



McDonald  
Vague

business recovery partners

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## Viaduct Capital Limited (In Receivership)

### Receivers' Twenty Seventh Report

#### 1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Iain McLennan, Licensed Insolvency Practitioners, of Auckland, were appointed jointly and severally as receivers and managers of all the assets, property, and undertakings of the company on 13 May 2010 by Prince & Partners Trustee Company Limited.

Pursuant to section 24 of the Receiverships Act 1993, the receivers report herewith on the progress of the receivership. This report should be read in conjunction with the receivers' prior reports.

A statement of realisations and distributions is **attached**.

#### 2 RESTRICTIONS

This report has been prepared in accordance with Section 24 of the Act. 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 RECEIVERSHIP DURING THE PRECEDING SIX MONTHS

##### ***Asset Realisations***

On 4 July 2019, the Court of Appeal issued its decision on the appeals of Mr Bublitz, Mr McKay and Mr Blackwood on the High Court's decision handed down earlier this year. Of Viaduct's directors Mr Blackwood's conviction was overturned, Mr McKay's conviction remains.

Some but not all of Mr Bublitz's convictions were overturned and his sentence reduced. The decision confirmed:

- Mr Bublitz had real and effective control over Viaduct and Mutual;
- Consequently Viaduct and Mutual Finance Ltd were related;
- Mutual had not taken the required steps with regard to the SSD's between it and Viaduct;
- The deeds were invalid.

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We continue to challenge Mutual's right to funds recovered under the SSD's.

#### **4 PROPOSALS FOR DISPOSAL OF RECEIVERSHIP PROPERTY**

There is no property left to dispose of, however there is a remaining claim to be realised as outlined above. The Receivers have been in further communication with Mutual's Receivers in the last six month period. We are waiting for a response from them.

#### **5 CREDITORS' CLAIMS**

##### **5.1 Secured Creditor**

The receivers paid a first distribution of 7 cents in the dollar to depositors in June 2015. As a result of the FMA settlement we estimate that depositors should have received a further 40-50 cents in the dollar approximately from funds distributed by the FMA.

##### **5.2 Preferential Creditors**

As at the date of receivership there were claims totalling \$1,514 of preferential creditors. The preferential creditors have been paid in full.

##### **5.3 Unsecured Creditors**

To date, we have received unsecured claims totalling \$52,824. It is unlikely that there will be surplus funds available for unsecured creditors.

#### **6 MATTERS DELAYING THE COMPLETION OF THE RECEIVERSHIP**

The following matters are outstanding:

- Final asset realisation; and
- Distribution to secured creditors.

#### **7 ESTIMATED DATE OF COMPLETION**

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

#### **8 CONTACT DETAILS**

Enquiries should be directed to the writer on (09) 303 9512 or by email to [imclennan@mvp.co.nz](mailto:imclennan@mvp.co.nz).

Receivers can be contacted at:

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IAIN McLENNAN  
RECEIVER

DATED this 25th day of July 2023

# Realisations and Distributions

Viaduct Capital Limited (In Receivership)  
13 May 2010 to 12 May 2023

	As per Statement Of Affairs \$	Cash Received \$
<b>Realisations</b>		
Bank Account	57,526	57,526
Cost Recoveries	-	350
Debtors	30,000	3,593
Prepayments	4,645	4,932
Security Realisations	2,380,000	841,042
Interest	-	5,467
Income Tax Refund	-	12,795
RWT Refund	-	14,321
GST pre-appointment return refund	102,055	94,737
<b>Total Realisations</b>	<b>\$2,574,226</b>	<b>\$1,034,763</b>
<b>Payments</b>		
<b>Receivers Fees</b>		
Receivers Fees		356,067
Disbursements		5,833
<b>Total Receivers Fees</b>		<b>\$361,900</b>
<b>Other Costs of Receivership and Trading On</b>		
Advertising		2,366
Legal Fees		73,127
Bank Fees		297
Resident Withholding Tax		1,347
Loan Related Payments		22,589
Consulting Fees		101
GST – Non-Recoverable		6,722
IRD Penalty		100
<b>Total Costs of Receivership and Trading On</b>		<b>\$106,649</b>
<b>Distributions to Creditors</b>		
Secured Creditor		13,670
Investors		549,720
Preferential – IRD		1,514
<b>Total Distributions</b>		<b>\$564,904</b>
<b>Total Payments</b>		<b>\$1,033,453</b>
<b>BALANCE HELD</b>		<b>\$1,310</b>

Note: the above figures are GST exclusive