



McDonald
Vague

business recovery partners

DML Resources Limited (In Liquidation) ("the Company")

Liquidators' Forty Eighth Report

for the period 7
May 2022 to 6 November 2022

McDonald Vague Limited
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1 PROGRESS OF THE ADMINISTRATION OF THE LIQUIDATION

On 7 May 1998, DML Resources Limited ("the company") was placed in liquidation 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 forty eighth report should be read in conjunction with the liquidators' previous reports. This report is being filed with the Registrar of Companies only and is also on our website.

On 26 June 2022, Peri Micaela Finnigan resigned her position as liquidator, appointing Iain McLennan (IP82) as her successor.

We **attach** below a statement of receipts and payments for the last six months and also for the period of the liquidation.

2 RESTRICTIONS

This report has been prepared in accordance with section 255(2)(d) 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 LIQUIDATION DURING THE PRECEDING SIX MONTHS

Asset Realisations

3.1 All assets of DML have been realised.

4 DML MALAYSIA

The final realisation involved the liquidators and their joint venture partners settling a range of claims. The liquidators confirm that all instalments of the settlement amount have been received and the Malaysian related companies have been struck off.

5 DISTRIBUTIONS

The funds received over the period of liquidation funded distributions to unsecured creditors. Most unsecured creditors received 100 cents in the dollar. The distributions were paid as follows:

| | | |
|--|------------------------------|--------------|
| • First Distribution | 5 cents | \$662,627 |
| • Second Distribution | 60 cents | \$7,869,675 |
| • Third Distribution | 29 cents | \$1,311,613 |
| • Fourth Distribution | 3 cents | \$347,547 |
| • Fifth Distribution | 3 cents | \$348,831 |
| | | |
| Total to unsecured creditors (excl VP) | 100 cents | |
| • Sixth Distribution | to voidable preference trust | \$265,291 |
| • Seventh Distribution | voidable preference trust | \$235,814 |
| | | |
| Voidable Preference Trust | 89.5 cents | |
| Total Distributions | | \$11,041,398 |

There were a number of unrepresented distribution cheques from several distributions. The liquidators endeavoured to locate the creditors involved. During this process one creditor which had not presented a number of distribution cheques withdrew its claim leading to funds flowing back into the liquidation.

In March 2020, the liquidators gave public notice regarding unrepresented cheques and unclaimed moneys from two distributions. The funds distributed but remaining unrepresented after 15 May 2020 was sent to the Public Trust (unclaimed monies).

Voidable Preference Trust

Unsecured creditors that were in a separate class due to voidable preference claims resolution, have received 89.5 cents in the dollar. There may be a small further final distribution.

The liquidators do not expect that the voidable preference trust creditors will receive 100 cents in the dollar.

6 CREDITOR CLAIMS and COMPLETION

There is nothing new to report. The liquidation committee has been contacted and approved fees. The reporting required for court fee approval and finalisation is well advanced.

7 FUNDS

As at report date the liquidation has approximately \$71,063 in funds.

We **attach** below our statement of receipts and payments for the last six months and from commencement to 06 November 2022.

8 ESTIMATED DATE OF COMPLETION

The liquidation can now be completed.

9 CONTACT DETAILS

Enquiries should be directed to Boris van Delden on DDI (09) 306 3342 or by email to bvandelden@mvp.co.nz.

The Liquidators can be contacted at:

McDonald Vague Limited
Level 1, 136 Greenlane East, Greenlane
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P O Box 6092
Victoria Street West
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IAIN MCLENNAN
LIQUIDATOR

DATED this 9th day of January 2023

PMF/220/DML/Reports/DML 48 Report

Realisations and Distributions

DML Resources Limited (In Liquidation) 7 May 2022 to 6 November 2022

| | Cash Received \$ |
|---|------------------------|
| Realisations | |
| Opening Balance of Funds (per 47 th report) | 73,033 |
| Interest Received – including interest on unclaimed distribution funds | 466 |
| Other | - |
| Total Realisations | \$73,499 |
| Payments | |
| Liquidators Fees | |
| Liquidators Fees | 2,275 |
| Disbursements | 31 |
| Total Liquidators Fees | \$2,306 |
| Other Costs of Liquidation | |
| Bank Fees | 0 |
| Residents Withholding Tax | 130 |
| Adjustment prior period legal fees | 0 |
| Total Costs of Liquidation | \$130 |
| Total Payments | 2,436 |
| BALANCE HELD | \$71,063 |

Notes: the above figures are GST exclusive.
Adjustments were made this period for reconciliation purposes. Funds flowed back into the liquidation arising from a withdrawn claim.

Realisations and Distributions

DML Resources Limited (In Liquidation) 7 May 1998 to 6 November 2022

| Realisations | | Cash Received \$ |
|--|-----------|------------------------|
| Funds from Receiver | 1,114,159 | |
| Funds from Debentureholder | 240,000 | 1,354,159 |
| New Zealand Assets | | |
| Debtors | 32,746 | |
| Plant and Equipment | 342,150 | |
| Truck Sales | 129,200 | |
| Sundry Assets | 5,424 | 509,520 |
| Overseas Assets | | |
| Chile | 177,563 | |
| Hong Kong | 84,286 | |
| Indonesia | 72,077 | 333,926 |
| Settlements | | |
| Settlement with DML MRP | 1,229,743 | |
| Intercompany Loan Repayment | 665,102 | |
| Settlement – Action against Director | 7,850,000 | |
| Auriferous Settlement | 100,000 | |
| Coeur Gold (Excluding GST) | 2,440,641 | |
| Diesel Propulsion/Wiri Land | 140,000 | |
| DML Pty Australia Dividend | 1,061,138 | |
| Glencoal Settlement | 27,500 | |
| Solid Energy | 375,000 | 13,889,124 |
| Refunds from Inland Revenue Department | | |
| Pre-Liquidation GST Refunds | 1,774,228 | |
| Residents Withholding Tax Refund | 106,829 | |
| Income Tax Refund | 390,859 | |
| DML Minerals GST Refund | 602 | 2,272,518 |
| Miscellaneous | | |
| Insurance Refund | 55,696 | |
| Interest Received | 990,442 | |
| Legal Costs Recovered | 14,412 | |
| Sale of Shares | 27,293 | |
| Sundry | 14,004 | |
| Recovery of Financial Support to Cobalt SG Limited | 26,953 | |
| DML Voidable Trust Funds | 33,354 | 1,162,153 |
| Total Realisations | | \$19,521,400 |

Payments

Liquidators Fees

| | | |
|-------------------------------|--|--------------------|
| Liquidators Fees | | 3,849,917 |
| Disbursements | | 188,266 |
| Total Liquidators Fees | | \$4,038,183 |

Other Costs of Liquidation

| | | |
|---|-----------|--------------------|
| Legal Fees | | |
| Actions against Directors | 1,098,598 | |
| Auriferous | 32,059 | |
| Chile Funds | 27,958 | |
| China Receivables | 83,471 | |
| Coeur Gold (Including Consultants) | 1,071,431 | |
| Creditor Claims | 45,636 | |
| Debenture | 40,099 | |
| Diesel Propulsion | 47,477 | |
| DML Pty Limited (In Liquidation) and DML Malaysia | 48,408 | |
| Solid Energy | 42,937 | |
| Voidable Transactions | 33,523 | |
| General | 170,548 | 2,742,145 |
| Other Professional Fees | | |
| Accounting – DML Minerals | 8,255 | |
| Accounting | 33,417 | |
| Consulting Fees | 41,337 | |
| Computer Support | 2,388 | |
| Tax Advice | 94,308 | 179,705 |
| Financial Support to Related Companies | | |
| Financial Support – Cobalt SG Limited | 37,952 | |
| DML Resources (Asia) Limited | 144,548 | |
| DML Resources (Malaysia) Sdn Bhd | 136,949 | 319,449 |
| Liquidation Operating Costs | | |
| Accident Compensation Corporation Costs | 14,856 | |
| Advertising | 4,640 | |
| Bank Fees | 3,717 | |
| Insurance | 21,531 | |
| Printing and Photocopying | 36,106 | |
| Storage – Vehicles, Records and Engines | 95,451 | |
| Vehicle Expenses and Transportation Costs | 15,287 | |
| Wages | 7,822 | |
| Sundry | 19,942 | 219,352 |
| Inland Revenue Department | | |
| Fringe Benefit Tax | 2,460 | |
| Residents Withholding Tax | 74,008 | 76,468 |
| Total Costs of Liquidation | | \$3,537,119 |

| Settlements and Distributions to Creditors | |
|---|---------------------|
| Applicant Creditor Costs | 2,155 |
| Inland Revenue Department – PAYE, GST | 1,035 |
| Settlement of Creditors' Claims | 830,147 |
| First Distribution to Unsecured Creditors (5 Cents) | 662,927 |
| Second Distribution to Unsecured Creditors (60 Cents) | 7,869,675 |
| Third Distribution to Unsecured Creditors (29 Cents) | 1,311,613 |
| Fourth Distribution to Unsecured Creditors (3 Cents) | 347,547 |
| Fifth Distribution to Unsecured Creditors (3 Cents) <i>totals 100 cents to unsecured</i> | 348,831 |
| Sixth Distribution to Unsecured Creditors (Voidable Preference Trust) | 265,291 |
| Seventh Distribution to Unsecured Creditors (Voidable Preference Trust) | 235,814 |
| (Total - 89.5 cents in the \$1.00) | |
| Total Settlements and Distributions to Creditors | \$11,875,035 |
| Total Payments | \$19,450,337 |
| BALANCE HELD | \$71,063 |

Note: the above figures are GST exclusive