

**CAPE MALIBU PROPERTY OWNERS ASSOCIATION**  
**DRAFT OF OPEN BOARD MEETING MINUTES**  
**Lands End, Cape Malibu, Montgomery County, Texas**

**DATE:** Sunday, August 17, 2025

**PLACE:** Lands End, Cape Malibu, Willis, Montgomery County, Texas

**ATTENDING:** Board – President-Jim Davis, Vice President-Gary Johnson, Director-Bill Byrn,  
Treasurer-Misty Schillereff, Secretary-Linda Sowda

Members – # 45

President Jim Davis called the meeting to order at 2:02 pm

- Quorum established

**Minutes Summary from prior Open Board Meeting** (May 25, 2025) read by Linda Sowda

- Gary Johnson motioned to accept minutes; Misty Schillereff seconded; motion passed

**Treasury Report** ending July 31, 2025, read by Misty Schillereff

- Checking balance is \$2,603 and savings balance is \$142,638.66 as of July 31, 2025
- \$59,782.97- Road Fund, \$26,000.00- Bulkhead, \$15,000.00- Pool, \$31,883.83 – Contingency, and \$9,971.86 - Operating Budget (**See attachment**)
- Monthly Financial Report reviewed (**See attachment**)
- Annual Financial Report reviewed (**See attachment**)
- Annual POA fees have been sent out. If you would like to pay with a credit card, there will be a 3% charge passed onto you from the credit card company. Contact Misty Schillereff or Amy Drinkwater
- Linda Sowda motioned to file Treasury Reports; Bill Byrn seconded; motion passed

**Architectural Control Committee Report** presented by Karl McCoy

- If you are doing repairs to your home to return it to its original condition, then you do not need to get ACC approval
- If you are adding an addition, building anything new, or changing your home's appearance, then you will need to contact the Architectural Control Committee (contact Karl McCoy)
- Misty Schillereff motioned to accept the Architectural Control Committee report; Gary Johnson seconded; motion passed

**Digital Information Committee Report** presented by Jim Davis

- New Website is up and running: [www.capemalibu.org](http://www.capemalibu.org)
- All forms and information can be found on the website
- President, Jim Davis, has a new email: [President@capemalibu.org](mailto:President@capemalibu.org)
- Board members will be getting new addresses as well during September
- Gary Johnson motioned to accept the Digital Committee report; Misty Schillereff seconded; motion passed

**Restrictions and Covenants Panel Report** presented by Debbie St. John

- The panel is tweaking their 8<sup>th</sup> draft, and it is almost ready to send out for the community to review.
- The proposed revised restrictions and covenants will be sent out to the community for review and feedback.

- After revisions are made, the draft will be sent out again for comment
- Once property owners have had two chances to review and comment the updated draft will be sent to the lawyer to review and adjust language
- All property owners will have an opportunity to vote to accept the new document
- Misty Schillereff motioned to accept the Restrictions and Covenants Panel report; Gary Johnson seconded; motion passed

#### **Water Supply Corporation Report** presented by Steve Seiler

- Stage 1 Conservation policy applies. The goal is to conserve water usage, in effect to reduce draw on Aquifer (about 400' below the surface). Recent rains may not have any impact for months
- Recent rains over the last 3 months have reduced our monthly consumption by about 10% - 15%. Our budget included average consumption; therefore, our anticipated income is about \$5,000 low
- Every 5 years TCEQ requires us to test our tanks to be sure they are up to code. In June we used STW & Inspections to complete inspections. With current code we have learned the repairs for all 3 tanks can be as much as \$115,000. This includes recoating Hydro Tank #1 for \$55,000, miscellaneous outside upgrade of \$20,000, and remainder for fixing overflow & drainage, vents on roof of \$40,000. We do not plan to make all repairs, but we will begin collecting some money to plan for needed repairs (over our current income) over the next 2 or 3 years. Customers should expect additional monthly fee increases of \$3.00 a month and usage rates to increase by 10% starting October 2025
- Linda Sowda motioned to accept the Water Supply Corporation report; Misty Schillereff seconded; motion passed

#### **Community Club Report**

- Sandra Brewer will host another Bingo Night at Lands End on Saturday, September 13<sup>th</sup>. (Big turnout to July's Bingo night!)

#### **Helping Neighbors Report** presented by Shana Akers

- No new requests for help

#### **Thank You Announcements: Thank you to....**

- **Rosemary and Don White & Family** for cleaning up seaweed at Boat Ramp
- **James and Debbie Mason** for cleaning up seaweed at Boat Ramp
- **Sheila Bates and Rosemary White** for tracking down last few residents' information for the directory
- **Misty Schillereff** for handling the trespassing incident at Lands End (The cameras at Lands End were useful in identifying the intruders)
- **Dan Drinkwater** for repairing sprinklers
- **Rhonda Mabry, Rosemary White, Sandra Brewer, Russ and Debbie Goble and Misty Schillereff** for putting together the Cape Malibu Fourth of July celebration! 188 people attended
- **Ed Stevens and Jeff Smith** for changing the oil in the generator at the water tank house

#### **Confirmation of actions taken between meetings - None**

- Board approved a temporary budget, via phone, as directors were not available to meet in June

#### **Business in Progress**

- Address List Update Complete
- Road Repaving
  - Update from meeting with the County (**See attachment**)
- Pool Resurfacing
  - Delayed due to budget overspend; cost will be approximately \$35,000 to resurface pool

## **New Business**

- The ACC (Architectural Control Committee) is seeking two additional members to join Karl
  - Sheila Bates and Bob Yancy volunteered to join the ACC.... Thank you both!
- Lands End Access (**See attachment**)
  - At the very beginning stage of exploring ideas
- Board Nominations – 2 positions are up for re-election
  - Gary Johnson will not be seeking re-election
  - Linda Sowda will be running for re-election
  - Tim Booth and Manny Cruz will be running for a Board position
  - Voting in person and election results will occur on Sunday, September 21, at 2:00pm at Lands End during the Annual Property Owners Meeting
- Budget Approval (**See attachment**)
  - Gary Johnson motioned to approve the proposed 2025-2026 budget; Bill Byrn seconded; motion passed

Jim Davis motioned to adjourn meeting to Executive Session at 4:05pm; Bill Byrn seconded; motion passed

\*\*\*\*\***Leave for Executive Session**

\*\*\*\*\***Return from Executive Session**

President Jim Davis called to reconvene Open Session meeting, providing summary of action taken, at 5:15pm

## **Action taken during Executive Session**

- Discuss collection status of annual dues
- ACC status
- Next Board Meeting is set for September 21, 2025, at 2:00pm at Lands End after the annual meeting
- Voting for the 2 board member positions, in person and election results, will take place on Sunday, September 21, at 2:00pm at Lands End during the **Annual Meeting**

Gary Johnson moved to adjourn the meeting with Linda Sowda seconding; motion passed

Meeting adjourned at 5:16pm

## TREASURER'S REPORT

Checking balance is \$2,603 and savings balance is \$142,638.66 as of July 31, 2025.

\$59,782.97- Road Fund

\$26,000.00- Bulkhead

\$15,000.00- Pool

\$31,883.83 - Contingency

\$9,971.86 - Operating Budget

Total receivables expected is \$128,394.42, \$13,497.30 has been collected as of July 31, 2025, leaving \$114,897.12 to be received.

Total expenses for July is \$2,951.81

6.08 - bank service fee

76.17- digital committee

187.98- lands end and restrooms

1440.00- mowing and fertilizer

375.00- Tree cutting

711.48- professional fees

405.10- utilities

Total expenses for June is \$8,416.78

257.04- digital committee

4,105.00- insurance

860.90- lands end and pool

2,460.90- mowing and tree cutting

1,063.84- professional fees

530.00- utilities

If you have any questions regarding figures reported here please email [cmboatreasurer@gmail.com](mailto:cmboatreasurer@gmail.com)

# Annual Financial Report

Cape Malibu Property Owners Association  
For the period ended June 30, 2025

Prepared by

**Amy Drinkwater, Evolve Small Business Solutions**

Prepared on

**July 15, 2025**

# Balance Sheet

As of June 30, 2025

		Total
<b>ASSETS</b>		
<b>Current Assets</b>		
<b>Bank Accounts</b>		
Checking		-4,292.05
Savings		80,284.44
Savings - Road Assessment		59,782.97
<b>Total Savings</b>		<b>140,067.41</b>
<b>Total Bank Accounts</b>		<b>135,775.36</b>
<b>Accounts Receivable</b>		
Accounts Receivable		9,049.23
<b>Total Accounts Receivable</b>		<b>9,049.23</b>
<b>Other Current Assets</b>		
Deferred Income		-3,367.38
<b>Total Other Current Assets</b>		<b>-3,367.38</b>
<b>Total Current Assets</b>		<b>141,457.21</b>
<b>TOTAL ASSETS</b>		<b>\$141,457.21</b>
<b>LIABILITIES AND EQUITY</b>		
<b>Liabilities</b>		
<b>Current Liabilities</b>		
<b>Credit Cards</b>		
Visa Business Cash Preferred Card		150.51
<b>Total Credit Cards</b>		<b>150.51</b>
<b>Total Current Liabilities</b>		<b>150.51</b>
<b>Long-Term Liabilities</b>		
Key Deposits		3,350.00
<b>Total Long-Term Liabilities</b>		<b>3,350.00</b>
<b>Total Liabilities</b>		<b>3,500.51</b>
<b>Equity</b>		
Fund Balance		170,034.17
Retained Earnings		46,144.77
Net Income		-78,222.24
<b>Total Equity</b>		<b>137,956.70</b>
<b>TOTAL LIABILITIES AND EQUITY</b>		<b>\$141,457.21</b>

# Profit and Loss

July 2024 - June 2025

	Total
<b>INCOME</b>	
Cash Basis Adjustment	-2,587.91
Fees	21,431.00
Maintenance Fee	125,594.27
<b>Total Fees</b>	<b>147,025.27</b>
Finance Charges	3,060.91
Interest Income	2,439.50
<b>Total Income</b>	<b>149,937.77</b>
<b>GROSS PROFIT</b>	
<b>149,937.77</b>	
<b>EXPENSES</b>	
Bank Service Charges	24.00
Digital Committee	376.12
Insurance	7,802.00
Licenses and Permits	267.52
Maintenance & repairs	
Bulkhead	78,352.50
Lands End Grounds	540.00
Pool	3,652.84
Pool Service/Materials/Supplies	7,687.64
<b>Total Pool</b>	<b>11,340.48</b>
Restrooms	840.00
Supplies	15.75
<b>Total Lands End Grounds</b>	<b>12,736.23</b>
Mowing and Clearing	15,300.00
Mulching & Fertilizer	1,380.00
<b>Total Mowing and Clearing</b>	<b>16,680.00</b>
Streets and Drainage	86,678.89
Tree Cutting/Stump Grinding	7,750.00
<b>Total Maintenance &amp; repairs</b>	<b>202,197.62</b>
Office Supplies	381.04
Postage and Delivery	-3.36
Professional Fees	
Accounting	7,024.98
Legal Fees	2,070.19
<b>Total Professional Fees</b>	<b>9,095.17</b>
Taxes	
Federal	1,033.00
Property	171.12
<b>Total Taxes</b>	<b>1,204.12</b>
Utilities	



	Total
Electric	3,581.72
Water	3,234.06
<b>Total Utilities</b>	<b>6,815.78</b>
<b>Total Expenses</b>	<b>228,160.01</b>
NET OPERATING INCOME	-78,222.24
NET INCOME	\$ -78,222.24

Budget vs. Actuals FY25

July 1, 2024-June 30, 2025

DISTRIBUTION ACCOUNT		JUL 2024 - JUN 2025			TOTAL			
	ACTUAL	BUDGET	OVER BUDGET BY	PERCENT OF BUDGET	ACTUAL	BUDGET	OVER BUDGET BY	PERCENT OF BUDGET
Income			0.00					
Cash Basis Adjustment	-2,587.91	0.00	-2,587.91		-2,587.91	0.00	-2,587.91	
Fees	20,581.00		20,581.00		\$20,581.00	\$0.00	\$20,581.00	
Maintenance Fee	121,019.64	126,600.00	-5,580.36	95.59 %	\$121,019.64	\$126,600.00	-\$5,580.36	95.59 %
First Two Lots (deleted)	516.32	0.00	516.32		516.32	0.00	516.32	
<b>Total for Maintenance Fee</b>	<b>121,535.96</b>	<b>126,600.00</b>	<b>-5,064.04</b>	<b>96.0 %</b>	<b>\$121,535.96</b>	<b>\$126,600.00</b>	<b>-\$5,064.04</b>	<b>96.0 %</b>
<b>Total for Fees</b>	<b>142,116.96</b>	<b>126,600.00</b>	<b>15,516.96</b>	<b>112.26 %</b>	<b>\$142,116.96</b>	<b>\$126,600.00</b>	<b>\$15,516.96</b>	<b>112.26 %</b>
Finance Charges	444.07	0.00	444.07		444.07	0.00	444.07	
Interest Income	2,439.50	0.00	2,439.50		2,439.50	0.00	2,439.50	
Unapplied Cash Payment	-266.23	0.00	-266.23		-266.23	0.00	-266.23	
Income								
<b>Total for Income</b>	<b>142,146.39</b>	<b>126,600.00</b>	<b>15,546.39</b>	<b>112.28 %</b>	<b>\$142,146.39</b>	<b>\$126,600.00</b>	<b>\$15,546.39</b>	<b>112.28 %</b>
Cost of Goods Sold	0.00	0.00	0.00		0.00	0.00	0.00	
<b>Gross Profit</b>	<b>142,146.39</b>	<b>126,600.00</b>	<b>15,546.39</b>	<b>112.28 %</b>	<b>\$142,146.39</b>	<b>\$126,600.00</b>	<b>\$15,546.39</b>	<b>112.28 %</b>
Expenses			0.00					
Bank Service Charges	24.00	150.00	-126.00	16.0 %	24.00	150.00	-126.00	16.0 %
Digital Committee	376.12	1,000.00	-623.88	37.61 %	376.12	1,000.00	-623.88	37.61 %
Insurance	7,802.00	3,960.00	3,842.00	197.02 %	7,802.00	3,960.00	3,842.00	197.02 %
Licenses and Permits	267.52	300.00	-32.48	89.17 %	267.52	300.00	-32.48	89.17 %
Maintenance & repairs			0.00		\$0.00	\$0.00	\$0.00	
Bulkhead	78,352.50	52,000.00	26,352.50	150.68 %	78,352.50	52,000.00	26,352.50	150.68 %
Lands End Grounds	540.00		540.00		\$540.00	\$0.00	\$540.00	
Pool	3,652.84		3,652.84		\$3,652.84	\$0.00	\$3,652.84	
Pool	7,687.64	12,000.00	-4,312.36	64.06 %	7,687.64	12,000.00	-4,312.36	64.06 %
Service/Materials/Supplies								
Resurfacing	0.00	25,000.00	-25,000.00	0.0 %	0.00	25,000.00	-25,000.00	0.0 %
<b>Total for Pool</b>	<b>11,340.48</b>	<b>37,000.00</b>	<b>-25,659.52</b>	<b>30.65 %</b>	<b>\$11,340.48</b>	<b>\$37,000.00</b>	<b>-\$25,659.52</b>	<b>30.65 %</b>
Restrooms	840.00	1,920.00	-1,080.00	43.75 %	840.00	1,920.00	-1,080.00	43.75 %
Supplies	15.75	100.00	-84.25	15.75 %	15.75	100.00	-84.25	15.75 %
<b>Total for Lands End Grounds</b>	<b>12,736.23</b>	<b>39,020.00</b>	<b>-26,283.77</b>	<b>32.64 %</b>	<b>\$12,736.23</b>	<b>\$39,020.00</b>	<b>-\$26,283.77</b>	<b>32.64 %</b>
Mowing and Clearing	15,300.00	15,600.00	-300.00	98.08 %	\$15,300.00	\$15,600.00	-\$300.00	98.08 %
Mulching & Fertilizer	1,380.00	1,000.00	380.00	138.0 %	1,380.00	1,000.00	380.00	138.0 %
<b>Total for Mowing and Clearing</b>	<b>16,680.00</b>	<b>16,600.00</b>	<b>80.00</b>	<b>100.48 %</b>	<b>\$16,680.00</b>	<b>\$16,600.00</b>	<b>\$80.00</b>	<b>100.48 %</b>
Streets and Drainage	86,678.89	6,000.00	80,678.89	1444.65 %	86,678.89	6,000.00	80,678.89	1444.65 %
Tree Cutting/Stump Grinding	8,175.00	5,000.00	3,175.00	163.5 %	8,175.00	5,000.00	3,175.00	163.5 %
Entrance Grounds	0.00	0.00	0.00		0.00	0.00	0.00	
<b>Total for Maintenance &amp; repairs</b>	<b>202,622.62</b>	<b>118,620.00</b>	<b>84,002.62</b>	<b>170.82 %</b>	<b>\$202,622.62</b>	<b>\$118,620.00</b>	<b>\$84,002.62</b>	<b>170.82 %</b>
Office Supplies	381.04	50.00	331.04	762.08 %	381.04	50.00	331.04	762.08 %
Postage and Delivery	50.02	100.00	-49.98	50.02 %	50.02	100.00	-49.98	50.02 %
Professional Fees		0.00	0.00		\$0.00	\$0.00	\$0.00	
Accounting	7,024.98	5,960.00	1,064.98	117.87 %	7,024.98	5,960.00	1,064.98	117.87 %
Legal Fees	2,070.19	1,200.00	870.19	172.52 %	2,070.19	1,200.00	870.19	172.52 %
<b>Total for Professional Fees</b>	<b>9,095.17</b>	<b>7,160.00</b>	<b>1,935.17</b>	<b>127.03 %</b>	<b>\$9,095.17</b>	<b>\$7,160.00</b>	<b>\$1,935.17</b>	<b>127.03 %</b>
Taxes			0.00		\$0.00	\$0.00	\$0.00	
Federal	1,033.00	600.00	433.00	172.17 %	1,033.00	600.00	433.00	172.17 %
Property	171.12	300.00	-128.88	57.04 %	171.12	300.00	-128.88	57.04 %
<b>Total for Taxes</b>	<b>1,204.12</b>	<b>900.00</b>	<b>304.12</b>	<b>133.79 %</b>	<b>\$1,204.12</b>	<b>\$900.00</b>	<b>\$304.12</b>	<b>133.79 %</b>

DISTRIBUTION ACCOUNT		JUL 2024 - JUN 2025			TOTAL			
	ACTUAL	BUDGET	OVER BUDGET BY	PERCENT OF BUDGET	ACTUAL	BUDGET	OVER BUDGET BY	PERCENT OF BUDGET
Utilities		312.02	-312.02	0.0 %	\$0.00	\$312.02	-\$312.02	0.0 %
Electric	3,581.72	3,800.00	-218.28	94.26 %	3,581.72	3,800.00	-218.28	94.26 %
Water	3,234.06	1,700.00	1,534.06	190.24 %	3,234.06	1,700.00	1,534.06	190.24 %
<b>Total for Utilities</b>	<b>6,815.78</b>	<b>5,812.02</b>	<b>1,003.76</b>	<b>117.27 %</b>	<b>\$6,815.78</b>	<b>\$5,812.02</b>	<b>\$1,003.76</b>	<b>117.27 %</b>
Miscellaneous	0.00	200.00	-200.00	0.0 %	0.00	200.00	-200.00	0.0 %
<b>Total for Expenses</b>	<b>228,638.39</b>	<b>138,252.02</b>	<b>90,386.37</b>	<b>165.38 %</b>	<b>\$228,638.39</b>	<b>\$138,252.02</b>	<b>\$90,386.37</b>	<b>165.38 %</b>
<b>Net Operating Income</b>	<b>-86,492.00</b>	<b>-11,652.02</b>	<b>-74,839.98</b>	<b>742.29 %</b>	<b>-\$86,492.00</b>	<b>-\$11,652.02</b>	<b>-\$74,839.98</b>	<b>742.29 %</b>
Other Income	0.00	0.00	0.00		0.00	0.00	0.00	
Other Expenses	0.00	0.00	0.00		0.00	0.00	0.00	
<b>Net Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	
<b>Net Income</b>	<b>-86,492.00</b>	<b>-11,652.02</b>	<b>-74,839.98</b>	<b>742.29 %</b>	<b>-\$86,492.00</b>	<b>-\$11,652.02</b>	<b>-\$74,839.98</b>	<b>742.29 %</b>

# Monthly Financial Report

Cape Malibu Property Owners Association  
For the period ended July 31, 2025

Prepared by

**Amy Drinkwater, Evolve Small Business Solutions**

Prepared on

**August 15, 2025**

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# Balance Sheet

As of July 31, 2025

		Total
<b>ASSETS</b>		
<b>Current Assets</b>		
<b>Bank Accounts</b>		
Checking		2,603.86
Savings		9,971.86
Savings - Bulkhead		26,000.00
Savings - Contingency		31,883.83
Savings - Pool		15,000.00
Savings - Road Assessment		59,782.97
<b>Total Savings</b>		<b>142,638.66</b>
<b>Total Bank Accounts</b>		<b>145,242.52</b>
<b>Accounts Receivable</b>		
Accounts Receivable		128,394.42
<b>Total Accounts Receivable</b>		<b>128,394.42</b>
<b>Other Current Assets</b>		
Deferred Income		-3,367.38
<b>Total Other Current Assets</b>		<b>-3,367.38</b>
<b>Total Current Assets</b>		<b>270,269.56</b>
<b>TOTAL ASSETS</b>		<b>\$270,269.56</b>
<b>LIABILITIES AND EQUITY</b>		
<b>Liabilities</b>		
<b>Current Liabilities</b>		
<b>Credit Cards</b>		
Visa Business Cash Preferred Card		248.23
<b>Total Credit Cards</b>		<b>248.23</b>
<b>Total Current Liabilities</b>		<b>248.23</b>
<b>Long-Term Liabilities</b>		
Key Deposits		3,550.00
<b>Total Long-Term Liabilities</b>		<b>3,550.00</b>
<b>Total Liabilities</b>		<b>3,798.23</b>
<b>Equity</b>		
Fund Balance		170,034.17
Retained Earnings		-32,077.47
Net Income		128,514.63
<b>Total Equity</b>		<b>266,471.33</b>
<b>TOTAL LIABILITIES AND EQUITY</b>		<b>\$270,269.56</b>

# Profit and Loss

July 2025

	Total
<b>INCOME</b>	
Fees	1,125.00
Construction Deposit	2,000.00
Maintenance Fee	128,205.46
<b>Total Fees</b>	<b>131,330.46</b>
Interest Income	135.98
<b>Total Income</b>	<b>131,466.44</b>
<b>GROSS PROFIT</b>	<b>131,466.44</b>
<b>EXPENSES</b>	
Bank Service Charges	6.08
Digital Committee	76.17
Maintenance & repairs	
Lands End Grounds	175.00
Restrooms	12.98
<b>Total Lands End Grounds</b>	<b>187.98</b>
Mowing and Clearing	1,200.00
Mulching & Fertilizer	240.00
<b>Total Mowing and Clearing</b>	<b>1,440.00</b>
Tree Cutting/Stump Grinding	375.00
<b>Total Maintenance &amp; repairs</b>	<b>2,002.98</b>
Postage and Delivery	-250.00
Professional Fees	
Accounting	626.48
Legal Fees	85.00
<b>Total Professional Fees</b>	<b>711.48</b>
Utilities	
Electric	306.33
Water	98.77
<b>Total Utilities</b>	<b>405.10</b>
<b>Total Expenses</b>	<b>2,951.81</b>
<b>NET OPERATING INCOME</b>	<b>128,514.63</b>
<b>NET INCOME</b>	<b>\$128,514.63</b>

Budget vs. Actuals Report FY26 YTD

July 1-31, 2025

DISTRIBUTION ACCOUNT		TOTAL		
	ACTUAL	BUDGET	OVER BUDGET BY	PERCENT OF BUDGET
Income				
Fees	\$188.81	\$0.00	\$188.81	
Construction Deposit	1,000.00	0.00	1,000.00	
Maintenance Fee	13,497.30	128,205.46	-114,708.16	10.53 %
Total for Fees	\$14,686.11	\$128,205.46	-\$113,519.35	11.46 %
Finance Charges	87.96	0.00	87.96	
Interest Income	135.98	0.00	135.98	
Unapplied Cash Payment Income	-2,448.00	0.00	-2,448.00	
Cash Basis Adjustment	0.00	0.00	0.00	
Total for Income	\$12,462.05	\$128,205.46	-\$115,743.41	9.72 %
Cost of Goods Sold				
Cost of Goods Sold	0.00	0.00	0.00	
Gross Profit	\$12,462.05	\$128,205.46	-\$115,743.41	9.72 %
Expenses				
Bank Service Charges	6.08	4.17	1.91	145.8 %
Digital Committee	76.17	83.33	-7.16	91.41 %
Maintenance & repairs	\$0.00	\$0.00	\$0.00	
Lands End Grounds	\$175.00	\$0.00	\$175.00	
Restrooms	12.98	120.00	-107.02	10.82 %
Pool	\$0.00	\$1,852.84	-\$1,852.84	0.0 %
Pool Service/Materials/Supplies	0.00	833.33	-833.33	0.0 %
Resurfacing	0.00	1,250.00	-1,250.00	0.0 %
Total for Pool	\$0.00	\$3,936.17	-\$3,936.17	0.0 %
Supplies	0.00	1.67	-1.67	0.0 %
Total for Lands End Grounds	\$187.98	\$4,057.84	-\$3,869.86	4.63 %
Mowing and Clearing	\$1,200.00	\$1,416.67	-\$216.67	84.71 %
Mulching & Fertilizer	240.00	116.67	123.33	205.71 %
Total for Mowing and Clearing	\$1,440.00	\$1,533.34	-\$93.34	93.91 %
Tree Cutting/Stump Grinding	375.00	666.67	-291.67	56.25 %
Bulkhead	0.00	2,166.67	-2,166.67	0.0 %
Streets and Drainage	0.00	500.00	-500.00	0.0 %
Total for Maintenance & repairs	\$2,002.98	\$8,924.52	-\$6,921.54	22.44 %
Professional Fees	\$0.00	\$0.00	\$0.00	
Accounting	626.48	583.33	43.15	107.4 %
Legal Fees	85.00	250.00	-165.00	34.0 %
Total for Professional Fees	\$711.48	\$833.33	-\$121.85	85.38 %
Utilities	\$0.00	\$0.00	\$0.00	



DISTRIBUTION ACCOUNT	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET BY	PERCENT OF BUDGET
Electric	306.33	291.67	14.66	105.03 %
Water	98.77	250.00	-151.23	39.51 %
<b>Total for Utilities</b>	<b>\$405.10</b>	<b>\$541.67</b>	<b>-\$136.57</b>	<b>74.79 %</b>
Insurance	0.00	0.00	0.00	
Licenses and Permits	0.00	90.00	-90.00	0.0 %
Miscellaneous	0.00	16.67	-16.67	0.0 %
Office Supplies	0.00	4.17	-4.17	0.0 %
Postage and Delivery	0.00	8.33	-8.33	0.0 %
Taxes	\$0.00	\$0.00	\$0.00	
Federal	0.00	100.00	-100.00	0.0 %
Property	0.00	16.67	-16.67	0.0 %
<b>Total for Taxes</b>	<b>\$0.00</b>	<b>\$116.67</b>	<b>-\$116.67</b>	<b>0.0 %</b>
<b>Total for Expenses</b>	<b>\$3,201.81</b>	<b>\$10,622.86</b>	<b>-\$7,421.05</b>	<b>30.14 %</b>
<b>Net Operating Income</b>	<b>\$9,260.24</b>	<b>\$117,582.60</b>	<b>-\$108,322.36</b>	<b>7.88 %</b>
Other Income	0.00	0.00	0.00	
Other Expenses	0.00	0.00	0.00	
<b>Net Other Income</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	
<b>Net Income</b>	<b>\$9,260.24</b>	<b>\$117,582.60</b>	<b>-\$108,322.36</b>	<b>7.88 %</b>

## People Present

County: Commissioner Walker, Pancho Viniarski

Cape Malibu: Bill Byrn, Karl McCoy, Kim Horne, Tim Booth, Dean Miller, Jim Davis (via telephone)

## Timing

**When will construction start?** Pending Board Vote, agreement and signed paperwork, approx. Feb / Mar 2026. *Jim comment - The County will be able to be more specific when we have submitted the signed petition (The Board needs to vote to move forward before this happens)*

**What are the expected dates and times for the resurfacing? / What is the anticipated end date for the resurfacing project?** Depends on the weather, drainage, issues found and whether the project is done in one part or two (to be determined by County). If one part - 7-14 days; if two parts it will take longer.

## Composition of the Roads

**What are the benefits of this project?** New roads of a consistent width (18 ft) with reinforced edges, a crown in the middle and appropriate road base materials throughout.

**What improvements are being made to the roads in our neighborhood?** Complete resurface, including grinding down old road surface for better end product.

**What is the composition (base, top layer of asphalt, etc.) of the new roadway?** Crushed concrete base, asphalt top layer.

**Will the new road be higher than the existing driveways? If so, how will that be addressed?** The road height depends on whether new base material needs to be added and other variables. So, there are areas that may be higher than the existing driveways. After the asphalt is put down, the crew will address driveways and lay an apron or feather to the driveway as required. The County will do their best to make sure driveways transition nicely.

## Process

**Overview:** The crew will grind the road down at least 6 inches and more as necessary, address road base deficiencies, compact new road

base and then lay the asphalt top. When working on a section, they will work on the entire road width. The new asphalt can be driven on an hour after it is down. The County will address 1.96 miles of roadway including all roads and the entrance. They will not address the Lands End driveway, parking or boat ramp as they will remain private.

**Will there be lane closures or other traffic disruptions?** Yes, when a road is being worked on. The County will try to minimize the disruption. Homeowners may have to drive on "gravel" where the road has been ground but not resurfaced. Because of our circle road (Malibu E, Malibu W, Burnt Mills) there will always be a way in and out.

**What are the expected levels of noise and dust during the project?** Road work is a noisy business. Because of grinding, laying new gravel base, etc. It will be noisy and dusty where the road is being worked on.

**How can I keep my property safe and clean during the resurfacing?** Safety during construction should not be an issue. Homeowners will be responsible for dust clean-up at their property.

**Will there be proper/routine clean-up of portable toilets and orange barriers?** Not addressed in this meeting. Will be addressed when we get closer to the project.

**How will this affect my driveway and road side parking space?** Driveways will be addressed on a one-by-one basis, aprons or feathering added as needed. Roadside parking is the responsibility of the homeowner. Where possible, a cut will be made between the roadside parking and the road to minimize impact. *Reminder from Jim - roadside parking spaces are actually on the POA's road right-of-way. Maintenance, rebuilding, updating structures in the right-of-way, etc. is addressed in the Restrictions and Covenants and explicitly the responsibility of the homeowner.*

**How will I be impacted when work is underway on my street?** You may have to drive the long way around, on gravel, etc. When equipment is in front of your house grinding, addressing road base, putting down asphalt, etc. you will not have access to your driveway until the asphalt has been down for an hour.

**Are there any parking restrictions during the project?** Vehicles cannot be parked along the roadside on the street where the County is actively working. This will be addressed in more detail as we get closer to a start date and communicated via email, text, signs, etc.

**Which roads will be first/how many will be under construction at once?** This will be determined as we get closer to the start date.

**How will the County help reduce the construction impact on nearby houses and businesses?** This was not addressed.

**How will pedestrians be accommodated in the neighborhoods during construction?** This was not addressed in the meeting. *Jim note - It is assumed they will need to avoid roads where active construction is underway.*

**If mailboxes need to be moved, what is the process and who is responsible for moving them?** This will be addressed more comprehensively as the job nears. Simply stated, if the mailbox is on a post, it will be moved by the County if needed; if the mailbox is surrounded by bricks, concrete, etc. moving the mailbox or addressing damage will be the responsibility of the homeowner. The County will make every effort to limit damage to brick/concrete mailbox structures and if at all possible adjust the roadway to avoid the necessity of moving.

## **Trees**

**Who is responsible for taking down dead trees in the right of way?** This was not addressed in the meeting.

**Who is responsible for trimming trees to maintain proper clearance both above the roadway and along the sides?** This was not addressed in the meeting.

## **Ditches**

**Who is responsible for clearing culverts that run under the roads?** The County will "blow out" culverts that run under the roadway, as needed.

**There is one culvert (running under Charred Oaks parallel to Malibu E) that appears to have a reverse slope. Can it be fixed**

**as a part of the project? Who is responsible for the cost of correcting the slope?** This will need to be reviewed when the start of the project draws nearer.

## **Safety**

We have had significant problems with people: guests, vendors, residents; speeding. In some cases, believe it or not, some people have reached 50 mph. There is a significant concern for the safety of our children, walkers, pets if speed bumps are removed.

**If speed bumps / humps are not allowed, can dips be constructed in known problem areas?** Nothing that could cause damage to a vehicle can be installed on County roads.. This includes speed humps, bumps and dips.

**Can three-way stops be added in problem areas?** It is against the law to install a stop sign specifically to slow traffic. Stop signs may be installed on "side streets" as needed, but not on the "circle road" (Malibu E & W and Burnt Mills).

**Is it possible to add cross hatching and "xx MPH" thermoplastic markings at intervals to reinforce the speed limit?** This is possible, but would be the responsibility of the POA. The County may be able to source these at a reduced cost to the POA.

**What is the process if we feel a "speed trap" or other active deterrent is needed?** This was not covered at this meeting. In a past meeting, Poncho stated that we could contact the Sheriff and that they were very responsive.

**What is the appropriate speed limit for our neighborhood?** 20 mph is the lowest speed limit allowed by law on a County road and it is felt that this is appropriate for Cape Malibu. Speed limit signs will be installed at the front entrance. Other locations can be added as needed.

## **Next Steps**

**Is it possible to have someone from the County at our meeting to field any additional questions or concerns?** A County representative will try to attend our August 17 Board Meeting. (We have reserved the large conference room at the Community Center for this meeting so that everyone in attendance will be comfortable)

**Once we submit the completed and signed petition, is there additional paperwork required, such as deeding the road right-of-way to the County?** The County's lawyer will draw up documents to sign and the CMPOA lawyer will review.

The County will check with their attorney to confirm that signatures by 70% of property owners is enough of a majority to proceed on their end.

### **Additional Info**

**Payment:** The County will check with their attorney to determine when CMPOA needs to have the \$350,000 available and how payments will be made. In some cases, the neighborhood has paid funds directly to materials suppliers, in others, the County has paid for materials and then re-billed the neighborhood. If the County bills CMPOA, we will be billed at the end of the project.

Once paperwork is signed, Poncho will be bringing his crew through the neighborhood to make a more appropriate assessment of the roads and scope of the project.



14090 Fm 2920 Road Ste G – 527 Tomball, Tx 77377  
Office 281-516-0839  
Toll Free 1-877-665-6060

# H.E.V Asphalt Paving LLC TX

## Estimate

For: Jim Davis  
president@capemalibu.org  
15816 Malibu E  
Willis, TX, 77318-6766  
214-952-0289

Estimate No: 1523  
Date: 08/15/2025

Description	Quantity	Rate	Amount
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PROJECT Malibu Subdivision Existing Asphalt Roads approximately 1.96 miles long by 18 feet wide Project Size 186,278.4 ft. <sup>2</sup>	186,278.4	\$5.25	\$977,961.60
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Barricade in secure areas for safety  
Mechanically mill 186,278.4 ft.<sup>2</sup> @ 2"  
Remove off site at an appropriate recycling center  
Surface ripping/scarify 186,278.4 ft.<sup>2</sup>  
Cement and stabilize existing base with 35lbs per sq yd Portland cement to a total depth of 6"  
Grade and wet roll and compact stabilize base with laboratory steel drum rollers  
Prime coat base with AEP primer  
Install 2.5" of Type D 64-22 SAC B-R modified hot mix Asphalt using Asphalt Paving machine with heated screed  
Rolling compact new asphalt pavement to an approximate depth of 2"  
Clean work area daily remove all debris and dispose of

Subtotal	\$977,961.60
Total	\$977,961.60

Total	\$977,961.60
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### Notes

50% to be paid on start of project  
Balance to be paid on completion

Subject to the terms and conditions of this agreement, the Client hereby engages company as an independent contractor, to perform the services and company hereby accepts such engagement. Client agrees to pay all collection cost, Court cost and legal fees incurred to collect delinquent balances. It is agreed that this agreement shall be governed by construed in accordance with laws of the State of Texas with venue and jurisdiction in Montgomery County, Texas.

HEV Asphalt Paving LLC shall be entitled to charge the interest at the highest rate permitted by law on any invoice not paid in accordance with all the terms and conditions. Subject to the terms and conditions of this agreement, the Client hereby engages company as an independent contractor, to perform the services and company hereby accepts such engagement. Client agrees to pay all collection cost, Court cost and legal fees incurred to collect delinquent balances. It is agreed that this agreement shall be governed by construed in accordance with laws of the State of Texas with venue and jurisdiction in Montgomery County, Texas.

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H.E.V Asphalt Paving LLC TX

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Client's signature





## CMPOA 2025-26 Temp Budget

Road Fund @ 7/31	\$59,782.97
Pool Fund @ 7/31	\$15,000.00
Bulkhead Fund @ 7/31	\$26,000.00
Contingency @ 7/31	\$31,883.83
Operating Budget @ 7/31	\$9,971.86
	<b>\$142,638.66</b>

INCOME	24-25 Budget	2025-26 Estimated	Notes
Maintenance Fees	\$126,600.00	\$128,205.00	confirmed 25/26 dues
<b>Expenses</b>	<b>24-25 Budget</b>	<b>2025-26 Approved Temp</b>	<b>Proposed Final Budget over 24-25 Notes</b>
Bank Service Charges	\$150.00	\$50.00	\$50.00 -125.00 lowered as we only spent \$25 last year
Digital Committee	\$1,000.00	\$1,000.00	\$1,000.00
Insurance	\$3,960.00	\$3,960.00	\$4,200.00 Insurance went up this year
Licenses and Permits	\$300.00	\$300.00	\$300.00
<b>Maintenance &amp; Repairs</b>			
Bulkhead	\$52,000.00	\$26,000.00	\$26,000.00 24-25 budget included \$26k from 23-24
<b>Lands End Grounds</b>			
<b>Pool</b>			
Pool Service/ Materials & Supplies	\$12,000.00	\$10,000.00	\$10,000.00
Resurfacing	\$25,000.00	\$15,000.00	\$15,000.00 25-26 place \$15k in savings for pool resurface.
<b>Total Pool</b>	<b>\$37,000.00</b>	<b>\$25,000.00</b>	<b>\$25,000.00</b>
Restrooms	\$1,920.00	\$1,000.00	\$900.00 reduced as cleaning was done every week even in off season
Supplies	\$100.00	\$20.00	\$20.00 -85.00 reduced as 24-25 actuals were lower than budget
<b>Total Lands End Grounds</b>	<b>\$39,020.00</b>	<b>\$26,020.00</b>	<b>\$25,920.00</b>
<b>Mowing and Clearing</b>			
Mowing	\$15,600.00	\$17,000.00	\$17,000.00 \$1,000.00 increased as 24-25 actuals were \$16.7k
Mulching and Fertilizer	\$1,000.00	\$1,400.00	\$1,400.00 \$380.00 increased as 24-25 actuals were \$1.38k
<b>Total Mowing and Clearing</b>	<b>\$16,600.00</b>	<b>\$18,400.00</b>	<b>\$18,400.00</b>
Streets and Drainage	\$6,000.00	\$7,000.00	\$6,000.00 lowered to last years budget
Tree Cutting / Stump Grinding	\$5,000.00	\$9,000.00	\$8,000.00 \$3,200.00 lowered to \$8000 as actuals were only \$8.2k
<b>Total Maintenance &amp; Repairs</b>	<b>\$118,620.00</b>	<b>\$86,420.00</b>	<b>\$84,320.00</b>
Miscellaneous	\$200.00	\$400.00	\$200.00 lowered as add'l was in error
Office Supplies	\$50.00	\$60.00	\$50.00 reduced to last year's number
Postage and Delivery	\$100.00	\$100.00	\$100.00
<b>Professional Fees</b>			
Accounting	\$5,960.00	\$7,000.00	\$7,000.00
Legal Fees	\$1,200.00	\$2,000.00	\$4,000.00 Increased as R&C rewrite will need review
<b>Total Professional Fees</b>	<b>\$7,160.00</b>	<b>\$9,000.00</b>	<b>\$11,000.00</b>
Taxes			
Federal	\$600.00	\$1,200.00	\$1,200.00 \$433.00 Increased as 24-25 actuals were \$1033
Property	\$300.00	\$200.00	\$200.00 -29.00 reduced as 24-25 actuals were \$171
<b>Total Taxes</b>	<b>\$900.00</b>	<b>\$1,400.00</b>	<b>\$1,400.00</b>
Utilities			
Electric	\$3,800.00	\$3,500.00	\$3,500.00 -220.00 reduced as 24-25 actuals were \$3.28k
Water	\$1,700.00	\$3,000.00	\$2,000.00 \$1,300.00 reduced tp \$2000 as overage in 24 was due to leak in July
<b>Total Utilities</b>	<b>\$5,500.00</b>	<b>\$6,500.00</b>	<b>\$5,500.00</b>
<b>Road Fund</b>	<b>\$14,325.00</b>	<b>\$14,325.00</b>	<b>\$14,325.00</b>
<b>Total Expenses</b>	<b>\$152,265.00</b>	<b>\$123,515.00</b>	<b>\$122,445.00</b>
	\$126,265.00	24-25 Budget without 26k bulkhead from 23-24	\$31,854.00 over budget