, removal of Plaintiff's property from the Hinds County Road Inventory, and injunctions ejecting and prohibiting unauthorized trespasses.

- b. removes Mayor Tullos, being neither a potentially (unknown) nor interested party.
- a. denies Mayor Tullos' counterclaim for her attorney fees, whether incurred by obligation or volition.
- b. invites counsel for Mayor Tullos or Plaintiff to prepare and serve a draft order, in accordance with local procedures.

III. Certification

I certify that Plaintiff, on September 19, 2024, mailed a copy of this motion to The Honorable Robert Graham, President, Hinds County Board of Supervisors, 316 S. President Street, Jackson, MS 39201, Ms. Thelma Owens, 1072 Smith Drive, Raymond, MS 39154, and Mr. Kenneth R. Dreher, 111 Hillmont Circle, Clinton, MS 39056, Counsel to the Honorable Isla Tullos.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "B. Smith", written over a horizontal line.

Betty L. Smith (formerly Hearn)
13014 N Dale Mabry Hwy, 321
Tampa, Florida 33618
813-451-2337

Exhibit "A"
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**IN THE CIRCUIT COURT OF
HINDS COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

BETTY L. SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 24-22

HINDS COUNTY BOARD OF SUPERVISERS ET AL.

DEFENDANT

ANSWER/RESPONSE OF MAYOR ISLA TULLOS

COMES NOW MAYOR ISLA TULLOS of the City of Raymond, MS, by and through counsel and files this Answer/Response as a "Potentially Interested Party" to the Complaint and Summons filed by BETTY L. SMITH ("PLAINTIFF") and states as follows:

Defendant/Respondent Tullos denies all the allegations of Plaintiff Smith's Complaint in this Civil Action. The real property that is the subject matter of this Civil Action is located outside the City Limits of Raymond, MS and is, in fact, wholly located in Hinds County. Any claims that Plaintiff Smith may have would therefore be against Hinds County.

Defendant/Respondent Tullos is not a "Potentially Interested Party" (whatever that may imply) and as Mayor of the City of Raymond has no interest in the claims Plaintiff has alleged against the Defendants.

Defendant/Respondent Tullos should be dismissed from this Civil Action and Plaintiff Smith should be sanctioned by the Court to include payment of all attorney's fees and related costs incurred by

Exh. b-1 "A"
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Defendant/Respondent Tullos and such other general relief as the Court deems appropriate

THIS 6th day of AUGUST 2024.

Respectfully submitted,

MAYOR ISLA TULLOS

By: /s/ Kenneth R. Dreher

Kenneth R. Dreher

Counsel for Defendant and "Potentially Interested Party"

Kenneth R. Dreher, Esq. [MSB #6189]

111 Hillmont Circle

Clinton, Mississippi 39056

Telephone: 601.573.4294

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Exh. b.7 A'
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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

Betty L. Smith, PRO SE
PLAINTIFF

This the 6th day of August 2024.

/s/ Kenneth R. Dreher
Attorney for Mayor Tullos
Defendant/Respondent