



McDonald
Vague

business recovery partners

ABT Construction Limited (In Liquidation)

McDonald Vague Limited

Level 10, 52 Swanson Street,
Auckland Central

Liquidators' Second Report

PO Box 6092, Wellesley Street,
Auckland 1141, New Zealand

For the period from 9 December 2016 to 8 June 2017

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1 INTRODUCTION AND APPOINTMENT

Peri Micaela Finnigan and Boris van Delden, CAANZ Accredited Insolvency Practitioners, of Auckland, were appointed as joint and several liquidators of ABT Construction Limited ("the company") on 9 December 2016.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators are reporting on the progress of the liquidation. This second report should be read in conjunction with the liquidators' previous report.

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 not attached as there have been no realisations or distribution during the liquidation to date.

2 RESTRICTIONS

Whilst all care and attention has been taken in compiling this report, we do not accept any liability whatsoever to any party arising from 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 as at the date of this report but that becomes known to us after that date.

3 CONDUCT OF THE LIQUIDATION DURING THE PRECEDING SIX MONTHS

Asset Realisations

3.1 Debtors

(Statement of Affairs: \$Unknown)

All of the company's non-related party customers have disputed that the debts appearing in the company's records are payable. The liquidators are continuing to investigate whether any of these debts are recoverable.

3.2 Fixed Assets and Inventory

(Statement of Affairs: \$Unknown)

The company had no known fixed assets or inventory as at the date of liquidation.

4 INVESTIGATIONS

The liquidators' investigations into the books, records, and affairs of the company remain ongoing. There were a number of related party transactions prior to the company's liquidation that are of interest to the liquidators. As the liquidators do not wish to prejudice their investigations, no further information is being provided at this time.

5 CREDITORS' CLAIMS

5.1 Secured Creditors

A secured creditor's claim of \$10,743 has been received from Bunnings Limited, relying on a security over goods supplied together with their proceeds.

A secured creditor's claim of \$68,591 has been received from Carters, relying on a general security and a security over goods supplied together with their proceeds.

5.2 Preferential Creditors

The petitioning creditor was awarded costs of \$3,122 and disbursements of \$1,163.31 excluding GST on its application to liquidate the company.

A preferential claim of \$19,342 has been received from the Inland Revenue Department in respect of student loan payments, KiwiSaver, and PAYE.

5.3 Unsecured Creditors

As at the date of preparing this report, 13 unsecured creditors' claims have been received, which total \$1,252,998.

As at the date of this report, the liquidators have not made any distributions to any creditors. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims unless we are in a position to pay a distribution to those creditors.

6 LIQUIDATORS' FEES

The liquidators have not taken any fees to 8 June 2017.

The liquidators' time costings and disbursements incurred to 8 June 2017 total \$28,888 excluding GST. The fees are based on 117.5 hours of work undertaken as follows:

| Work Category | Hours | \$ |
|---|--------------|-----------------|
| Commencement, initial attendances, and statutory requirements | 54.1 | 13,110 |
| Asset realisations | 13.3 | 2,945 |
| Creditors | 13.4 | 2,955 |
| Investigations and legal | 29.5 | 7,750 |
| Taxation | 0.9 | 155 |
| Management | 6.3 | 1,159 |
| Disbursements | | 814 |
| Total | 117.5 | \$28,888 |

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 FUNDS / LIKELY OUTCOME

As at the date of liquidation, the company had no immediately realisable assets. Whether any distribution to creditors is made is dependent on whether the liquidators are able to make any recoveries from actions arising from the liquidators' investigations.

It is too early to determine whether there will be any distribution to creditors.

8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Collecting further recoverable debts
- Completing investigations and associated recovery action

9 ESTIMATED DATE OF COMPLETION

It is too early for the liquidators to estimate the completion date of this liquidation.


10 CONTACT DETAILS

Enquiries should be directed to Marisa Brugeyroux on DDI (09) 306 3340 or by email to mbrugeyroux@mvp.co.nz.

The Liquidators can be contacted at:

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BORIS VAN DELDEN
LIQUIDATOR

DATED this 10th day of July 2017