



McDonald
Vague

business recovery partners

McDonald Vague Limited
Level 10, 33 Federal Street
Auckland Central

P O Box 6092
Victoria Street West
Auckland 1142
New Zealand

p: 09 303 0506
f: 09 303 0508

e: insol@mvp.co.nz
www.mvp.co.nz

**Fenton Projects Limited
(In Liquidation)**

**Liquidators' Third Report
for the period from 15 May 2020
to 14 November 2020**

1 INTRODUCTION AND APPOINTMENT

Peri Micaela Finnigan and Iain McLennan, Licensed Insolvency Practitioners, of Auckland, were appointed jointly and severally as liquidators of Fenton Projects Limited ("the company") by the High Court at Auckland on 15 November 2019, on the application of the Melanesian Mission Trust Board.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This third 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 **not** attached as there have been no realisations or distributions during the liquidation.

2 RESTRICTIONS

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 INVESTIGATIONS

The liquidators are continuing their investigations into the books, records, and affairs of the company.

4 CREDITORS' CLAIMS

4.1 Secured Creditors

No secured claims have been received to date although we are aware that K C Securities Limited Partnership have a secured debt of approximately \$6,890,000 in relation to guarantees provided by the company.

4.2 Preferential Creditors

A preferential claim has been received in respect of the Melanesian Mission Trust Board's costs of \$14,866. No dividend has been paid to preferential creditor at the date of this report.

4.3 Unsecured Creditors

At the date of preparing this report an unsecured claim has also been received from the Melanesian Mission Trust Board totalling \$476,325. The amount owed to the unsecured creditor is pursuant to the company's guarantee for the ground lease at 77 Carlton Gore Road, Newmarket, Auckland, with the guarantee being called on because of the default by the current lessee, Blossom 5 Limited.

Blossom 5 Limited is also in liquidation in relation to the outstanding rentals.

In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting the creditor claims unless we are in a position to pay a distribution.

5 LIQUIDATORS' FEES

Liquidators' fees accrued to the date of this report are \$6,746 (excluding GST). The fees are based on 26.54 hours of work undertaken as follows:

Work Category	Hours	\$
Appointment functions	12.73	2,843
Asset realisations	1.00	400
Creditors' claims, enquiries and reports	4.45	1,138
Taxation & Management	5.03	1,420
Investigations	3.33	945
Total	26.54	\$6,746

To date, no fees have been taken by the liquidators. 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.

6 FUNDS / LIKELY OUTCOME

It is too early to determine whether or not there will be a distribution to unsecured creditors.

7 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Completion of investigations
- Completion of the liquidation of Blossom 5 Limited (In Liquidation)

8 ESTIMATED DATE OF COMPLETION

Based on the information contained in this report the liquidators are unable to estimate a completion date

9 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, 33 Federal Street
Auckland 1010

P O Box 6092
Victoria Street West
Auckland 1142



PERI M FINNIGAN
LIQUIDATOR

DATED this 16th day of November 2020