



McDonald  
Vague

business recovery partners

## B&W NZ LIMITED (IN LIQUIDATION)

### Liquidators' Second Report

For the period from 15 November 2022 to 14 May 2023

McDonald Vague Limited  
Level 1, 136 Greenlane East,  
Auckland 1051

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#### 1 INTRODUCTION AND APPOINTMENT

Iain McLennan and Keaton Pronk, Licensed Insolvency Practitioners, of Auckland, were appointed as joint and several liquidators of B&W NZ Limited (In Liquidation) ("the company") on 15 November 2022.

This report has been prepared pursuant to Section 255(2)(d) of the Companies Act 1993 (**Act**) for the purpose of reporting on the liquidation of the Company. A Statement of Realisations and Distributions is **attached** as Appendix One.

The report is being sent to all shareholders and all creditors who have filed a claim in the liquidation.

#### 2 RESTRICTIONS

This report should be read in conjunction with the liquidators' previous report.

This report has been prepared using the information known to us. We have not independently verified the accuracy or reliability of the information provided or undertaken audit of the Company. 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 at the date of this report which becomes known to us after that date.

#### 3 UPDATED INTERESTS STATEMENT

We have not become aware of any circumstances, relationships, or other facts since we last prepared an interests statement that create, or could reasonably be perceived as creating, a conflict of interest for us in relation to our independence as liquidators.

#### 4 CONDUCT OF THE LIQUIDATION DURING THE PRECEDING SIX MONTHS

During the reporting period, we have:

- Realised all known physical assets
- Returned machinery on loan, and inventory on hand to PPSR creditors when entitled

- Where there was a benefit, completed some customer work on the first and second day of liquidation
- Collected accounts receivable
- Cleared the companies leased premises
- Commenced our investigation into various matters
- Disclaimed onerous agreements
- Distributed final pay entitlements to non-related employees in full
- Paid the PAYE and deductions arising from the final pay to the appropriate parties

Since our appointment, we have also:

- Interviewed the director and other parties with knowledge of the affairs of the Company
- Uplifted and reviewed the Company's books and records
- Investigated the affairs of the Company and the reasons for its failure
- Reported as required.

## 5 INVESTIGATIONS

The liquidators have not yet completed their investigations into the books, records and affairs of the company.

Given the level of creditors and the cost of litigation, it is unlikely that the liquidators will commence litigation without funding being made available, unless the liquidators consider that the matter is likely to return a net benefit.

There are no known current or pending proceedings against the company.

## 6 CREDITORS' CLAIMS

In the interest of minimising liquidator's fees, the liquidators will only formally accept or reject creditors' claims if there are funds available to pay a distribution.

The following claims have been received:

CLAIMS RECEIVED	NUMBER	VALUE	DISTRIBUTIONS	¢ IN THE \$
GSA Holders				
Specific Securities	2	17,188	4,190	
Employee Preferential Claims		31,388	31,388	100
IRD Preferential Claims		23,681		
Unsecured Claim	27	202,903		

Following liquidation 2 PPSR creditors have discharged their security interests.

## **7 LIQUIDATORS' FEES**

The Company has paid liquidators' fees to the end of the reporting period totalling \$21,736 plus GST. Disbursements totalling \$665 have also been paid.

The liquidators' time costings to the cut-off date total \$21,474 plus GST, based on 76.90 hours of work undertaken are detailed in Appendix Two.

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.

## **8 FUNDS / LIKELY OUTCOME**

There is a likely distribution for remaining unpaid preferential creditors, however it is currently unlikely there will be a distribution for unsecured creditors.

## **9 COMPLETION DATE AND MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION**

The following matters are outstanding:

- Interim distribution to remaining preferential creditors
- Complete any further investigation work
- Take any remaining recovery steps
- Wind up the company

We expect that the liquidation will be finished in the next 6 to 12 months.

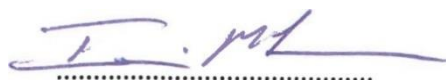
## **10 CONTACT DETAILS**

Enquiries should be directed to Iain McLennan on DDI +64 (9) 303 9512 or by email to [imclennan@mvp.co.nz](mailto:imclennan@mvp.co.nz).

The Liquidators can be contacted at:

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Auckland 1051

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Victoria Street West  
Auckland 1142



Iain McLennan  
LIQUIDATOR (License No: IP82)

Dated this 16th day of June 2023

## Appendix One

Realisations and Distributions					Since initial report
B&W NZ Limited (In Liquidation)					
15 November 2022		to	14 May 2023		
					14/05/2023
Realisations					
Advance from Shareholders					-
Bank Account Closure					22,302
Cash on Hand					-
Debtors					4,744
Interest					334
Sale of Assets					56,854
Pre receivership GST Refund					-
Total Realisations					84,233
Payments					
Liquidators Fees					
Liquidators Fees					21,736
Disbursements					665
Total Liquidators Fees					22,401
Other Costs of Liquidation and Trading On					
Legal Fees					-
Debt Collection Costs					-
Commission					5,093
RWT on Interest					93
Trading on Costs					674
Total Costs of Liquidation and Trading On					5,861
Distributions					
Secured Creditor					-
Preferential Wages and Holiday Pay					31,388
Preferential GST and PAYE					-
Dividends to Unsecured Creditors					-
Total Distributions to Unsecured Creditors					31,388
Total Payments					59,650
BALANCE HELD					24,583

## Appendix Two

### B&W NZ LIMITED (IN LIQUIDATION) BREAKDOWN OF LIQUIDATORS REMUNERATION AND EXPENSES FOR THE PERIOD OF THE LIQUIDATION

15 Nov 2022 to 14 May 2023

Time costs by Position and Work Type													
	Hourly rate	Appointment Functions		Asset Realisation		Creditors & Report		Management & Tax		Investigation		Total	
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
Directors /Partners /Consultants/Liquidators	\$400	3.0	1,200	6.0	2,400	2.0	800	0.2	80			11.2	\$4,480
Forensic Accountants / Associates	\$300 - \$380	8.3	2,980	19.5	5,858	12.7	4,356					40.5	\$13,194
Insolvency Managers	\$140 - \$280												
Insolvency Accountants	\$140 - \$200	4.1	820			7.2	1,440	13.9	1,540			25.2	\$3,800
Secretarial & Clerical Assistants	\$50 - \$170												
<b>Total</b>		15.4	5,000	25.5	8,258	21.9	6,596	14.1	1,620			76.90	\$21,474

Disbursements	Cost
Airfares - domestic	
Local Travel	
General Expenses	947.27
<b>Total</b>	<b>947.27</b>

Work completed includes but is not limited to:

Appointment	All matters on the commencement of the appointment
Creditors	All communications, claims, reporting, enquiries
Asset Realisations	All matters in respect of the potential sale of assets/business/IP and subsequent sale of assets including trading/debtors
Management & Tax	All matters in respect of statutory reporting and the management of the file
Investigation	Analysis of bank statements, review of historic transactions and accounts to identify avenues for recovery