

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

STATE OF TEXAS, Plaintiff,	§	IN THE DISTRICT COURT OF
	§	
VS.	§	
	§	
KATHIE BRYANT, dba BUENA VISTA WATER SYSTEM, Defendant.	§	TRAVIS COUNTY, TEXAS
	§	
	§	250 th JUDICIAL DISTRICT

RECEIVER'S MONTHLY REPORT
BUENA VISTA WATER SYSTEM
BURNET COUNTY, TEXAS
For the Month Ending May 31, 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 May 31, 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 May 2010. Copies of which are attached.

7. During the month of May, 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 May, 2011:
 - a. On May 6, 2011, the Receiver conferred with the Operator regarding the need to address the repair of wiring to the raw water pumps to the water plant. The Receiver forwarded the concern and the estimate in the amount of \$1500.00 to Terry Webb, TCEQ Receivership Coordinator, for approval to proceed with the expenditure.
 - b. On May 16, 2011, the Receiver confirmed that the Operator had received approval of the TCEQ to repair the wiring to the raw water pumps to the water plant.
 - c. On May 23, 2011, the Receiver reviewed correspondence from TCEQ dated May 12, 2011, regarding the Year 2011 Chemical Cost Estimate for chemical samples in Buena Vista Water System.
 - d. On May 23, 2011, the Receiver prepared correspondence to Susan Roth of Roth Consulting describing the Receiver’s need to assess the current condition of the water system and to suggest alternative remedies, such as rebuilding, remodeling, or adding on, to bring the plant into minimum compliance with TCEQ.
 - e. On May 24, 2011, the Receiver prepared and filed the Receiver’s Monthly Report for the month of April, 2011 with the Travis County District Clerk. Appropriate parties were copied.
 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 May 31, 2011.

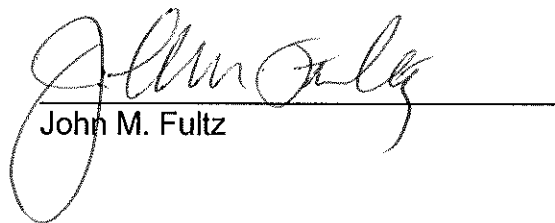
Respectfully Submitted,


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 May, 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 661,300 Gallons

Water Sold This Month 629,020 Gallons

Water Loss 32,280 Gallons

Water Loss (%) 4.88 %

	Amount (\$)	# Of Accounts
Total Water	5,595.81	124
Total Late Charge	136.30	12
Total Reconnect Fee	45.00	2
Total Adjustments	-63.43	1
Total Contract Op	2,232.00	124
Total Receiver Fees	1,519.00	124
Total Regulatory Assess	56.00	124
Total Debt Repayment	3,329.40	124
Total Transfer Fee	20.00	1
Total Current Charges	12,870.08	125
<hr/>		
Amount Past Due 1-30 Days	300.40	4
Amount Past Due 31-60 Days	33.44	1
Amount Past Due Over 60 Days	505.84	2
Amount Of Overpayments/Prepayments	-11,472.07	114
Total Receivables	2,237.69	28

Total Receipts On Account	12,629.06	116
Net Change in Deposits	100.00	2
Amount of All Deposits	350.00	7

Turned Off Accounts (Amount Owed)	91.28	6
Collection Accounts (Amount Owed)	212.57	6
Number Of Unread (Turned On) Meters		
Average Usage For Active Meters	4,914	128
Average Water Charge For Active Meters	43.72	124

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		78,090	12.41	6.00
20,001-30,000		3		73,160	11.63	6.56
10,001-20,000		10		132,950	21.14	13.92
8,001-10,000		5		41,630	6.62	5.18
6,001-8,000		14		98,070	15.59	13.19
4,001-6,000		17		83,590	13.29	13.81
2,001-4,000		28		84,520	13.44	18.41
1-2,000		41		37,010	5.88	21.15
Zero Usage		8		0	0.00	1.77
<hr/>						
Total Meters		128		629,020	100.00	100.00

5/31/2011

2:39:15PM

System Totals Report

BUENA VISTA WATER SYSTEM

Monthly Reconciliation

Ending Receivables (Last Month)		1,996.67
Sales this Month	+	12,933.51
Adjustments this Month		-63.43
Less Payments this Month	-	<u>12,629.06</u>
	=	2,237.69
Total Receivables		2,237.69
Ending Deposits (Last Month)		250.00
Changes this Month		<u>100.00</u>
	=	350.00
Total Memberships		350.00

Buena Vista Water System Receivership Profit & Loss Detail May 2011

Type	Date	Num	Name	Memo	Ctr	Split	Amount	Balance
Cost of Goods Sold								
Management of Operations	5/1/2011	9337	Gulf Utility Service, I...	April Operatio...		Accounts Pay...	6,019.00	6,019.00
Total Management of Operations							6,019.00	6,019.00
Plant Utilities								
Electricity	5/4/2011	ach	Pedernales Electric ...			Compass Bank	327.92	327.92
Total Electricity							327.92	327.92
Total Plant Utilities								
Purchased Water	5/29/2011	ACH	Lower Colorado Riv...	03/11-04/13/11		Compass Bank	321.93	321.93
Total Purchased Water							321.93	321.93
Reimbursement of Cleint Expense								
Reimbursement of Cleint Expense	5/9/2011	05/04...	Fultz & Fultz, LLC	01/31/2011-0...		Accounts Pay...	108.09	108.09
Total Reimbursement of Cleint Expense							108.09	108.09
Total COGS								
Gross Profit							6,776.94	6,776.94
Expense								
Bank Service Charges	5/31/2011			Service Charge		Compass Bank	39.97	39.97
Total Bank Service Charges							39.97	39.97
Professional Fees								
Receiver Assistant Fees	5/1/2011	04/2011	Hancock, Debbie -R...	April 2011		Accounts Pay...	250.00	250.00
Total Receiver Assistant Fees							250.00	250.00
Receiver Fees								
Receiver Fees	5/1/2011	04/2011	John M. Fultz, Rece...	April 2011		Accounts Pay...	1,506.75	1,506.75
Total Receiver Fees							1,506.75	1,506.75
Total Professional Fees								
Telephone Expense	5/4/2011	ACH	Verizon			Compass Bank	39.03	39.03
Check	5/31/2011	ACH	Verizon			Compass Bank	39.03	78.06
Total Telephone Expense							78.06	78.06
Total Expense								
Total Expense							1,874.78	1,874.78
Net Ordinary Income								
Net Ordinary Income							3,922.55	3,922.55

Buena Vista Water System Receivership
Profit & Loss Detail
 May 2011

Type	Date	Num	Name	Memo	Cir	Split	Amount	Balance
Other Income/Expense								
Other Income								
Interest Income								
Deposit	5/31/2011			Interest		Compass Bank	0.49	0.49
Total Interest Income							0.49	0.49
Total Other Income							0.49	0.49
Net Other Income							0.49	0.49
Net Income							<u>3,923.04</u>	<u>3,923.04</u>

PM
1/11
ual Basis

Buena Vista Water System Receivership
Balance Sheet
As of May 31, 2011

	<u>May 31, 11</u>
ASSETS	
Current Assets	
Checking/Savings	
Compass Bank	<u>16,334.59</u>
Total Checking/Savings	<u>16,334.59</u>
Total Current Assets	<u>16,334.59</u>
TOTAL ASSETS	<u><u>16,334.59</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	<u>75,835.54</u>
Total Accounts Payable	<u>75,835.54</u>
Other Current Liabilities	
Receivers Escrow	6,125.00
Regulatory Assessment	<u>273.22</u>
Total Other Current Liabilities	<u>6,398.22</u>
Total Current Liabilities	<u>82,233.76</u>
Long Term Liabilities	
Customer Water Deposit	<u>300.00</u>
Total Long Term Liabilities	<u>300.00</u>
Total Liabilities	<u>82,533.76</u>
Equity	
Retained Earnings	-42,872.41
Net Income	<u>-23,326.76</u>
Total Equity	<u>-66,199.17</u>
TOTAL LIABILITIES & EQUITY	<u><u>16,334.59</u></u>

Buena Vista Water System Receivship
A/P Aging Detail
 As of May 31, 2011

Type	Date	Num	Name	Due Date	Aging	Open Balance
Current						
Total Current						
1 - 30						
Bill	5/1/2011	04/2011	John M. Fultz, Rece...	5/11/2011	20	904.05
Bill	5/1/2011	04/2011	Hancock, Debbie -R...	5/11/2011	20	250.00
Bill	5/1/2011	9337	Gulf Utility Service, I...	5/11/2011	20	6,019.00
Bill	5/9/2011	05/04 statement	Fultz & Fultz, LLC	5/19/2011	12	108.09
Total 1 - 30						7,281.14
31 - 60						
Bill	3/31/2011	03/2011	John M. Fultz, Rece...	4/10/2011	51	926.10
Bill	3/31/2011	03/2011	Hancock, Debbie -R...	4/10/2011	51	250.00
Bill	4/1/2011	9281	Gulf Utility Service, I...	4/11/2011	50	10,140.26
Total 31 - 60						11,316.36
61 - 90						
Bill	3/1/2011	9227	Gulf Utility Service, I...	3/11/2011	81	18,336.85
Bill	3/1/2011	02/2011	John M. Fultz, Rece...	3/11/2011	81	918.75
Bill	3/1/2011	02/2011	Hancock, Debbie -R...	3/11/2011	81	250.00
Total 61 - 90						19,505.60
> 90						
Bill	9/30/2010	09/2010	John M. Fultz, Rece...	10/10/2010	233	926.10
Bill	11/1/2010	8958	Gulf Utility Service, I...	11/11/2010	201	13,905.30
Bill	11/1/2010	10/2010	John M. Fultz, Rece...	11/11/2010	201	911.40
Bill	12/1/2010	9022	Gulf Utility Service, I...	12/11/2010	171	4,310.00
Bill	12/9/2010	11/2010	John M. Fultz, Rece...	12/19/2010	163	911.40
Bill	12/9/2010	11/2050	Hancock, Debbie -R...	12/19/2010	163	250.00
Bill	1/1/2011	12/2010	Hancock, Debbie -R...	1/11/2011	140	250.00
Bill	1/1/2011	12/2010	John M. Fultz, Rece...	1/11/2011	140	911.40
Bill	1/21/2011	9088	Gulf Utility Service, I...	1/31/2011	120	6,001.24
Bill	2/1/2011	9157	Gulf Utility Service, I...	2/11/2011	109	8,194.20
Bill	2/1/2011	01/2011	Hancock, Debbie -R...	2/11/2011	109	250.00
Bill	2/1/2011	01/2011	John M. Fultz, Rece...	2/11/2011	109	911.40
Total > 90						37,732.44
TOTAL						75,835.54

Friday, May 6, 2011
10:57:53AM

Work order #1243

Pending

BUENA VISTA WATER SYSTEM

Start Time: 13:00 End Time: 13:30 Mileage: _____ Reading: 11640
 Requested By: alicia Date Issued: 5/6/11 To be Completed by: 5/6/2011 0:00AM
 Assigned By: Allen Burrell Date Completed: 5-20-11 By: S Lance
 Assigned To: Allen Burrell

Workorder Type See Notes

Workorder Notes: Request for meter charge out. Please get final read and new serial number.

Account #: 14 CRAIG SMEINS Phone: (512)267-1067
 Meter #: No Number HCR 4 BOX 994
 Route #: 1 Seq #: 289
 Last Reading 11527 Front Yard 115690.0
 Prev Reading 11232 Last Usage: 2950 112320 04-05-11 Does not agree with his very high bi.
 Date Last Read 5/1/11 Meter ID

1/3/11	3,730	3/31/11	25,690	7/29/90	0	9/30/10	4,400
1/30/11	3,540	5/31/10	5,630	7/29/10	5,200	11/1/10	4,650
1/30/11	3,540	6/30/10	7,570	7/31/10	5,160	12/1/10	9,940

PART#	USED	DESCRIPTION	ADDITIONAL PART	USED
-------	------	-------------	-----------------	------

Field Notes:

Meter out Sensus SN 45350791 Reading 11640
 Meter in Neptune SN 90053009 Reading 000001

Gulf Utility Service, Inc.



GULF UTILITY SERVICE, INC.

WORK ORDER - SERVICE REPORT

PO Box 1629 • Spring, TX 77383-1629

Ph 281-355-1312 • Fx 281-288-4844

Customer <i>Buena Vista Water System</i>			Account No.		Jobsite/Ship To		Key Map No.				
Address 1				Address 3							
Address 2				Address 4							
City 1		State 1		Zip 1		City 2		State 2		Zip 2	
Call Taken By			Date 1		Time 1		Person Calling			Phone 1	
Assigned To			Date 2		Time 2		Contact			Phone 2	

DATELOG

<i>Stage 1 DCP mail out 5/24/11</i>	

* MATERIALS AND OTHER EXPENSES		CHARGES	
<i>127 letters</i>	<i>37¢ copy</i>	<i>Letter</i>	<i>127 X .37 = \$ 46.99</i>
<i>127 envelopes</i>	<i>10¢ ea</i>	<i>envelope</i>	<i>127 @ \$ 10¢ = \$ 12.70</i>
<i>127 postage</i>	<i>44 ea</i>	<i>Stamp</i>	<i>127 @ .44 = \$ 55.88</i>
		Reg Travel Hrs.	@ \$ = \$
		OT Travel Hrs.	@ \$ = \$
		Miles	@ \$ = \$
		*Materials & Other Expenses	\$ = \$
		Subtotal From List at Left...	" = \$
		Subtotal Labor, Travel & Materials	" = \$
		Sales Taxes	% = \$
		Total Charges	= \$ 115.57
Job Complete?	Job Pending?	Customer Signature	Date
		<i>[Signature]</i>	<i>5/24/11</i>