



McDonald  
Vague

business recovery partners

## Auckland Financial Management Corporation Limited (In Receivership)

### Receivers' Thirty Fifth Report

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#### 1 INTRODUCTION AND APPOINTMENT

Graeme George McDonald and John Trevor Whittfield, Insolvency Practitioners of Auckland, were appointed jointly and severally as receivers and managers of all the assets, property and undertakings of the company on 15 November 2004. They were appointed under the powers contained within a general security agreement dated 23 January 2004 in favour of Freedom Group Limited. Graeme George McDonald resigned as receiver on 22 February 2007 and Boris van Delden accepted appointment of replacement Receiver on the same day. On 29 October 2010 John Trevor Whittfield resigned as a Receiver.

Pursuant to section 24 of the Receiverships Act 1993 ("the Act"), the receivers report herewith on the progress of the receivership. This thirty fifth report should be read in conjunction with the receivers' previous reports.

The appointment arose when the secured creditor replaced their previous receivers and managers of the abovementioned company on 15 November 2004. The previous receivers had been appointed on 10 September 2004.

A statement of Realisations and Distributions is **attached**.

#### 2 RESTRICTIONS

This report has been prepared in accordance with Section 24 of the Act. Whilst all care and attention has been taken in compiling this report, we do not accept any liability whatsoever to any party as a result of the circulation, publication, reproduction or use of this report.

We reserve the right (but are under no obligation) to review and, if we consider necessary, revise this report in respect of any information existing at the date of this report which becomes known to us after that date.

#### 3 CONDUCT OF THE RECEIVERSHIP DURING THE PRECEDING SIX MONTHS

##### *Asset Realisations*

The company continues to receive income streams from various lending institutions.

#### 4 PROPOSALS FOR DISPOSAL OF RECEIVERSHIP PROPERTY

The receivers have concluded their investigations into the affairs of the company and as a result of these investigations, there are no matters for the receivers to pursue that would benefit the creditors of the company.

#### 5 CREDITORS' CLAIMS

##### 5.1 Secured Creditors

At the date of this report the amounts due to our appointer were as follows:

|  |                          |
|--|--------------------------|
| Amount owing at the commencement of receivership being               | \$                       |
| 15 November 2004 -   |                          |
| Ottow Burke & Associates Limited                                     | 693,583                  |
| Freedom Group Limited  | 4,785,051                |
|  | <hr/>                    |
|  | 5,478,634                |
| Excluding accrued interest   |                          |
| Less distributions from receiver to Ottow Burke & Associates Limited | 561,828                  |
| Balance outstanding  | <hr/> <u>\$4,916,806</u> |

**First Charge holder: Ottow Burke & Associates Limited** **\$693,583**

Pursuant to a General Security Agreement dated 23 January 2004 and registered on the Personal Property Securities Register on 28 January 2004 securing all present and after acquired property.

**Second Charge holder: Freedom Group Limited** **\$4,785,051**

Pursuant to a second ranking General Security Agreement dated 23 January 2004 and registered on the Personal Property Securities Register on 2 February 2004 securing all present and after acquired property.

We advise that the above amounts secure the assets and after acquired property of not only this company but also the assets and after acquired property of NZ Property Investors Limited (in receivership) and AFMC Services Limited (in receivership) ("the charged entities").

The security of the first charge-holder has been purchased by Yorkgale Pty Limited. The first charge holder has received repayments from both this company and NZ Property Investors Limited (In Receivership) from assets realised. The first charge continues to accrue interest on the outstanding amount. The first charge-holder has not yet been repaid in full. To date the first charge-holder has received \$796,504 in total from the charged entities.

### **5.2 Preferential Creditors**

During the period we filed unsigned pre-receivership GST returns for the periods leading up to receivership to replace amounts that had been the subject of default assessments. Accordingly, the preferential amount owed to the Inland Revenue Department has reduced significantly. The Inland Revenue Department claim in respect of GST has been paid in full.

### **5.3 Unsecured Creditors**

As at the date of preparing this report 20 unsecured creditors claim forms have been received which total \$97,670.

The Receivers are not responsible for the administration of unsecured creditors' claims however, it appears unlikely that there will be surplus funds available for unsecured creditors.

## **6 MATTERS DELAYING THE COMPLETION OF THE RECEIVERSHIP**

The following matter is outstanding:

- Collection of income revenue streams from lending institutions

## **7 ESTIMATED DATE OF COMPLETION**

It is currently too early to estimate a date of completion for the receivership.

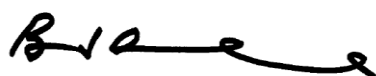
## **8 CONTACT DETAILS**

Enquiries should be directed to the writer on (09) 306 3342 or by email to [bvandelden@mvp.co.nz](mailto:bvandelden@mvp.co.nz).

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BORIS VAN DELDEN  
RECEIVER

DATED this 19<sup>th</sup> day of December 2021

# Realisations and Distributions

## Auckland Financial Management Corporation Limited (In Receivership) 15 November 2004 to 14 November 2021

| Realizations  | Statement of<br>Affairs<br>\$ | Cas<br>Received<br>\$ |
|---|-------------------------------|-----------------------|
| Bank Account Closure                                | 17,744                        | 17,744                |
| Brokerage Fees                                      | -                             | 6,730                 |
| GST Refunds   | 18,391                        | 14,924                |
| Income from Lending Institutions                    | -                             | 928,377               |
| Income Tax Refund                                   | 8,700                         | 8,733                 |
| Interest  | -                             | 37,833                |
| <b>Total Realizations</b>                           | <b>\$44,835</b>               | <b>\$1,014,341</b>    |
| <b>Payments</b>                                     |                               |                       |
| <b>Receivers Fees</b>                               |                               |                       |
| Receivers Fees                                      |                               | 306,081               |
| Disbursements                                       |                               | 5,568                 |
| <b>Total Receivers Fees</b>                         |                               | <b>\$311,649</b>      |
| <b>Other Costs of Receivership</b>                  |                               |                       |
| Bank Fees   |                               | 976                   |
| Computer Consultancy                                |                               | 748                   |
| Former Receivers' Fees and Expenses                 |                               | 101,679               |
| Insurance Premiums                                  |                               | 670                   |
| Legal Fees  |                               | 3,579                 |
| IRD Penalty   |                               | 50                    |
| Power   |                               | 110                   |
| Residents Withholding Tax                           |                               | 3,821                 |
| Telephone and Internet                              |                               | 93                    |
| <b>Total Costs of Receivership</b>                  |                               | <b>\$111,726</b>      |
| <b>Distributions</b>                                |                               |                       |
| Secured Creditor – Ottow Burke & Associates Limited |                               | 561,828               |
| Preferential GST                                    |                               | 25,946                |
| <b>Total Distributions to Creditors</b>             |                               | <b>\$587,774</b>      |
| <b>Total Payments</b>                               |                               | <b>\$1,011,149</b>    |
| <b>BALANCE HELD</b>                                 |                               | <b>\$3,192</b>        |

**Note:** The above figures are GST Exclusive