

# KSJ Construction 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

p: 09 303 0506f: 09 303 0508e: insol@mvp.co.nz

### 1 INTRODUCTION AND APPOINTMENT

KSJ Construction 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 7 August 2017 at 7:00 a.m. Iain McLennan and Boris van Delden, CAANZ Accredited Insolvency Practitioners, of Auckland, were appointed 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 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, amend this report to take into account any information that exists as at the date of this report but that becomes known to us after that date.

### 3 ATTACHMENTS

The following documents are attached to this report:

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

Appendix 2: Schedule of company creditors' names and addresses

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

Appendix 4: Notice to creditors to prove debts or claims

Appendix 5: Unsecured creditor's claim form

### 4 COMPANY STRUCTURE AND BACKGROUND

Date of incorporation:

26 March 2013

Company number:

4380976

Date ceased trading:

6 August 2017

Nature of business:

Construction company





Trading address:

Unit 3, 54 View Road, Wairau Valley, Auckland

Share capital:

1 Share

Shareholder:

Kah Hin Chan

Director:

Kah Hin Chan

Related companies:

None currently registered

The company was involved in a number of large construction projects in Auckland over the past few years. Losses on recent projects caused by delays and disputes over final payments led to cash flow problems, which meant that the company was unable to continue to trade. The company ceased trading on 6 August 2017.

### 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.

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 whether there are any other avenues of recovery available;
- determine whether the company's officers have properly carried out their duties; and
- take enforcement/recovery action (if appropriate and beneficial to creditors).

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

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 provided at appendix 4 and an unsecured creditor's claim form is provided at appendix 5.



All creditors' claim forms should be completed and return to our offices by Friday, 15 September 2017. Creditors that have not made a claim by that date may be excluded from any distribution made.

If you believe you are a secured creditor, please contact us and request a secured creditor's claim form. Do not complete the unsecured creditor's claim form at appendix 5.

### 7.1 Secured Creditors

As at the date of liquidation, 17 secured parties had registered 23 security interests against the company on the Personal Property Securities Register as follows:

Party	Security
Allied Concrete Limited & AML Limited	All present and after acquired property
	Goods supplied together with proceeds
APL Kwikform Pty Ltd	Goods supplied together with proceeds
European Financial Services Limited	Motor vehicle
Fletcher Distribution Limited	All present and after acquired property
	Goods supplied together with proceeds
Heartland Bank Limited	Motor vehicle
	Motor vehicle
Ian Howe Concrete Pumps Limited	Mobile Concrete Placing Boom
ITW New Zealand Limited	Tools and equipment
Mercedes-Benz Financial Services New	Motor vehicle together with proceeds
Zealand Limited	
Nissan Financial Services New Zealand	Motor vehicle
	Motor vehicle
	Motor vehicle
	Motor vehicle
Portacom New Zealand Limited	All present and after acquired property
	Goods supplied together with proceeds
PSP Limited*	All present and after acquired property
	Goods supplied together with proceeds
Royalwolf Trading New Zealand Limited	All present and after acquired property
	Goods supplied together with proceeds
Steel and Tube Holdings Limited	All present and after acquired property
	Goods supplied together with proceeds
Sullivan & Armstrong Building Supplies	All present and after acquired property
Limited*	Goods supplied together with proceeds
Tamaki Building Supplies Limited	Building supplies
UDC Finance	Motor vehicle
Woodmart Limited	Goods supplied together with proceeds

Since being notified of the company's liquidation, two secured creditors have discharged their financing statements (those marked with a \* have been discharged).

According to the company's records, secured creditors are owed approximately \$291,165.



### Personal Property Securities Act / Reservation of Title

If any creditor believes 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 they have a reservation of title over goods and they have not perfected their interest in the goods, they should also contact us immediately.

### 7.2 Preferential Creditors

According to the company's records, there is approximately \$123,281 owing to former employees for wages and holiday pay.

The Inland Revenue Department has not yet provided us with a creditor's claim but we understand that there are amounts due in respect of GST, PAYE, and other payroll deductions totalling approximately \$335,603.

### 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 \$1.1m.

### 8 CREDITORS' MEETING / LIQUIDATION COMMITTEE

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

At any time during the liquidation, a creditor or shareholder may 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.

### 9 FURTHER INFORMATION

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

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

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



### 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 Marisa Brugeyroux on DDI (09) 306 3340 or by email to mbrugeyroux@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

IAIN McLENNAN LIQUIDATOR

DATED this lo day of August 2017

IMcL/MCB/gck/150/150 KSJ Construction/205 First Report



# KSJ Construction Limited (In Liquidation) Statement of Affairs

Statement of Affairs for the company as at 7 August 2017 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.

Vehicles - UDC Finance14,179unVehicles - Nissan Finance123,926unVehicles - Heartland Bank12,305unVehicles - European Financial Services33,669unPortacom New Zealand Limited1,654unAllied Concrete Limited & AML LimitedunknownunFletcher Distribution Limited111,782unSteel & Tube Holdings LimitedunknownunRoyalwolf Trading New Zealand Limited7,829un	secured Surplus nknown unknown
Bank account balances Retentions 1 Cash on hand	Book Estimated Value to Realise 185,541 146,000 20 20 .20,000 120,000 67 67 67 67 67 67 67 67 67 67 67 67 67
Less preferential creditors Employees Inland Revenue Department Total	266,087 123,281 335,603 458,884
Estimated deficiency as regards preferential creditors	(\$192,797)
ASSETS AVAILABLE FOR GENERAL SECURITY AGREEMENT HOLDER/S	Book Estimated
Estimated surplus from assets specifically pledged	Value to Realise unknown
Miscellaneous small assets uni	known unknown known unknown known unknown
Less deficiency as regards preferential creditors  Deficiency ranking as unsecured	unknown unknown
AVAILABLE FOR UNSECURED CREDITORS	unknown
LESS UNSECURED CREDITORS Estimated deficiency as regards Secured Creditors Estimated deficiency as regards preferential creditors Trade creditors Estimated surplus/(deficiency) as regards unsecured creditors	unknown unknown 1,100,000 unknown

### 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. Assets held may be subject to Purchase Money Security Interest ("PMSI") or Reservation of Title claims.
- 4. There is a contingent liability in respect of the lease of the premises.

### 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.



# KSJ Construction Limited (In Liquidation) Schedule of Creditors' Names and Addresses

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

<b>Creditor's Name</b> A1 Kiwi Cutters AAA Pro Pumps	<b>Address 1</b> PO Box 90981 6 Waikaukau Road	<b>Address 2</b> Victoria Street West Glen Eden 0602	Address 3 Auckland 1142
Accident Compensation Corporation Acrow Limited	P O Box 3248 7-8 Monahan Road	WELLINGTON 6140 Mt Wellington	Auckland 1060
Ah Lin Ng (Kelvin) Allied Concrete Limited & AMI Limited	employee P O Box 1104	INVERCARGILL 9840	
Anzor Fastenerrs	PO Box 300468	Albany	Auckland 0752
APL Kiwiform Pty Limited	P O Box 19 367	Avondale	AUCKLAND 1746
Auckland Transport	Private Bag 92265	Victoria Street West	AUCKLAND 1142
Bing Shing Loh	employee		
Bunnings Limited	PO Box 14436	Panmure	Auckland 1741
CANZAC	PO Box 3181	Christchurch 8140	
Chee Wai Chen	employee		
Chuang Jian Construction	113 Basset Road	Remuera	Auckland 1050
Conga	402/150 Karangahape Road	Auckland 1010	
Conslab	25 Smales Rd	East Tamaki	Auckland 2013
Contact Energy	Private Bag 4709	CHRISTCHURCH 8154	
Coventry Group Limited T/As Konnect Shop	P O Box 1414, Eagle Farm	Queensland 4009	AUSTRALIA
Darrin Paul Green	employee		
Dickson Lam	employee		
Doreen Chua	employee		
European Financial Services Limited	P O Box 419	Shortland Street	AUCKLAND 1140
Fletcher Distribution Limited T/As Placemakers Albany	P O Box 302 039	North Harbour	AUCKLAND 0971



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Fletcher Distribution Limited T/As Placemakers Cook Street	P O Box 1095	Shortland Street	AUCKLAND 1140
Fletcher Distribution Limited T/As Placemakers Pakuranga	P O Box 82 208	Highland Park	AUCKLAND 2143
Foo Kok Hoong (Sam)	employee		
Gaik Beng Khoo	employee		
GFC Fasteners	14 Olive Road	Penrose	Auckland 1061
Green House Limited	55 Hutchinsons Road	Bucklands Beach	AUCKLAND
Grove Harware Limited t/a Mitre 10	Private Bag 92908	Onehunga	AUCKLAND 1643
H2S Construction Limited	33 Mcburney Place	Mangere East	Auckland 2024
Heartland Bank Limited	75 Riccarton Road	Riccarton	CHRISTCHURCH 8011
Heng Zhang (Lyle)	employee		
Hilti	Unit 1B	525 Great South Road	Penrose 1061
Holcim	PO Box 6040	Upper Riccarton	Christchurch 8442
lan Howe Concrete Pumps Limited	P O Box 121 189	Henderson	AUCKLAND 0650
Inland Revenue Department	P O Box 39 010	Wellington Mail Centre	LOWER HUTT 5045
ITW New Zealand Limited	P O Box 40 031	Glenfield	AUCKLAND 0627
JJ Builders	1/28 Nearco Street	Manurewa	Auckland 2015
JustWater International Limited	Private Bag 92811	Penrose	Auckland 1641
Kon Sing Chan	15a Rotomahana Terrace	Remuera	<b>AUCKLAND 1050</b>
KWN Construction	1c Vanguard Road	Kelston	Auckland 0602
Lee Chan	unknown		
Loven Tools	1 Rakino Way	Mt Wellington	Auckland
LY Construction	11 Sunnyside Crescent	Papatoetoe	Auckland 2025
Malimali Afemui	employee		
Matthew Borg	employee		
Meedra Limited	2/196 Chivalry Road	Glenfilde	AUCKLAND 0629
Mercedes-Benz Financial Services New Zealand Limited	9 Pacific Rise	Mt Wellington	AUCKLAND
Mobil Oil New Zealand Limited	P O Box 2499	WELLINGTON 6140	
Nasilai Molitoni (Toni)	employee		
New Zealand Post	P O Box 3840	WELLINGTON 6140	
Ng Kar Wai (Nick)	employee		
Nissan Financial Services New Zealand	P O Box 83 101	WELLINGTON 6440	



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NZ Phoenix Construction	unknown		
NZ Safety	87-91 Kerrs Road	Wiri	Auckland 2104
NZ Transport Agency	Private Bag 11777	Palmerston North 4442	
Panel Prop Limited	PO Box 373	Drury 2247	
Paula Ula	employee		
Plytech International	23 Business Parade North	Highbrook	Auckland 2013
Portacom New Zealand Limited	P O Box 12 756	Penrose	AUCKLAND,
PSP Limited	P O Box 101 851	North Shore Mail Centre	AUCKLAND
Qiong Zhao (Janet)	employee		
Ramset	Gate 2	23-29 Poland Road	Glenfield 0627
Rapid Metal Developments (N.Z.) Limited	PO Box 22316	Otahuhu	<b>AUCKLAND 1640</b>
Renante Molina (Ray)	employee		
Rolandson Construction Group Limited	PO Box 19668	Victoria Street West	<b>AUCKLAND 1143</b>
Rothbury	PO Box 1596	Shortland Street	Auckland 1140
Rothbury Premium Funding	P O Box 1596	Shortland Street	<b>AUCKLAND 1140</b>
Royal Wolf Trading New Zealand Limited	P O Box 22 662	Otahuhu	AUCKLAND 1640
Rui Li (Ryan)	employee		
Shiva Avitesh Naidu	employee		
Sione Tatafu Pasikala	employee		
Sonatane Fehoko Tafuna	employee		
Spring NZ	PO Box 13630	Onehunga	Auckland 1643
Station Orchard Limited	192 State Highway 33	RD 9	Te Puke 3189
Steel and Tube Holdings Limited	P O Box 204 117	Highbrook	AUCKLAND
Stelric Plastering	PO Box 15502	New Lynn	AUCKLAND 0640
Stevenson Group Limited	PO Box 105558	Auckland 1143	
Sullivan & Armstrong Building Supplies Limited	P O Box 15 050	New Lynn	AUCKLAND 0640
Tamaki Building Supplies Limited	P O Box 64 271	Botany	AUCKLAND 2163
Tamaki ITM	PO Box 64271	Botany	Auckland 2163
Tomasi Lutui	employee		
Total Access Limited	PO Box 12962	Penrose	Auckland 1642
Tower Scaffolding Group Limited	P O Box 97 584	Manukau	AUCKLAND 2241



# Appendix 2

UDC Finance Limited	P O Box 91 145	Victoria Street West	AUCKLAND 1142
Umesh Naidu	employee		
Vodafone New Zealand Limited	P O Box 9404	Newmarket	AUCKLAND 1149
Warehouse Stationary	unknown		
Weize Sun (Tom)	employee		
Wilson Parking New Zealand Limited	P O Box 8290	Symonds Street	AUCKLAND 1150
Wolfgramm Contracting Limited	Suite 11	400 Great South Road	Otahuhu 1062
Woodmart Limited	P O Box 112 297	Penrose	AUCKLAND
YM Chan	Level 6	121 Beach Road	Auckland 1010
Youngman Richardson & Co. Limited	6-10 Parkway Drive	Mairangi Bay	Auckland 0632
Zulin NZ Limited	P O Box 8391	Symonds Street	AUCKLAND 1150

Note: In order to protect employees' privacy, their addresses have been withheld.

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

After having regard to the assets and liabilities of KSJ Construction Limited (In Liquidation) and the likely result of the liquidation, the liquidators propose to dispense with calling 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 Marisa Brugeyroux of this office on DDI (09) 306 3340 if you have any specific enquiries.

If you wish to request that a creditors' meeting be called, you must provide written notice of your request 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.

IAIN McLENNAN LIQUIDATOR

DATED this day of August 2017

IMcL/MCB/gck/150/150 KSJ Construction/205 First Report



IN THE MATTER of

The Companies Act 1993

and

IN THE MATTER of

KSJ Construction Limited (In Liquidation)

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

Notice is given that the liquidator of KSJ Construction Limited (In Liquidation) ("the company"), fix Friday, 15 September 2017, 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 who have not made a claim by this date may be excluded from any distribution made.

IAIN McLENNAN LIQUIDATOR

DATED this /6 day of August 2017

### **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

**DATE OF LIQUIDATION:** 7 August 2017



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)

NAME AND POSTAL ADDR	ESS OF CREDITOR IN FULL			information collected ing the liquidation in acct 1993.	
			liquidators and to other partie	on will be used and re d McDonald Vague an es only with your auth rith the Privacy Act 199	d will be released orisation or in
				n 304(1) of the Compai nsecured creditor aga	
Telephone Numbers: ( )			liquidation mu (a) Contain fu	ust be in this prescribe ull particulars of the cla ny documents that evi	d form and must – aim; and
( )			substantia	ate the claim.	
E-Mail			personal infor	e access to and request mation.	t correction of any
My Reference is: (if applicable)				ble, if creditor is not ar of the Privacy Act 1993	
NAME OF COMPANY IN LI	QUIDATION:				(IN LIQUIDATION)
1					(IN LIQUIDATION)
	f creditor, specify relationship				
claim that the company was	at the date it was put into liqu	uidation indebted to the above	enamed creditor f	for the sum of (Amou	nt in words):
STATUS OF CLAIM:	d araditar for				
<ol> <li>I am an unsecure         (Also applicable to     </li> </ol>	secured creditors who hereby	surrender their security)		\$	
I am a preferentia     (Refer details on re				\$	
<ol> <li>My total claim is to (State currency if controls)</li> </ol>		her urrency	NZ	\$	
4. I have claimed reto	ention/reservation of title right secured creditor contact this	ts pursuant to rights held by r	me	Ti	ck if Applicable
	are set out, and any supporting			· · · · · · · · · · · · · · · · · · ·	
(The liquidator may require t	he production of a document s at this stage, but you may at	under Section 304(2) of the Co	ompanies Act 199	93. You are <b>not requ</b> i	red to attach
SIGNED:			Date:	/	/
OIGITED.	It is an offense under Se	ction 304(6) of the Compani			,
WARNING —	Make or authorise the ma	aking of, a claim that is false	e or misleading i		
Received	RESERVED FOR OFFICE	USE:			
(Date Stamp)	Claim admitted/rejected for voting purposes:	Signed:		Date: /	/
	(Delete one)	Preferential Claim for:		Ordinary Claim for	:
	CLAIM REJECTED FOR PAYMENT:	\$		\$	
	or	Preferential Claim for:		Ordinary Claim for	
	CLAIM ADMITTED FOR PAYMENT:	\$		\$	
	Signed Liquidator:			Date: /	/
McDONALD VAGUE		admit or reject a claim is ame	ended, regulation	8 of the Companies	Act 1993
The Insolvency & Business Recovery Specialists		lations 1994 requires that it be			





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

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 \$		
	ORY (Romalpa Claims)(Consignment Goods) (Retention of Title) etc.  basis of the retention of title claim filed by you and/or details of entry on the Perso	nal Proporty Securities Pegister		
riease provide details of the	, basis of the retention of title claim filed by you and/or details of entry of the reliso	main roperty decumes megister.		
PREFERENTIAL CLAIMAN	TS ONLY			
Guideline The Seventh Schedule of the	ne Companies Act 1993 sets out those claims which are regarded as preferential	and shows their extent and order		
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 sites	nere your GST Registration number:			

\$