



McDonald
Vague

business recovery partners

BG Projects Limited (In Liquidation)

Liquidators' First Report

McDonald Vague Limited

33 Federal Street,
Auckland Central

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

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e: insol@mvp.co.nz

www.mvp.co.nz

TO: The directors, shareholders, and known creditors of the company

1 INTRODUCTION AND APPOINTMENT

BG Projects Limited ("the company") was placed into liquidation by the High Court at Auckland pursuant to Section 241(2)(c) of the Companies Act 1993 ("the Act") on 17 December 2019 at 11:20 a.m. on the application of NZ Machine Hire Limited. Iain McLennan and Peri Micaela Finnigan, RITANZ Accredited Insolvency Practitioners, of Auckland, were appointed as joint and several liquidators of the company.

2 RESTRICTIONS

In preparing this report and its appendices, we have relied upon information provided to us. We have not independently verified or audited that information. 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, amend this report to take into account any information existing at the date of this report that becomes known to us after this report is published.

3 INDEPENDENCE

A declaration of independence is attached at Appendix 2. As far as we are aware there are no conflicts real, perceived, or risks of independence.

4 ATTACHMENTS

The following documents are attached to this report:

- Appendix 1: Statement of Affairs setting out the company's estimated financial position
- Appendix 2: Declaration of independence / relationships / indemnities and upfront payments
- Appendix 3: Schedule of company creditors' names and addresses
- Appendix 4: Notice of Liquidators' decision to dispense with meeting of creditors
- Appendix 5: Notice to creditors to prove debts or claims
- Appendix 6: Creditors claim form

5 COMPANY STRUCTURE AND BACKGROUND

Date of incorporation:	11 May 2011	
Company number:	3372692	
Nature of business:	Builder - residential	
Trading address:	11 / 61 The Avenue, Albany, Auckland 0632	
Share capital:	100 Shares	
Shareholders:	Dale Marie Greer	} 98 Shares Jointly
	Nicholas James Greer	
	Robert Stanley Greer	
	Nicholas James Greer	2 Shares
Director:	Nicholas James Greer	

We have interviewed the director, who advised that more than a year prior to liquidation, the company suffered a loss when it was not paid on a large contract. He advised that the company never fully recovered from this loss. He further advised that market competition had forced the company's pricing to uncomfortable levels and marginal profits in order to win contracts. The director further advised that without enough revenue to meet costs when due, and without further funding available from the shareholders, the company was unable to stave off liquidation by creditors.

6 STATEMENT OF AFFAIRS

A Statement of Affairs showing the company's estimated financial position as at the date of our appointment is provided at Appendix 1.

7 ASSETS AND PROPOSALS FOR CONDUCTING THE LIQUIDATION

We will realise all available assets. Our initial appraisal is that fixed and movable assets are likely to realise a gross value before auction commission, of less than \$5,000. The company has no debtors.

The director advised that friends and family have offered to advance him a limited amount of funds to put towards settling some of the company's debts. The director has undertaken to ensure that a negotiated amount of funds will be advanced to the liquidators during the next 14 days from the date of this report, for distribution to preferential and unsecured creditors.

We will complete a thorough review of the company's books, records and affairs to:

- ensure that all assets have been properly accounted for,
- determine if there are any other avenues of recovery for creditors,
- determine if the company's officers have properly carried out their duties and take appropriate steps where necessary.

If there are funds available for distribution to creditors, we will verify creditors' claims and make a distribution. We will then complete the liquidation and request that the Registrar of Companies remove the company from the register.

8 LIABILITIES AND CREDITOR CLAIMS

A schedule of known creditors and their addresses is provided at Appendix 3, as required by Section 255(2)(c) of the Act.

A notice to creditors to prove debts or claims is provided at Appendix 5. Also provided is a creditor's claim form at Appendix 5 for completion and return to this office by Friday, the 31st day of January 2020. Creditors that have not made a claim by the date on the notice may be excluded from any distribution made. If you believe that you are a secured creditor, please contact us and the appropriate form will be sent to you.

8.1 *Secured Creditors*

As at the date of liquidation six secured parties had registered security interests against the company on the Personal Property Securities Register.

Three of the above creditors have registered General Security Agreements.

Personal Property Securities Act / Reservation of Title

If any creditor believes that they hold a Purchase Money Security Interest entitling them to any goods or proceeds from realisation of goods, they should contact us immediately.

If any creditor believes that they have a Reservation of Title over goods and they have not perfected their interest, they should also contact us immediately.

8.2 *Preferential Creditors*

The applicant creditor's claim amounts to \$21,130.79 including a preferential claim for costs approved by the High Court, of \$5,726.42.

The director advised there are no unpaid wages, holiday pay or redundancy pay owing to former employees.

The Inland Revenue Department has not yet provided us with a creditor's claim form but we understand that there are amounts due in respect of GST, PAYE and other payroll deductions.

8.3 *Unsecured Creditors*

From our review of the company's accounting records and other information we estimate that the amount due to unsecured creditors is approximately \$ 459,701.

9 CREDITORS' MEETING / LIQUIDATION COMMITTEE

A notice of the Liquidators' decision to dispense with the meeting of creditors is provided at Appendix 4.

Any creditor or shareholder may at any time in the course of the liquidation request that the liquidators call a meeting pursuant to Section 314 of the Companies Act 1993, for the purpose of appointing a liquidation committee. Any request for a meeting must be submitted to the liquidators in writing.

10 FURTHER INFORMATION

If you are aware of any information that would assist the Liquidators, please set the details out in writing, attach any supporting evidence, and send it to us. Please note that it can be difficult for liquidators to act in reliance on information that is not provided in writing.

If any creditor wishes to receive the six monthly reports by email as and when they are published, please ensure that an email address is provided on your creditors' claim form.

This report and all subsequent reports will be available on the Liquidators' website at www.mvp.co.nz

11 ESTIMATED DATE OF COMPLETION

The Liquidators believe the liquidation may be concluded within six months.


12 CONTACT DETAILS

Enquiries should be directed to Dalwyn Whisken on DDI (09) 969 5336 or by email to dwhisken@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



PERI MICAELA FINNIGAN
LIQUIDATOR

DATED this 31 day of January 2020

BG Projects Limited (In Liquidation) Statement of Affairs

Statement of Affairs for the above named company as at 17 December 2019 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.

ASSETS SPECIFICALLY PLEDGED	<i>Estimated to Realise</i>	<i>Est Due to Secured Creditor</i>	<i>Deficiency Ranking as Unsecured</i>	<i>Surplus</i>
Volkswagen LFF778 - UDC	-	27,000		
Volkswagen LEJ272 - UDC	-	27,000		
<i>Estimated surplus / (deficiency) as regards specifically pledged assets</i>	\$ -	\$ 54,000	(\$54,000)	\$ -
ASSETS AVAILABLE FOR PREFERENTIAL CREDITORS			<i>Book Value</i>	<i>Estimated to Realise</i>
Nil			-	-
<i>Less preferential creditors</i>				
Applicant creditor				5,726
Inland Revenue Department (estimated)				40,000
<i>Estimated deficiency as regards preferential creditors</i>				(45,726)
ASSETS AVAILABLE FOR GENERAL SECURITY AGREEMENT HOLDER/S			<i>Book Value</i>	<i>Estimated to Realise</i>
Estimated surplus from assets specifically pledged				-
Fixed assets			3,300	3,300
Total			3,300	3,300
LESS GENERAL SECURITY AGREEMENT HOLDER/S				
Metal Line Roofing Ltd - first ranking General Security Agreement holder				48,616
Carters - second ranking General Security Agreement holder				unknown
Prospa NZ Ltd - third ranking General Security Agreement holder				50,248
Total				98,864
<i>Estimated deficiency as regards General Security Agreement holders - ranking as unsecured</i>				(\$95,564)
AVAILABLE FOR UNSECURED CREDITORS				-
LESS UNSECURED CREDITORS				
Estimated deficiency as regards Secured Creditors - ranked as unsecured creditors				149,564
Estimated deficiency as regards preferential creditors - ranked as unsecured creditors				45,726
Trade creditors				193,929
Customer claims				265,772
<i>Estimated surplus/(deficiency) as regards unsecured creditors</i>				(\$654,991)

Notes:

1. There are competing general security interests under review. The director advised no amounts are owed to the second ranking GSA holder.
2. The above estimates are subject to the costs of the liquidation.
3. The General Security Agreement holder's claim will continue to accrue interest until fully paid.

Disclaimer of Liability:

The information contained in the Statement of Affairs has been supplied by the company. We have not verified the information supplied. The Statement of Affairs has been prepared for the purpose of the liquidation and we do not accept any responsibility on any grounds whatsoever, including liability in negligence, to any party.

Appendix 2

BG Projects Limited (In Liquidation)
Declaration of Independence / Relationships / Indemnities and
Upfront Payments

A DECLARATION OF INDEPENDENCE


- (i) The appointed and McDonald Vague Limited have undertaken a proper assessment of the risks of independence prior to accepting appointment in accordance with the law code of conduct and applicable professional standards and have concluded that they have no prior business or professional relationship with the insolvent that is a real or potential risk and that they are independent.

B DECLARATION OF RELATIONSHIPS

- (ii) The appointed and McDonald Vague Limited have no prior business or professional or personal relationship with known associates of the insolvent or the major secured creditors that are a real or potential risk and that they are to the extent of:
- (iii) The appointed disclose there are no other relevant relationships to declare.
- (iv) The appointed and McDonald Vague Limited have not provided any prior professional services to the insolvent or known associates of the insolvent in the prior two years.

C DECLARATION OF INDEMNITIES AND UPFRONT PAYMENTS

- (v) There is no indemnity nor upfront payment.



PERI FINNIGAN
LIQUIDATOR

DATED this 31 day of January 2020

BG Projects Limited (In Liquidation)

Schedule of Creditors' Names and Addresses

Pursuant to Section 255(2)(c) of the Companies Act 1993

Accident Compensation Corporation	P O Box 3248	WELLINGTON 6140
Acraman Masonry Limited	8 Jacanas Place	Unsworth Heights AUCKLAND 0632
Albany Transport	13 Henry Rose Place	Albany AUCKLAND 0632
Auckland Concrete Cutters Ltd	PO Box 22699	Otahuhu AUCKLAND
Auckland Insulation Services	Otahuhu	AUCKLAND 1062
Baines Contracting	318 Inland Road	RD 2 Helensville AUCKLAND 0875
Carters Building Supplies Limited	Private Bag 94 027	Manukau City MANUKAU
Dale Marie Greer	11 / 61 The Avenue	Albany AUCKLAND 0632
Daniel Wong	16 Marama Street	Epsom AUCKLAND
First Light Electrical Limited	280 Schnapper Rock Road	Schnapper Rock AUCKLAND 0632
Geoff Harriman Limited c/o Accounting North	Suite 4, 2b/ 1 William Pickering Drive	Albany AUCKLAND 0632
Great Initiative for Buildings Limited C/O Baycorp	PO Box 91 449	Victoria Street West AUCKLAND 1142
GT Concrete Pumps Ltd	1/60 Killarney Ave	Torbay AUCKLAND 0630
Helen Woolley	16A Athlone Road	Glendowie AUCKLAND 1071
Helen Woolley	16A Athlone Road	Glendowie AUCKLAND 1071
Hibiscus Coast Scaffolding Limited C/o Simpson Western	Private Bag 93 533	Takapuna North Shore
Hillside Building Supplies Limited	PO Box 101 843	North Shore Mail Centre AUCKLAND
Hy-tec Solid Plasterers	99 Pohutakawa Parade	Riverhead AUCKLAND 0820

Appendix 3

Inland Revenue Department	P O Box 39 010	Wellington Centre	Mail 5045	LOWER HUTT
Jagas Construction Ltd c/o Accountability Net	Unit F, Block 2, 44-46 Constellation Drive	Rosedale	North Shore City 0632	
JP Engineering Services Limited c/o Lock & Partners	Level 3, 16 College Hill	Freemans Bay	AUCKLAND 1011	
Metal Line Roofing Limited	PO Box 51-286	Pakuranga	AUCKLAND 2140	
Nexus Electrical Ltd c/o Mackie & Co	PO Box 104 266	Lincoln North	AUCKLAND 0654	
Nicholas James Greer	11 / 61 The Avenue	Albany	AUCKLAND 0632	
NJ Earthscapes	131 Birkdale Road	Birkdale	AUCKLAND 0626	
NZ Machine Hire Limited c/o Secure Collections	PO Box 113 010	AUCKLAND 1149		
Panorama Access Hire & Sales Limited	PO Box 112-130	Penrose	AUCKLAND 1642	
Prospra Pty Limited	PO Box 106 601	Auckland City	AUCKLAND 1143	
Robert Stanley Greer	11 / 61 The Avenue	Albany	AUCKLAND 0632	
Sarah & Martin Van Iersel	57 Vipond Road	Stanmore Bay	AUCKLAND 0932	
Save Ya Industries 2017 Limited t/a Save Ya Roofing Safety Ralls	12 Dunraven Place	Torbay	AUCKLAND 0630	
South Pacific Timber (1990) Limited	21 Ruru Street	Eden Terrace	AUCKLAND 1021	
Steven Marshall Building Supplies Limited (Placemakers Wairau)	PO Box 100 241,	North Shore	AUCKLAND 0745	
UDC Finance Limited	PO Box 91 145	Victoria Street West	AUCKLAND 1142	

Appendix 4

Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of BG Projects Limited (In Liquidation) and the likely result of the liquidation, the liquidators propose to dispense with a meeting of creditors pursuant to Section 245 of the Companies Act 1993.

The liquidators do not, however, wish to preclude creditors from expressing their views. Please contact Dalwyn Whisken of this office on DDI (09) 969 5336 if you have any specific enquiries.

If you wish to request that a creditor's meeting be called, notice in writing is required within 10 working days of receiving this notice. Your notice you must also state the reason you require a meeting so that an agenda can be prepared and circulated to creditors and creditors can be given the opportunity to vote on any proposed resolutions by voting letter.


PERI FINNIGAN
LIQUIDATOR

DATED this 31 day of January 2020

Appendix 5

IN THE MATTER of The Companies Act 1993

and

IN THE MATTER of BG Projects Limited (In Liquidation)

Notice to Creditors to Prove Debts or Claims

Notice is given that the liquidator of BG Projects Limited (In Liquidation) ("the company"), fix Friday the 7TH February 2020, as the day on or before which the company's creditors are to make their claims and establish any priority their claims may have under Section 312 of the Companies Act 1993. Creditors not having made a claim by this date may be excluded from any distribution made.


PERI FINNIGAN
LIQUIDATOR

DATED this 31 day of January 2020

ADDRESS OF LIQUIDATOR

McDonald Vague Limited
Level 10, 52 Swanson Street
AUCKLAND 1010

PO Box 6092
Wellesley Street
AUCKLAND 1141

Telephone: (09) 303 0506
Facsimile: (09) 303 0508
Website: www.mvp.co.nz

Unsecured Creditor's Claim
(Also for use by Preferential Creditors)

SECTION 304(1) COMPANIES ACT 1993

(For help see www.mvp.co.nz or email
claims@mvp.co.nz)

NAME AND POSTAL ADDRESS OF CREDITOR IN FULL

Telephone Numbers: ()

()

E-Mail

My Reference is:
(if applicable)

* Any personal information collected is for the purpose of administering the liquidation in accordance with the Companies Act 1993.

The information will be used and retained by the liquidators and McDonald Vague and will be released to other parties only with your authorisation or in compliance with the Privacy Act 1993.

Under Section 304(1) of the Companies Act 1993 any claim by an unsecured creditor against a company in liquidation must be in this prescribed form and must –
(a) Contain full particulars of the claim; and
(b) Identify any documents that evidence or substantiate the claim.

You may have access to and request correction of any personal information.

(*Not applicable, if creditor is not an individual within the meaning of the Privacy Act 1993.)

NAME OF COMPANY IN LIQUIDATION:

(IN LIQUIDATION)

I _____
(If claim is made on behalf of creditor, specify relationship to creditor and authority)

claim that the company was at the date it was put into liquidation indebted to the abovenamed creditor for the sum of (Amount in words):

STATUS OF CLAIM:

1. I am an unsecured creditor for
(Also applicable to secured creditors who hereby surrender their security)

\$

2. I am a preferential creditor for
(Refer details on reverse)

\$

3. My total claim is for
(State currency if other than \$NZ)

Other
Currency

NZ \$

4. I have claimed retention/reservation of title rights pursuant to rights held by me

Note: If you are a secured creditor contact this office and a Secured Creditors Claim Form will be sent to you. Tick if Applicable ☐
(Refer details on reverse)

Full particulars of the claim are set out, and any supporting documents that substantiate the claim, are identified on the reverse of this form.

(The liquidator may require the production of a document under Section 304(2) of the Companies Act 1993. You are **not required to attach any supporting documents** at this stage, but you may attach them now, if you think it would expedite the processing of the claim.)

SIGNED:

Date: / /

WARNING —

It is an offence under Section 304(6) of the Companies Act 1993 to –

Make or authorise the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or

Omit, or authorise the omission from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular.

Received
(Date Stamp)

RESERVED FOR OFFICE USE:

Claim admitted/rejected
for voting purposes:
(Delete one)

Signed:

Date: / /

Preferential Claim for:

Ordinary Claim for:

CLAIM REJECTED
FOR PAYMENT:

\$

\$

or
CLAIM ADMITTED
FOR PAYMENT:

Preferential Claim for:

Ordinary Claim for:

\$

\$

Signed
Liquidator:

Date: / /

Note: If the decision to admit or reject a claim is amended, regulation 8 of the Companies Act 1993 Liquidation Regulations 1994 requires that it be recorded in writing.

The Insolvency & Business Recovery Specialists

McDONALD VAGUE LIMITEDPO Box 6092, Wellesley St, Auckland 1141, New Zealand.
Telephone 0-9-303 0506, Facsimile 0-9-303 0508

If the creditor owes money to the company, please give full details.

Date	Details of Claim and Identification of Documents that Evidence or Substantiate the Claim	Amount \$

CLAIMS AGAINST INVENTORY (Romalpa Claims)(Consignment Goods) (Retention of Title) etc.

Please provide details of the basis of the retention of title claim filed by you and/or details of entry on the Personal Property Securities Register.

PREFERENTIAL CLAIMANTS ONLY**Guideline**

The Seventh Schedule of the Companies Act 1993 sets out those claims which are regarded as preferential and shows their extent and order of priority. For example, wages and salary of any employee in respect of services rendered to the company during the four months preceding the commencement of liquidation are preferential AND the total sum to which priority is to be given in the case of any one employee for wages, holiday pay, deductions, redundancy and child support must not exceed \$20,340 or such greater amount as is prescribed at the commencement of the liquidation.

1. Why do you believe you are a preferential creditor?
(eg. employee, GST, etc) _____

2. Details of your claim: _____

If applicable please record here your GST Registration number: _____

and total GST included in your tax invoice: _____

\$