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business recovery partners

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Southern Hemisphere Land and Property Investments Limited (In Liquidation)

Liquidators' Tenth Report for the period from 17 December 2018 to 16 June 2019

1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Peri Micaela Finnigan, Insolvency Practitioners of Auckland, were appointed jointly and severally as liquidators of Southern Hemisphere Land and Property Investments Limited ("the company") on 17 December 2014 by the High Court at Auckland.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This Tenth 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, there having been no realisations or distributions to date.

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 CONDUCT OF THE LIQUIDATION DURING THE PRECEDING SIX MONTHS

Asset Realisations

3.1 Sale of Property ***(First Report: $1,500,000)***

The property at 12b Waiatarua Road, Remuera, Auckland settled on 18 December 2014. The proceeds were paid to the respective mortgagees in their respective priority ranking. There were not enough funds from the sale to settle all the mortgagees in full, leaving no equity available for the company.

4 INVESTIGATIONS

The liquidators have commenced their investigations into the books, records and affairs of the company. The shareholder/director has indicated a desire to have the company taken out of liquidation, however we have not received a proposal from him.

5 CREDITORS' CLAIMS

5.1 Secured Creditors

3 secured claims totalling $408,900 have been received. from the various General Security Agreement holders. Interest and costs will have also accrued on these amounts.

5.2 Preferential Creditors

1 preferential claim for $8,822 has been received at the date of this report.

5.3 Unsecured Creditors

At the date of preparing this report, no unsecured creditors claim forms have been received.

6 LIQUIDATORS' FEES

Unpaid liquidators' fees to the date of this report are ($11,741 excluding GST). The fees are based on 37.7 hours of work undertaken as follows:

Work Category	**Hours**	**$**
Appointment functions	17.1	3,565
Asset realisations	12.4	4,960
Creditors' claims, enquiries and reports	0.1	15
Management	6.6	808
Taxation and Investigations	0.3	45
Finalisations	1.2	180
Disbursements		2,168
Total	**37.7**	**$11,741**

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.

7 FUNDS / LIKELY OUTCOME

There is a short fall on the amount due to the mortgagees and general security holder. The director has indicated he would like to work out a way to repay amounts due however no offer has been received to date. Therefore, the liquidator does not anticipate paying a distribution to other creditors.

8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Completion of investigation into the books and records of the company
- Complete negotiations with director
- Completion of the liquidation

9 ESTIMATED DATE OF COMPLETION

Based on the information contained in this report the liquidators presently propose to complete all outstanding matters with a view to retiring as liquidators within the next two months.

10 CONTACT DETAILS

Enquiries should be directed to Iain McLennan on DDI (09) 303 9512 or by email to imclennan@mvp.co.nz.

The Liquidators can be contacted at:

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BORIS VAN DELDEN
LIQUIDATOR

DATED this 30th day of January 2020