

CAUSE NO. D-1-GV-09-002065

STATE OF TEXAS,
Plaintiff,

VS.

KATHIE BRYANT, dba BUENA
VISTA WATER SYSTEM,
Defendant.

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§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

250th JUDICIAL DISTRICT

RECEIVER'S MONTHLY REPORT
BUENA VISTA WATER SYSTEM
BURNET COUNTY, TEXAS
For the Month Ending April 30, 2011

COMES NOW, JOHN M. FULTZ, duly appointed Receiver for Buena Vista Water System (the "Water System"), and files this Receiver's Monthly Report for the month ending April 30, 2011, and would show this Court the following:

1. John M. Fultz was appointed Receiver of the Water System by Receivership Order signed by this Court on July 8, 2010 (the "Order").
2. The Water System is alleged to be owned by Kathie Bryant, individually, d/b/a Buena Vista Water System.
3. The Order authorized the Receiver to take possession and control of the Water System located in Burnet County, Texas.
4. The Receiver employed Gulf Utility Service, Inc., (the "Operator"), on July 12, 2010. The Operating Agreement between the Receiver and Gulf Utility Service, Inc. is available and on file in the Receiver's office. The Operator's license and resume of Terry Taylor, President, is available and on file in the Receiver's office.
5. The Receiver operates the Water System through the Operator. The Operator has maintained the Water System, performed monthly maintenance of the Water System, filed the appropriate monthly water reports, read the meters, billed the customers, collected and deposited the funds received in payment, and prepared checks for payment of the monthly bills and returned the same to the Receiver.
6. The Receiver reviewed the Operator's Buena Vista Water System's Systems Totals Report, Profit & Loss Report, Balance Sheet and A/P Aging Detail for April 2010. Copies of which are attached.

7. During the month of April, the Receiver continued to maintain communication via email and telephone with Michael Wortham, President of the Buena Vista Property Owners Association (Buena Vista POA”).
8. The Receiver confirmed through the Operator that the plant at the Water System was running well and that repairs continue to be made on an as needed basis to provide the continuous and adequate supply of water to the customers of the Water System.
9. The Receiver has disbursed funds to the Operator to reimburse for travel expenses incurred and for operations and management through the month of August, 2010. No funds have been disbursed to the Operator for management and operations in the Water System for the months of October, November, and December, 2010, and none for January, February, and March, 2011, due to insufficient funds.
10. The Receiver took the following actions during the month of April, 2011:
 - a. On April 6, 2011, the Receiver reviewed the Profit and Loss Report for the period of January 1, 2010, through December 31, 2010, and the Accounts Payable Aging Detail dated December 31, 2010. The Receiver forwarded the Reports and the EIN number for Buena Vista Water System to the accountant for the preparation of the 2010 IRS tax return.
 - b. The Receiver received confirmation that the Operator installed signage at the point of water intake for the safety of the public. The required 3' x 3' sign reads: "BUENA VISTA WATER PLANT INTAKE, DO NOT APPROACH IN 200 FT." Additionally, Emergency Contact signage was posted at the water plant "Operated by Gulf Utility Service, For Emergencies Contact 888-649-4433."
 - c. The Receiver received confirmation from the Operator that the rate increase generated an increase in monthly receivables from \$5,350.00 to \$12,700.00. Past due accounts remained unchanged with an average of two (2) accounts. The customers were unhappy with the rate increase but paid their bills timely.
 - d. The Receiver was informed by the Operator that an extension for the recycling report was approved verbally by Rian McMorris of TCEQ to allow the report to include the pending changes to the Water System.
11. The Operator performed the tasks shown on the attached work orders for the reporting month.
12. The Receiver will continue to operate the System through the Operator.

This concludes the Receiver's Monthly Report for the month ending April 30, 2011.

Respectfully Submitted,

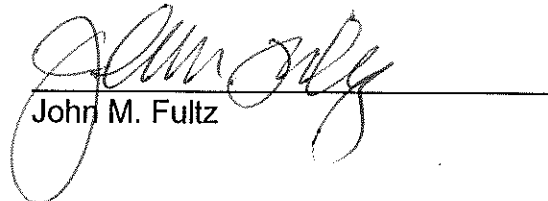


John M. Fultz, Receiver
P. O. Box 868
Navasota, Texas 77868
936-825-7833
936-825-2354 fax

Certificate of Service

I, John M. Fultz, Receiver, certify that a copy of the foregoing Receiver's Monthly Report for the month of April, 2011, for the Buena Vista Water System, was forwarded via email on the 12th day of June, 2011, to the following:

Fultz
Mr. George Thomas "Tom" Bohl, Assistant Attorney General
Mr. Terence Webb, Receivership Coordinator
Mr. Keith Kebodeaux, Attorney for Kathy Bryant
Mr. Roger Borgelt, Attorney for the Buena Vista Property Owners Association



John M. Fultz

System Totals Report

BUENA VISTA WATER SYSTEM

Water Pumped This Month	442,100 Gallons
Water Sold This Month	599,370 Gallons
Water Loss	-157,270 Gallons
Water Loss (%)	-35.57 %

	Amount (\$)	# Of Accounts
Total Water	5,461.67	123
Total Late Charge	75.98	11
Total Reconnect Fee	50.00	2
Total Adjustments	20.00	1
Total Tap Fee	2,214.00	123
Total Transfer fee	1,506.75	123
Total Regulatory Assess	54.64	123
Total Other 3 Charge	3,302.55	123
Total Current Charges	12,685.59	125
<hr/>		
Amount Past Due 1-30 Days	220.54	5
Amount Past Due 31-60 Days	60.57	2
Amount Past Due Over 60 Days	472.40	2
Amount Of Overpayments/Prepayments	-11,442.43	114
Total Receivables	1,996.67	24

Total Receipts On Account	11,606.63	113
Net Change in Deposits	50.00	1
Amount of All Deposits	250.00	5
Turned Off Accounts (Amount Owed)	85.46	6
Collection Accounts (Amount Owed)	212.57	6
Number Of Unread (Turned On) Meters		1
Average Usage For Active Meters	4,873	123
Average Water Charge For Active Meters	44.40	123

Usage Groups	Gallons	# Of Accounts	Usage	Gallons	% Of Usage	% Of Sales
Over 50,000		0		0	0.00	0.00
40,001-50,000		0		0	0.00	0.00
30,001-40,000		2		73,350	12.24	5.93
20,001-30,000		4		101,060	16.86	9.21
10,001-20,000		9		128,170	21.38	13.46
8,001-10,000		2		17,240	2.88	2.17
6,001-8,000		9		60,600	10.11	8.51
4,001-6,000		15		74,690	12.46	12.26
2,001-4,000		35		104,920	17.51	23.89
1-2,000		44		39,340	6.56	23.21
Zero Usage		3		0	0.00	1.36
<hr/>						
Total Meters		123		599,370	100.00	100.00

4/29/2011

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System Totals Report

BUENA VISTA WATER SYSTEM

Monthly Reconciliation

Ending Receivables (Last Month)		917.71
Sales this Month	+	12,665.59
Adjustments this Month		20.00
Less Payments this Month	-	<u>11,606.63</u>
	=	1,996.67
Total Receivables		1,996.67
Ending Deposits (Last Month)		200.00
Changes this Month		<u>50.00</u>
	=	250.00
Total Memberships		250.00

Buena Vista Water System Receivership Profit & Loss Detail April 2011

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
Ordinary Income/Expense								
Income								
Reconnects & Misc Adjustments								
General Journal	4/30/2011	8				Water Revenue	44.47	44.47
Total Reconnects & Misc Adjustments							44.47	44.47
Revenue								
Contract Operations								
General Journal	4/30/2011	8				Water Revenue	1,975.60	1,975.60
Total Contract Operations							1,975.60	1,975.60
Debt Repayment								
General Journal	4/30/2011	8				Water Revenue	2,968.94	2,968.94
Total Debt Repayment							2,968.94	2,968.94
Late Charge								
General Journal	4/30/2011	8				Water Revenue	24.13	24.13
Total Late Charge							24.13	24.13
Receiver Fees								
General Journal	4/30/2011	8				Water Revenue	1,344.51	1,344.51
Total Receiver Fees							1,344.51	1,344.51
Water Revenue								
Deposit	4/1/2011		Water Customer	Deposit		Compass Bank	37.47	37.47
Deposit	4/5/2011			Deposit		Compass Bank	175.14	212.61
Deposit	4/6/2011			Deposit		Compass Bank	153.64	366.25
Deposit	4/7/2011		Water Customer	Deposit		Compass Bank	256.41	622.66
Deposit	4/8/2011		Water Customer	Deposit		Compass Bank	1,011.62	1,634.28
Deposit	4/12/2011		Water Customer	Deposit		Compass Bank	2,214.85	3,849.13
Deposit	4/13/2011		Water Customer	Deposit		Compass Bank	1,104.57	4,953.70
Deposit	4/15/2011		Water Customer	Deposit		Compass Bank	175.64	5,129.34
Deposit	4/18/2011		Water Customer	Deposit		Compass Bank	1,905.93	7,035.27
Deposit	4/20/2011		Water Customer	Deposit		Compass Bank	2,150.25	9,185.52
Deposit	4/21/2011		Water Customer	Deposit		Compass Bank	208.45	9,393.97
Deposit	4/25/2011		Water Customer	Deposit		Compass Bank	269.31	9,663.28
Deposit	4/25/2011		Water Customer	Deposit		Compass Bank	1,243.94	10,907.22
Deposit	4/28/2011		Water Customer	Deposit		Compass Bank	454.17	11,361.39
Deposit	4/28/2011		Water Customer	Deposit		Compass Bank	295.24	11,656.63
General Journal	4/30/2011	8				-SPLIT-	-11,656.63	0.00
General Journal	4/30/2011	8				Water Revenue	5,195.98	5,195.98
Total Water Revenue							5,195.98	5,195.98
Total Revenue							11,509.16	11,509.16
Total Income							11,553.63	11,553.63

Buena Vista Water System Receivership Profit & Loss Detail April 2011

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
Cost of Goods Sold								
Lab Fees								
Bill	4/11/2011	cen.c...	DSHS Central Lab ...				333.00	333.00
Bill	4/18/2011	cen.c...	DSHS Central Lab ...	Mar Labs			455.00	788.00
							788.00	788.00
Total Lab Fees								
Management of Operations								
Bill	4/1/2011	9281	Gulf Utility Service, I...	March 2011			10,140.26	10,140.26
							10,140.26	10,140.26
Total Management of Operations								
Plant Utilities								
Check	4/11/2011	ACH	Pedernales Electric ...	2167-4051-00		Compass Bank	105.70	105.70
							105.70	105.70
Total Electricity								
Check	4/11/2011	ACH	Pedernales Electric - Other	104-8297-00		Compass Bank	236.27	236.27
							236.27	236.27
Total Plant Utilities - Other								
							341.97	341.97
Total Plant Utilities								
Check	4/30/2011	ACH	Lower Colorado Riv...	02-11 thru 03...		Compass Bank	262.45	262.45
							262.45	262.45
Total Purchased Water								
							11,532.68	11,532.68
Total COGS								
Gross Profit							20.95	20.95
Expense								
Check	4/30/2011			Service Charge		Compass Bank	40.29	40.29
							40.29	40.29
Total Bank Service Charges								
Check	4/4/2011	ACH	Verizon	March 2011		Compass Bank	39.08	39.08
							39.08	39.08
Total Telephone Expense								
							79.37	79.37
Total Expense								
							-58.42	-58.42
Net Ordinary Income								

Buena Vista Water System Receivership
Profit & Loss Detail
 April 2011

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
Other Income/Expense								
Other Income								
Interest Income	4/30/2011			Interest		Compass Bank	0.59	0.59
Deposit							0.59	0.59
Total Interest Income							0.59	0.59
Total Other Income							0.59	0.59
Net Other Income							0.59	0.59
Net Income							<u>-57.83</u>	<u>-57.83</u>

PM
//11
ual Basis

Buena Vista Water System Receivership
Balance Sheet
As of April 30, 2011

	<u>Apr 30, 11</u>
ASSETS	
Current Assets	
Checking/Savings	
Compass Bank	4,372.92
Total Checking/Savings	<u>4,372.92</u>
Total Current Assets	<u>4,372.92</u>
TOTAL ASSETS	<u><u>4,372.92</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	68,554.40
Total Accounts Payable	68,554.40
Other Current Liabilities	
Receivers Escrow	5,522.30
Regulatory Assessment	218.43
Total Other Current Liabilities	<u>5,740.73</u>
Total Current Liabilities	74,295.13
Long Term Liabilities	
Customer Water Deposit	200.00
Total Long Term Liabilities	<u>200.00</u>
Total Liabilities	74,495.13
Equity	
Retained Earnings	-42,872.41
Net Income	-27,249.80
Total Equity	<u>-70,122.21</u>
TOTAL LIABILITIES & EQUITY	<u><u>4,372.92</u></u>

Buena Vista Water System Receivership
A/P Aging Detail
 As of April 30, 2011

Type	Date	Num	Name	Due Date	Aging	Open Balance
Current						
Total Current						
1 - 30						
Bill	3/31/2011	03/2011	John M. Fultz, Rece...	4/10/2011	20	926.10
Bill	3/31/2011	03/2011	Hancock, Debbie -R...	4/10/2011	20	250.00
Bill	4/1/2011	9281	Gulf Utility Service, I...	4/11/2011	19	10,140.26
Total 1 - 30						11,316.36
31 - 60						
Bill	3/1/2011	9227	Gulf Utility Service, I...	3/11/2011	50	18,336.85
Bill	3/1/2011	02/2011	John M. Fultz, Rece...	3/11/2011	50	918.75
Bill	3/1/2011	02/2011	Hancock, Debbie -R...	3/11/2011	50	250.00
Total 31 - 60						19,505.60
61 - 90						
Bill	1/21/2011	9088	Gulf Utility Service, I...	1/31/2011	89	6,001.24
Bill	2/1/2011	9157	Gulf Utility Service, I...	2/11/2011	78	8,194.20
Bill	2/1/2011	01/2011	Hancock, Debbie -R...	2/11/2011	78	250.00
Bill	2/1/2011	01/2011	John M. Fultz, Rece...	2/11/2011	78	911.40
Total 61 - 90						15,356.84
> 90						
Bill	9/30/2010	09/2010	John M. Fultz, Rece...	10/10/2010	202	926.10
Bill	11/1/2010	8958	Gulf Utility Service, I...	11/11/2010	170	13,905.30
Bill	11/1/2010	10/2010	John M. Fultz, Rece...	11/11/2010	170	911.40
Bill	12/1/2010	9022	Gulf Utility Service, I...	12/11/2010	140	4,310.00
Bill	12/9/2010	11/2010	John M. Fultz, Rece...	12/19/2010	132	911.40
Bill	12/9/2010	11/2050	Hancock, Debbie -R...	12/19/2010	132	250.00
Bill	1/1/2011	12/2010	Hancock, Debbie -R...	1/11/2011	109	250.00
Bill	1/1/2011	12/2010	John M. Fultz, Rece...	1/11/2011	109	911.40
Total > 90						22,375.60
TOTAL						68,554.40

4/12/2011

7:27:49AM

Page 1 of 1

Disconnect List

BUENA VISTA WATER SYSTEM

ActNum	Name	Address	Meter	Sequence	Route	Rate	Balance
17	KATHIE DEWANE	HCR 4 BOX 902	No Number	1	1	1	441.26
Past Due \$441.26	Last Paid 7/17/10	\$84.58	Phone: (512) 292-2767	1,279			
2	DAVID & GINDY GREEN		No Number	1	5	212.57	
Past Due \$212.57	Last Paid 6/1/10	\$116.42	Phone: 793-2589	0			
17	RAY SLATT	HCR 4 BOX 900 A	No Number	1	2	60.46	
Past Due \$60.46	Last Paid 1/14/11	\$76.89	Phone: (817) 744-8945	349			
42	JOHN STASNEY	P. O. BOX 310	No Number	1	2	63.31	
Past Due \$63.31	Last Paid 1/27/11	\$37.21	Phone: (512) 291-4785	389			
	<i>need to replace cut-off</i>						
128	RAY & TRACY KILLEBREW	102 WILDFLOWER	No Number	1	1	181.19	
Past Due \$181.19	Last Paid 2/21/11	\$90.86	Phone: (512) 525-5242	279			
	<i>030627</i>						
5 Accounts	Total Due:	958.79					

All Customers
 Buena Vista Utility Service, Inc.

#42 Shut-off inoperable. Need to replace cut-off.

#128 Turned water off. Mrs. Killabrow states that she has paid the delinquent portion of the bill. Please advise.

Tuesday, March 1, 2011
9:04:59AM

Work order #964

Pending

BUENA VISTA WATER SYSTEM

Start Time: _____ End Time: _____ Mileage: _____ Reading: _____
Requested By: alicia Date Issued: 3/1/11 To be Completed by: 3/1/2011 0:00AM
Assigned By: Allen Burrell Date Completed: _____ By: _____
Assigned To: Allen Burrell

Workorder Type See Notes

Workorder Notes: customer reports leak at the meter.

Account #:	120	MICHAEL WORTHAM	Phone:	(512)793-2337
Meter #:	No Number	118 MT. VIEW CIRCLE		
Route #:	1	Seq #: 559		
Last Reading	59126	Last Usage: 3860	front yard	
Prev Reading	58740			
Date Last Read	1/30/11	Last Check	4/2/03	Meter ID
1/3/11	5,080	4/30/10	4,230	7/29/90 0 9/30/10 8,680
1/30/11	3,860	5/31/10	6,000	7/29/10 9,210 11/1/10 8,620
3/30/00	4,690	6/30/10	10,660	7/31/10 13,800 12/1/10 4,830

PART #	USED	DESCRIPTION	ADDITIONAL PART	USED
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Field Notes:

Wednesday, March 9, 2011
10:10:55AM

Work order #1008

Pending

BUENA VISTA WATER SYSTEM

Start Time: _____ End Time: _____ Mileage: _____ Reading: _____
Requested By: alicia Date Issued: 3/9/11 To be Completed by: 3/9/2011 0:00AM
Assigned By: Allen Burrell Date Completed: _____ By: _____
Assigned To: Allen Burrell

Workorder Type **Disconnect**

Account #: 92 LOU BRYANT Phone: (512)750-8347
Meter #: No Number HCR 4 BOX 1013
Route #: 1 Seq #: 999
Last Reading 191965 Side of House
Prev Reading 191912 Last Usage: 530 See notes CALL AT RVS FOR QUESTION ON BILL
Date Last Read 3/1/11 Meter ID

1/3/11	1,140	4/30/10	8,740	7/29/90	0	9/30/10	3,170
1/30/11	210	5/31/10	26,700	7/29/10	12,680	11/1/10	8,780
3/30/00	2,980	6/30/10	43,510	8/31/10	48,700	12/1/10	780

Job Notes: Final Read:

PART #	USED	DESCRIPTION	ADDITIONAL PART	USED
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Field Notes:

Thursday, March 17, 2011
1:28:46PM

Work order #1040

*omit, hand
assigned w/o*

Pending

BUENA VISTA WATER SYSTEM

Start Time: 10:00 AM End Time: 11:00 AM Mileage: _____ Reading: _____
 Requested By: _____ Date Issued: 3/17/11 To be Completed by: 0:00AM
 Assigned By: Michelle McKeithen Date Completed: 3.22.11 By: S.L.
 Assigned To: Allen Burrell

Workorder Type See Notes

Workorder Notes: call complaining about hole left in yard by shed after repair to line.
Would like it filled, and the trash removed from the site.

Account #: 51 TERRI TAYLOR
 Meter #: No Number 102 COUNTY RD 139C
 Route #: 1 Seq #: 1179
 Last Reading 91713 Front yard
 Prev Reading 91415 Last Usage: 2980
 Date Last Read 3/1/11

Meter ID

1/3/11	3,130	4/30/10	4,210	7/29/90	0	9/30/10	3,840
1/30/11	2,610	5/31/10	4,060	7/29/10	4,380	11/1/10	3,400
3/30/00	2,470	6/30/10	3,560	8/31/10	4,110	12/1/10	2,760

PART #	USED	DESCRIPTION	ADDITIONAL PART	USED
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Field Notes:

*Filled in holes in this yard and yard behind
this one.*

S.L.

Tuesday, March 29, 2011
11:39:07AM

Work order #1089

Pending

BUENA VISTA WATER SYSTEM

Start Time: _____ End Time: _____ Mileage: _____ Reading: _____
Requested By: alicia Date Issued: 3/28/11 To be Completed by: 3/28/2011 0:00AM
Assigned By: Allen Burrell Date Completed: _____ By: _____
Assigned To: Allen Burrell

Workorder Type Leak

Allen Burrell

Workorder Notes: Customer called in leak by the meter box.

Account #:	111	JEREMY DANSON	Phone:	(512)264-9822
Meter #:	90053010	107 SHADY LN.		
Route #:	1	Seq #: 209		
Last Reading	10		Front Yard	
Prev Reading	-1558	Last Usage: 15680		
Date Last Read	2/28/11	Last Check	3/1/11	Meter ID
1/3/11	8,590	4/30/10	8,530	7/29/90 0 9/30/10 24,370
1/30/11	6,750	5/31/10	24,670	7/29/10 24,710 11/1/10 24,320
3/31/00	7,670	6/30/10	37,310	7/31/10 37,240 12/1/10 11,600

PART #	USED	DESCRIPTION	ADDITIONAL PART	USED
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Field Notes:

Work order #1098

Pending

BUENA VISTA WATER SYSTEM

Start Time: _____ End Time: _____ Mileage: _____ Reading: _____
 Requested By: alicia Date Issued: 3/30/11 To be Completed by: 3/30/2011 0:00AM
 Assigned By: Allen Burrell Date Completed: _____ By: _____
 Assigned To: Allen Burrell

Workorder Type See Notes

Workorder Notes: New customer moving in need to transfer service need final read and serial number.

Account #: 19 JEAN BUELL Phone: (520)760-4409
 Meter #: No Number 1031 HWY 29
 Route #: 1 Seq #: 1269
 Last Reading 55084 HWY 29
 Prev Reading 55082 Last Usage: 20
 Date Last Read 3/1/11 03-21 house sold Patric Leedy evelyneleedy@att.net.
 Meter ID

Date	Reading	Usage	Reading	Usage	Reading	Usage	
1/3/11	40	4/30/10	3,010	7/29/90	0	9/30/10	30
1/30/11	30	5/31/10	1,890	7/29/10	140	11/1/10	30
3/31/00	610	6/30/10	0	8/31/10	80	12/1/10	50

PART #	USED	DESCRIPTION	ADDITIONAL PART	USED
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Field Notes:

Amuel
3/30/11