



McDonald  
Vague

business recovery partners

**Dunham and Turner Limited  
(In Liquidation)  
Trading as: Red Earth Eatery and Wine Bar  
Liquidators' First Report**

McDonald Vague Limited

Level 10, 52 Swanson Street,  
Auckland Central

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**TO: The directors, shareholders, and known creditors of the company**

## 1 INTRODUCTION AND APPOINTMENT

Dunham and Turner Limited ("the company") was placed into liquidation by a special resolution of the shareholders pursuant to Section 241(2)(a) of the Companies Act 1993 ("the Act") on 19 May 2019 at 10:03 p.m. Peri Micaela Finnigan and Iain McLennan, Accredited Insolvency Practitioners, of Auckland, were appointed as 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 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, amend this report to take into account any information existing at the date of this report that becomes known to us after this report is published.

## 3 INDEPENDENCE

A declaration of independence is attached at Appendix 2. As far as we are aware there are no conflicts real, perceived, or risks of independence.

## 4 ATTACHMENTS

The following documents are attached to this report:

- Appendix 1: Statement of Affairs setting out the company's estimated financial position
- Appendix 2: Declaration of independence / relationships / indemnities and upfront payments
- Appendix 3: Schedule of company creditors' names and addresses
- Appendix 4: Notice of Liquidators' decision to dispense with meeting of creditors
- Appendix 5: Notice to creditors to prove debts or claims
- Appendix 6: Creditors claim form

## 5 COMPANY STRUCTURE AND BACKGROUND

Date of incorporation:	8 August 2016
Company number:	6066469
Date ceased trading:	19 May 2019
Nature of business:	Restaurant and Wine Bar
Trading address:	255 Great South Road, Papakura, Auckland 2110
Trading name:	Red Earth Eatery and Wine Bar
Share capital:	1,000 Shares
Shareholders:	Kathryn Joy Turner, as Trustee of Dunham Family Trust Kathryn Joy Turner Keith Willis Turner Jonathan Daniel Turner Christopher Paul Turner
Director:	Keith Willis Turner

The director has advised that the liquidation was the result of insufficient patronage after the election in 2017 and high wage costs from overstaffing.

## 6 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.

## 7 ASSETS AND PROPOSALS FOR CONDUCTING THE LIQUIDATION

We will realise all available assets. If any creditor is interested in or knows of any other party who may be interested in purchasing any of the assets, please advise us urgently.

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 if there are any other avenues of recovery for creditors,
- determine if the company's officers have properly carried out their duties and take appropriate steps where necessary.

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.

## 8 LIABILITIES AND CREDITOR CLAIMS

A schedule of known creditors and their addresses is provided at Appendix 3, as required by Section 255(2)(c) of the Act.

A notice to creditors to prove debts or claims is provided at Appendix 5. Also provided is a creditor's claim form at Appendix 5 for completion and return to this office by 28 June 2019. Creditors that have not made a claim by the date on the notice may be excluded from any distribution made. If you believe that you are a secured creditor, please contact us and the appropriate form will be sent to you.

### 8.1 *Secured Creditors*

As at the date of liquidation seven secured parties had registered security interests against the company on the Personal Property Securities Register.

- Bid Food Limited
- BOC Limited
- Elgas Limited
- Eurovintage Limited
- Independent Liquor (NZ) Limited
- Kathryn Joy Turner
- Santos Coffee Limited

#### *Personal Property Securities Act / Reservation of Title*

If any creditor believes that 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 that they have a Reservation of Title over goods and they have not perfected their interest, they should also contact us immediately.

### 8.2 *Preferential Creditors*

We estimate that there is approximately \$4,947 owing to former employees for wages, holiday pay and redundancy pay.

The Inland Revenue Department has not yet provided us with a creditor's claim form but we understand that there are amounts due in respect of GST, PAYE and other payroll deductions amounting to approximately \$22,500.

### 8.3 *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 \$9,786, plus the deficiency to preferential creditors.

## 9 CREDITORS' MEETING / LIQUIDATION COMMITTEE

A notice of the Liquidators' decision to dispense with the meeting of creditors is provided at Appendix 4.

Any creditor or shareholder may at any time in the course of the liquidation 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.

## 10 FURTHER INFORMATION

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

If any creditor wishes to receive the six month reports by email as and when they are published, please ensure that an email address is provided on your creditors' claim form.

This report and all subsequent reports will be available on the Liquidators' website at [www.mvp.co.nz](http://www.mvp.co.nz)

## 11 ESTIMATED DATE OF COMPLETION

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


## 12 CONTACT DETAILS

Enquiries should be directed to David Taylforth on DDI (09) 306 3344 or by email to [dtaylforth@mvp.co.nz](mailto:dtaylforth@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

  
PERI M FINNIGAN  
LIQUIDATOR

DATED this 22<sup>nd</sup> day of May 2019

## Dunham and Turner Limited (In Liquidation) Statement of Affairs

Statement of Affairs for the above named company as at 19 May 2019 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.

ASSETS SPECIFICALLY PLEDGED	<i>Estimated to Realise</i>	<i>Due to Secured Creditor</i>	<i>Deficiency Ranking as Unsecured</i>	<i>Surplus</i>
<i>No securities are registered on the Personal Property Securities Register</i>				
Independent Liquor (NZ) Limited	TBC	TBC	TBC	TBC
Eurovintage Limited	TBC	TBC	TBC	TBC
Santos Coffee Limited	TBC	TBC	TBC	TBC
BOC Limited	TBC	TBC	TBC	TBC
Elgas Limited	TBC	TBC	TBC	TBC
Bidfood Limited	TBC	TBC	TBC	TBC
<b>Estimated surplus / (deficiency) as regards specifically pledged assets</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

ASSETS AVAILABLE FOR PREFERENTIAL CREDITORS	<i>Book Value</i>	<i>Estimated to Realise</i>
Bank account balances	5,922	9,131
Inventory	15,000	TBC
Cash on Hand	612	612
<b>Total</b>	<b>\$21,534</b>	<b>\$9,743</b>
<b>Less preferential creditors</b>		
Employees		4,947
Inland Revenue Department		22,500
<b>Total</b>		<b>\$27,447</b>
<b>Estimated deficiency as regards preferential creditors</b>		<b>(\$17,704)</b>

ASSETS AVAILABLE FOR GENERAL SECURITY AGREEMENT HOLDER/S	<i>Book Value</i>	<i>Estimated to Realise</i>
Estimated surplus from assets specifically pledged	-	-
Plant and Equipment, Furniture and Computers	190,631	TBC
1987 Ford Falcon	6,218	5,000
<b>Total</b>	<b>\$196,849</b>	<b>\$5,000</b>

LESS GENERAL SECURITY AGREEMENT HOLDER	<i>Unknown</i>
Kathryn Turner for Dunham Family Trust	-
<b>Total</b>	<b>\$ -</b>
<b>Estimated surplus as regards General Security Agreement holders</b>	<b>\$5,000</b>
Less deficiency as regards preferential creditors	17,704
<b>Deficiency ranking as unsecured</b>	<b>(12,704)</b>

**AVAILABLE FOR UNSECURED CREDITORS** **\$Unknown**

LESS UNSECURED CREDITORS	<i>Unknown</i>
Estimated deficiency as regards Secured Creditors	-
Estimated deficiency as regards General Security Agreement holders	-
Estimated deficiency as regards preferential creditors	12,704
Trade creditors	9,786
Kathryn Turner	238,000
Keith Turner	135,000
<b>Total</b>	<b>(\$395,490)</b>

**Estimated (deficiency) as regards unsecured creditors** **\$Unknown**

**Notes:**

- There is no unpaid capital liable to be called up.
- The above estimates are subject to the costs of the liquidation.
- Assets held may be subject to Purchase Money Security Interest ("PMSI") or Reservation of Title claims.
- The General Security Agreement holder's claim will continue to accrue interest until fully paid.
- 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.

**Appendix 2**

## Dunham and Turner Limited (In Liquidation) Declaration of Independence / Relationships / Indemnities and Upfront Payments

**A DECLARATION OF INDEPENDENCE**

- (i) The appointed and McDonald Vague Limited have undertaken a proper assessment of the risks of independence prior to accepting appointment in accordance with the law code of conduct and applicable professional standards and have concluded that they have no prior business or professional relationship with the insolvent that is a real or potential risk and that they are independent.

**B DECLARATION OF RELATIONSHIPS**

- (ii) The appointed and McDonald Vague Limited have no prior business or professional or personal relationship with known associates of the insolvent or the major secured creditors that are a real or potential risk and that they are to the extent of:

<b>Name</b>	<b>Relationship</b>	<b>Reason</b>
Dunham and Turner Limited	Liquidated Company	No contact prior to out appointment
Keith Willis Turner	Director	No contact prior to out appointment
Michael Humphries - Humphries Associates	Referrer	Have previously referred liquidations to us

- (iii) The appointed disclose there are no other relevant relationships to declare.
- (iv) The appointed and McDonald Vague Limited have not provided any prior professional services to the insolvent or known associates of the insolvent in the prior two years.

**C DECLARATION OF INDEMNITIES AND UPFRONT PAYMENTS**

- (v) An upfront fee of \$1,500 was received from Keith Willis Turner to cover initial remuneration and expenses associated with the appointment. The funds are held in a Trust account and will be drawn on as work is produced and expenses incurred. There is no condition on the conduct or outcome of the liquidation attached to the provision of these funds.



PERI M FINNIGAN  
LIQUIDATOR

DATED this 22<sup>nd</sup> day of May 2019



## Appendix 3

## Dunham and Turner Limited (In Liquidation)

### Schedule of Creditors' Names and Addresses

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

Employee Names	Address 1	Address 2	Address 3
Aaron Mackay			
Christopher Paul Turner			
Dallas Royal			
Damien Pennington			
Ethan Baird			
James Chaston			
Jessica Forster			
Kristen Molloy			
Paolo Nuguid			
Sara-Jane Moore			
Tyler McDonnell			
<b>Creditor Names</b>			
2degrees Mobile Limited	P O Box 8355	Symonds Street	AUCKLAND 1150
Beverage Services Limited, T/as Santos Coffee	P O Box 204 146	Highbrook	AUCKLAND 2161
Bid Food Limited	P O Box 74 552	Market Road	AUCKLAND 1543
BOC Limited	P O Box 11 161	Sockburn	CHRISTCHURCH 8030
Contact Energy Limited	P O Box 10 742	WELLINGTON 6143	
Daniel Overton Goulding Lawyers	P O Box 13 017	Onehunga	AUCKLAND 1643
Elgas Limited	Private Bag 93 300	Otahuhu	AUCKLAND 1640

### Appendix 3

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Creditor Names	Address 1	Address 2	Address 3
Eurovintage Limited	P O Box 73 019	Auckland Airport	AUCKLAND 2150
Filter & Flue Cleaning Services Limited	26a Williamson Avenue	Ponsonby	AUCKLAND
Foodchain Limited	P O Box 12 466	Penrose	AUCKLAND
Humphries Associates	P O Box 13 676	Onehunga	AUCKLAND 1643
Independent Liquor (NZ) Limited	P O Box 72 148	AUCKLAND	
Inland Revenue Department	P O Box 39 010	Wellington Mail Centre	LOWER HUTT 5045
JJ Richards & Sons Pty Limited	P O Box 76 647	Manukau	AUCKLAND
Kathryn Joy Turner	29 Anita Avenue	Mount Roskill	AUCKLAND 1041
Keith Willis Turner	29 Anita Avenue	Mount Roskill	AUCKLAND 1041
Lilac Holdings Limited	C/- DFK Oswin Griffith Carlton Limited	P O Box 6077, Wellesley Street	AUCKLAND 1141
Loaf Limited	P O Box 55125	Eastridge	AUCKLAND 1146
Michelle Knight	189 Maxted Road	Ramarama	AUCKLAND 2579
Paymark	P O Box 799	AUCKLAND 1140	
Tea Towel Express Limited	P O Box 98 723	Manukau	AUCKLAND



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

After having regard to the assets and liabilities of Dunham and Turner Limited (In Liquidation) and the likely result of the liquidation, the liquidators propose to dispense with 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 David Taylforth of this office on DDI (09) 306 3344 if you have any specific enquiries.

If you wish to request that a creditor's meeting be called, notice in writing is required 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.



PERI M FINNIGAN  
LIQUIDATOR

DATED this 22<sup>nd</sup> day of May 2019

## Appendix 5

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IN THE MATTER of                    The Companies Act 1993

and

IN THE MATTER of                    Dunham and Turner Limited (In Liquidation)  
*Trading as: Red Earth Eatery and Wine Bar*

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

Notice is given that the liquidator of Dunham and Turner Limited (In Liquidation) (“the company”), fix Friday, the 28<sup>th</sup> day of June 2019, 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 not having made a claim by this date may be excluded from any distribution made.



PERI M FINNIGAN  
LIQUIDATOR

DATED this 22<sup>nd</sup> day of May 2019

#### **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](http://www.mvp.co.nz)

**DATE OF LIQUIDATION: 19 May 2019**





McDONALD VAGUE LIMITED

PO Box 6092, Wellesley St, Auckland 1141, New Zealand.  
Telephone 0-9-303 0506, Facsimile 0-9-303 0508

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 \$

**CLAIMS AGAINST INVENTORY (Romalpa Claims)(Consignment Goods) (Retention of Title) etc.**  
 Please provide details of the basis of the retention of title claim filed by you and/or details of entry on the Personal Property Securities Register.

**PREFERENTIAL CLAIMANTS ONLY**

Guideline  
 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 \$23,160 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 please record here your GST Registration number: \_\_\_\_\_  
 and total GST included in your tax invoice: \$ \_\_\_\_\_