

ABC Acquisitions (NZ) Limited (In Liquidation)

Liquidators' Eleventh Report

For the period from 16 September 2013 to 15 March 2014

1 INTRODUCTION AND APPOINTMENT

Peri Micaela Finnigan and Boris van Delden, Insolvency Practitioners of Auckland, were appointed jointly and severally as liquidators of ABC Acquisitions (NZ) Limited ("the company") on 16 March 2009 by the High Court at Auckland.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This eleventh 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.

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

2 RESTRICTIONS

This report has been prepared in accordance with section 255(2)(d) 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 LIQUIDATION DURING THE PRECEDING SIX MONTHS

The liquidators have finalised the matters outstanding with the IRD regarding further GST refunds due. We have received the majority of the refunds but are still waiting for some monies to be paid to the company.

The liquidators were able to finalise the outstanding income tax returns for the company. The returns have been lodged with the IRD and we are waiting for the final assessments to be issued.

4 INVESTIGATIONS

The liquidators' investigations into the books, records and affairs of the company remain ongoing while we pursue recovery of a debtor and while a dispute remains with one large creditor.

5 CREDITORS' CLAIMS

There has been no change in the position of creditors since the date of the last report.

6 LIQUIDATORS' FEES

Liquidators' fees invoiced to the date of this report are \$288,262 (excluding GST). The fees are based on 945 hours of work undertaken as follows:

| Work Category | Hours | \$ |
|--|------------|----------------|
| Appointment and management | 195 | 43,872 |
| Asset realisations | 25 | 8,085 |
| Creditors' claims, enquiries and reports | 61 | 20,405 |
| Taxation | 583 | 190,234 |
| Investigations | 89 | 25,666 |
| Total | 953 | 288,262 |

Liquidators' fees in a Court ordered liquidation are to be approved by the Court and if required a retrospective application for fee approval will be made by the liquidators.

Section 284 (1) of the Act provides that an application (with the leave of the Court) may be made by a creditor, shareholder or director of a company in liquidation to review or fix the remuneration of the liquidators. In circumstances where no application has been made to review or fix the liquidators' remuneration the Court will be less inclined to rigorously examine the fees submitted by the liquidators for subsequent approval.

7 DISTRIBUTION TO UNSECURED CREDITORS

An interim distribution of 6 cents in the dollar was made to unsecured creditors on 30 September 2013. The liquidators have placed monies in trust from the first interim distribution that relate to a potential claim from an unsecured creditor that has yet to be accepted by the liquidators. We are currently reviewing that claim.

The liquidators anticipate making further distributions to unsecured creditors once we have received all the outstanding GST refunds due and the company's excess income tax paid has been repaid by the IRD.

8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Debtor recoveries
- Receipt of remaining funds arising from GST returns
- Assessment of income tax returns by IRD and refund of overpaid provisional tax
- Completion of investigations.

9 ESTIMATED DATE OF COMPLETION

It is uncertain at this stage as to when this liquidation will be completed.

10 CONTACT DETAILS

Enquiries should be directed to Tracy Yelverton on DDI (09) 969 5336 or by email to tyelverton@mvp.co.nz

The Liquidators can be contacted at:

McDonald Vague
Level 10, 52 Swanson Street
Auckland 1010

P O Box 6092
Wellesley Street
Auckland 1141


BORIS VAN DELDEN
LIQUIDATOR

DATED this 31st day of March 2014

Realisations and Distributions

ABC Acquisitions (NZ) Limited (In Liquidation) 16 March 2009 to 15 March 2014

15 Mar 14

Realisations

| | |
|--------------------------------------|------------------|
| Bank Account Closure | 204,912 |
| Interest | 51,871 |
| Pre Liquidation GST Refund | 1,126,184 |
| Pre Liquidation GST Refund Interest | 53,662 |
| Pre Liquidation GST Refund Transfers | (105,455) |
| Sale of Stock | 5,298 |
| Total Realisations | 1,336,472 |

Payments

Liquidators' Fees

| | |
|--------------------------------|----------------|
| Disbursements | 3,456 |
| Liquidators Fees | 288,262 |
| Total Liquidators' Fees | 291,718 |

Other Costs of Liquidation

| | |
|---|----------------|
| Auctioneer Costs | 1,192 |
| Bank Fees | 342 |
| Legal Fees | 147,098 |
| RWT Deductions | 308 |
| Salvage Costs | 116 |
| Total Other Costs of Liquidation | 149,055 |

Distributions

| | |
|---|----------------|
| Dividends to Unsecured Creditors | 363,682 |
| Payment to Applicant Creditor | 3,172 |
| Payment to Other Preferential Creditors | 690 |
| Total Distributions | 367,544 |

| | |
|-----------------------|----------------|
| Total Payments | 808,317 |
|-----------------------|----------------|

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|---------------------|----------------|
| BALANCE HELD | 528,155 |
|---------------------|----------------|