

## Cube.21 NZ Limited (In Liquidation)

### Liquidators' First Report

#### McDonald Vague Limited

Level 10, 52 Swanson Street, Auckland Central

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

#### INTRODUCTION AND APPOINTMENT

p: 09 303 0506 f: 09 303 0508

nsol@mvp.co.nz Cube.21 NZ Limited ("the company") was placed into liquidation by a special resolution of the sole shareholder pursuant to Section 241(2)(a) of the Companies Act 1993 ("the Act") on 9 February www.mvp.co.nz 2017. Peri Micaela Finnigan and Boris van Delden, Insolvency Practitioners of Auckland, were appointed as joint and several liquidators of the company.

#### 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, revise this report in respect of any information existing at the date of this report which becomes known to us after that date.

#### 3 **ATTACHMENTS**

The following documents are attached to this report:

Statement of Affairs setting out the company's estimated financial position Appendix 1:

Schedule of company creditors' names and addresses Appendix 2:

Appendix 3: Notice of Liquidators' decision to dispense with meeting of creditors

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Appendix 4: Notice to creditors to prove debts or claims

Appendix 5: Creditors claim form

#### COMPANY STRUCTURE AND BACKGROUND

Date of incorporation: 21 July 2014 Company number:

Date ceased trading: 9 February 2017

Nature of business: **Outsourced IT Services** 





Trading address: 21 Connemara Court, West Harbour, Auckland 0618

Previous name: Cube.21 Limited until 13 May 2016

Share capital: 10,000 Shares
Shareholder: Sim Mhu Bong
Director: Sim Mhu Bong

Related companies: Twentyone Consulting Limited

The director of the company has advised the reason for failure of the business is significant setup costs and slow uptake of new customers. The company traded at a breakeven position with the existing customers and was not in a position to repay shareholder advances. The director had commenced a short form removal process prior to receiving a statutory demand from the former director/shareholder and determined that a formal liquidation should be commenced.

#### 5 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.

#### 6 ASSETS AND PROPOSALS FOR CONDUCTING THE LIQUIDATION

We will realise all available assets. The company held minimal physical assets due to the nature of the business. The major asset was the intellectual property and customer contracts (5 x contracts). A third party has taken over the business and contracts under a new legal entity operating out of Malaysia. The value attributed to that transaction will be investigated. It is understood the new owner also took over the employee obligations (superannuation/holiday pay and wages) and operating expenses (rental obligations/phones/etc.).

We understand that the company is the 100% shareholder in Cube21 Future Sourcing SDN BHD. A Malaysian registered company. We have been advised that this company has ceased trading and the value of the shares is yet to be ascertained.

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.



#### 7 LIABILITIES AND CREDITOR CLAIMS

#### 7.1 Secured Creditors

As at the date of liquidation there are no secured parties that have registered security interests against the company on the Personal Property Securities Register.

Personal Property Securities Act / Reservation of Title

Should any creditor believe that they are entitled to any goods, or proceeds from realisation of goods, due to holding a Purchase Money Security Interest, 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.

#### 7.2 Preferential Creditors

We understand there are no unpaid wages, holiday pay or redundancy pay owing to former employees. A subsidiary company in Malaysia employed the staff and provided services to Cube.21 NZ Limited. The subsidiary company ceased trading in December 2016.

The Inland Revenue Department has not yet provided us with a creditor's claim form showing outstanding GST. We understand the Inland Revenue will have a preferential claim for the last filed GST return.

#### 7.3 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 \$130,000. The major creditors are the shareholders for advances made which largely relate to the start-up and promotion of the new business. A schedule of known creditors and their addresses is provided at Appendix 2, as required by Section 255(2)(c) of the Act.

A notice to creditors to prove debts or claims is included at Appendix 4. Also enclosed is a creditor's claim form for completion and return to this office by 24 March 2017. 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 CREDITORS' MEETING / LIQUIDATION COMMITTEE

A notice of the Liquidators' decision to dispense with the meeting of creditors is provided at Appendix 3.



Pursuant to Section 314 of the Companies Act 1993, creditors are advised that at any time in the course of the liquidation the Liquidator shall, at the request in writing of any creditor or shareholder, call a meeting for the purpose of appointing a liquidation committee.

#### 9 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 the Liquidators are more able to act on written information.

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 the attached creditor claim form. This report and all subsequent reports will be available on the Liquidators' website at <a href="https://www.mvp.co.nz">www.mvp.co.nz</a>

#### 10 ESTIMATED DATE OF COMPLETION

It is currently too early to estimate a date of completion for the liquidation.

#### 11 CONTACT DETAILS

Enquiries should be directed to Colin Sanderson on DDI (07) 838 0908 or by email to 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

PERI M FINNIGAN LIQUIDATOR

DATED this 15th day of February 2017

PMF/CRS/gck/150 Cube,21/205 First Report



# Cube.21 NZ Limited (In Liquidation) Statement of Affairs

Statement of Affairs for the above named company as at 9 February 2017 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.

ASSETS SPECIFICALLY PLEDGED  No securities are registered on the Personal Securities Register	Estimated to Realise	Due to Secured Creditor	Deficiency Ranking as Unsecured	Surplus
ASSETS AVAILABLE FOR PREFERENTIAL CREDIT	ORS		Book Value	Estimated to Realise
Bank account balance (See note 3)			2,231	2,231
Total			\$2,231	\$2,231
Less preferential creditors Inland Revenue Department (See note 3)				2,000
Total				\$2,000
Estimated surplus as regards preferential credi	itors			\$231
ASSETS AVAILABLE FOR UNSECURED CREDITOR	S		Book Value	Estimated to Realise
Estimated surplus as regards preferential creditor Shareholding in Cube21 Future Sourcing SDN BH	ors D (Malaysia)			231 Unknown
Total		\$	-	\$231
AVAILABLE FOR UNSECURED CREDITORS				\$231
LESS UNSECURED CREDITORS				
Shareholder advances				130,000
Estimated (deficiency) as regards unsecured cre	ditors			(\$129,769)

#### Notes

- 1. There is no unpaid capital liable to be called up.
- 2. The above estimates are subject to the costs of the liquidation.
- 3. The director extimated that there will be a debt to the IRD and had left funds in the company's account for that payment

#### 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.



# Schedule of Creditors' Names and Addresses Cube.21 NZ Limited (In Liquidation)

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

Wellington Mail Centre Address 2 dereklholt@gmail.com P O Box 39 010 21 Connemara Court Address 1 Inland Revenue Department **Creditor Names** Sim Mhu BONG Derek Holt

West Harbour

LOWER HUTT 5045 AUCKLAND 0618

Address 3

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# Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of Cube.21 NZ Limited (In Liquidation) and the likely result of the liquidation, it is proposed to dispense with a meeting of creditors pursuant to Section 245 of the Companies Act 1993.

We do not, however, wish to preclude creditors from expressing their views. Please contact Colin Sanderson of this office on DDI (07) 838 0908 if you have any specific enquiries.

You are advised that should you desire a creditor's meeting, notice in writing is required within 10 working days of receiving this notice.

At the time of giving notice you must also state the reason you require a meeting so that an agenda can be prepared and advertised and creditors can be given the opportunity to vote on any issue by voting letter.

PERI M FINNIGAN LIQUIDATOR

DATED this 15th day of February 2017

PMF/CRS/gck/150 Cube.21/205 First Report



IN THE MATTER of

The Companies Act 1993

and

IN THE MATTER of

Cube.21 NZ Limited (In Liquidation)

#### Notice to Creditors to Prove Debts or Claims

Notice is hereby given that the undersigned, the liquidator of Cube.21 NZ Limited (In Liquidation) ("the company"), does hereby fix Friday, the 24<sup>th</sup> day of March 2017, as the day on or before which the company's creditors are to make their claims, and to 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 M FINNIGAN LIQUIDATOR

DATED this 15th day of February 2017

#### ADDRESS OF LIQUIDATOR

McDonald Vague Limited Level 10, 52 Swanson Street Auckland 1010

 PO Box 6092
 Telephone: (09) 303 0506

 Wellesley Street
 Facsimile: (09) 303 0508

 AUCKLAND 1141
 Website: <a href="www.mvp.co.nz">www.mvp.co.nz</a>

**DATE OF LIQUIDATION: 9 February 2017** 

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The Insolvency & Business Recovery Specialists

#### McDONALD VAGUE LIMITED

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

# 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)

		1

NAME OF COMPANY IN LIQUIDATION:  (IN LIQUIDATION)  (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 SNZ) 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. (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.)  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.)    Pater	NAME AND POSTAL ADDR	ESS OF CREDITOR IN FULL		*Any personal of administeri Companies A	ng the liquidat		
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or misleading in a material particular.  RECEIVED (Date Stamp)  RESERVED FOR OFFICE USE:  Claim admitted/rejected for voting purposes: (Delete one)  Preferential Claim for:  CLAIM REJECTED	WARNING —		nission from a claim of any r	natter knowing t	hat the omis	sion makes	the claim false
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McDONALD VAGUE  Note: If the decision to admit or reject a claim is amended, regulation 8 of the Companies Act 1993					Date:	/	/
The Insolvency & Business Recovery Specialists Liquidation Regulations 1994 requires that it be recorded in Writing.	And the second second second second					panies Act 1	1993



The Insolvency & Business Recovery Specialists

#### McDONALD VAGUE LIMITED

PO Box 6092, Wellesley St, Auckland 1141, New Zealand.

If applicable please record here your GST Registration number:

and total GST included in your tax invoice:

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 \$
		4 (C11) =1 = 3/2 - 1
90. XV		
LAIMS AGAINST INVE	NTORY (Romalpa Claims)(Consignment Goods) (Retention of Title) etc.	
lease provide details of	the basis of the retention of title claim filed by you and/or details of entry on the Pers	sonal Property Securities Register.
REFERENTIAL CLAIM	ANTS ONLY	
uideline		
ne Seventh Schedule of	f the Companies Act 1993 sets out those claims which are regarded as preferenti: wages and salary of any employee in respect of services rendered to the compan	al and shows their extent and ord
e commencement of li	quidation are preferential AND the total sum to which priority is to be given in	the case of any one employee f
ages, holiday pay, ded ommencement of the liq	luctions, redundancy and child support must not exceed \$20,340 or such grea uidation.	ter amount as is prescribed at the
Why do you believe y	ou are a preferential creditor?	
(eg. employee GST a		
(eg. employee, GST, e		
(eg. employee, GST, e		

\$