

## **Blacktop Construction Limited (In Receivership & In Liquidation)**

### **Liquidators' Third Report For the period from 4 December 2014 to 3 June 2015**

#### **1 INTRODUCTION AND APPOINTMENT**

Tony Leonard Maginness and Boris van Delden, Insolvency Practitioners of Auckland, were appointed jointly and severally as liquidators of Blacktop Construction Limited ("the company") on 4 June 2014.

They were also appointed as liquidators of the related companies Asphalt Products Limited (In Receivership & In Liquidation) and Delta Corporation Limited (In Receivership & In Liquidation)

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This third report should be read in conjunction with the liquidators' previous reports. This report is being sent to all shareholders and all creditors who have filed a claim in the liquidation.

Andrew Bethell and James Greenway of BDO were appointed jointly and severally as receivers and managers of the company on 4 September 2013 under the terms of a General Security Agreement ("GSA") dated 19 December 2005, giving Westpac New Zealand Limited security interests or charges created by the GSA with all the powers conferred by the GSA and at law.

A statement of realisations and distributions is **attached**.

#### **2 RESTRICTIONS**

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 LIQUIDATION DURING THE PRECEDING SIX MONTHS**

The Receivers continue the realisation of assets as outlined in their reports filed with the Registrar of Companies.

#### **4 INVESTIGATIONS**

The liquidators are continuing their investigations into the books, records and affairs of the company. To date payments to a number of creditors have been identified as voidable by the Liquidators pursuant to Section 292 of the Companies Act 1993. Correspondence has been entered into with those creditors that have been identified.

Settlement has been received from the creditor involved with one of the transactions.

Investigations are continuing to identify further voidable payments.

The three directors of the company were adjudicated personally bankrupt on 4 September 2014 on a creditor's petition.

#### **5 CREDITORS' CLAIMS**

##### **5.1 Secured Creditors**

No secured claims have been received at the date of this report.

##### **5.2 Preferential Creditors**

The Inland Revenue Department has submitted a preferential claim for \$384,570. No dividend has been paid to preferential creditor at the date of this report.

##### **5.3 Unsecured Creditors**

As at the date of preparing this report 16 unsecured creditors claim forms have been received which total \$8,312,610. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims until such time as we are in a position to pay a distribution.

#### **6 FUNDS / LIKELY OUTCOME**

There will be a short fall on the amount due to the General Security Agreement holders. Therefore, at this stage the liquidator does not anticipate paying a distribution to unsecured creditors

#### **7 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION**

The following matters are outstanding:

- Completion of the receivership
- Completion of the investigations

## 8 ESTIMATED DATE OF COMPLETION

Based on the information contained in this report the liquidators are unable to estimate when the liquidation will be complete.

## 9 CONTACT DETAILS

Enquiries should be directed to Colin Sanderson on DDI (07) 838 0908 or by email to [CSanderson@mvp.co.nz](mailto:CSanderson@mvp.co.nz).

The Liquidators can be contacted at:

McDonald Vague Limited  
Level 10, 52 Swanson Street  
Auckland 1010

P O Box 6092  
Wellesley Street  
Auckland 1141



TONY L MAGINNESS  
LIQUIDATOR

DATED this 4<sup>th</sup> day of June 2015

# Realisations and Distributions

## Blacktop Construction Limited (In Receivership & In Liquidation) 4 June 2014 To 3 June 2015

Realisations	Cash Received \$
Settlement - Voidable Transaction	25,000
<b>Total Realisations</b>	<b>\$25,000</b>
 <b>Payments</b>	
<b>Liquidators Fees</b>	
Liquidators Fees	20,895
Disbursements	845
<b>Total Liquidators Fees</b>	<b>\$21,740</b>
<b>Total Payments</b>	<b>\$21,740</b>
 <b>BALANCE HELD</b>	<b>\$3,260</b>

**Note:** the above figures are GST exclusive