



McDonald
Vague

business recovery partners

**Receivers' Twentieth Report
on the State of Affairs of
EXTKR Limited (In Receivership & In Liquidation)
(this company was called Te Kaha Resort Limited
(In Receivership) until 3 November 2011)
"The Company"**

McDonald Vague Limited

33 Federal Street,
Auckland Central

PO Box 6092, Wellesley Street,
Auckland 1141, New Zealand

p: 09 303 0506

f: 09 303 0508

e: insol@mvp.co.nz

www.mvp.co.nz

1. INTRODUCTION

Iain McLennan and Boris van Delden, Insolvency Practitioners of Auckland, were appointed jointly and severally as receivers and managers of all its rights, title and interest (present and future, legal and equitable) in, to, under or derived from all the Company's present and hereafter acquired property whether situated in New Zealand or elsewhere of the company on 25 August 2009. They were appointed under the powers contained within a General Security Deed ("GSA") dated 28 September 2006 and a Loan Agreement dated 23 February 2007 in favour of Dominion Finance Group Limited (in receivership and in liquidation). The address of the Secured Creditor is Deloitte, 80 Queen Street, Auckland City.

The Official Assignee (Insolvency & Trustee Service) was appointed liquidator on 22 April 2014.

The Receivers set out below their twentieth report on the state of affairs of the abovenamed company as required by section 23 of the Receiverships Act 1993. This report should be read in conjunction with our earlier reports. A statement of realisations and distributions for the period from 25 August 2009 to 24 August 2018 is **attached**.

2. EVENTS LEADING UP TO OUR APPOINTMENT

The appointment arose following a Resolution of the Board of Directors of the Company acknowledging a default event under the GSA and inviting the Secured Creditor to appoint Receivers over all of the Company's present and after acquired property.

3. TRADING ON

The company in receivership took over trading from 2 September 2009. A sale and purchase agreement has been signed and settled with effect from 30 September 2011. The receivers continued to trade the business up to that date.

4. PROPERTY DISPOSED OF TO DATE

All known property has been disposed of. We are collecting various debts that remain due and payable, on a cost benefit basis as the opportunity arises. Collection of amounts due are largely reliant on the sale of specific units which is likely in the next couple of months.

5. PROPOSALS FOR DISPOSAL OF RECEIVERSHIP PROPERTY

We are attending to the finalisation of several issues and collection of various amounts due to the company from both pre-receivership and post receivership activity. The Receivers have claimed various amounts due from related entities for intercompany debts. As most intercompany debts are owed by companies that are now struck off it is unlikely that any further recovery will be made from intercompany debtors.

As noted in the realisations and distributions statement we have made some recoveries of funds from related entities as a result of trading activity. We also continue to pursue the recovery of one receivable from the sale of an apartment which is disputed.

We have also identified further debtors that we are pursuing. These debtors are for accommodation provided prior to our appointment.

6. AMOUNTS OWING TO THE SECURED CREDITORS

At the date of our appointment the amount (including accrued interest) due to our appointer was \$6,048,788.71. The receivership has paid \$2,361,990 towards its secured debt, with a further \$77,677 distributed to other chargeholders.

7. PREFERENTIAL CREDITORS

We have yet to receive any formal claims from the company's preferential creditors. As at the date of our appointment the Company did not have any employees. GST returns have not been prepared or filed since 31 March 2009. According to the 31 March 2009 draft Annual Financial Statements of the company GST payable, was as follows:

| | |
|---------------------------------|---------------|
| | \$ |
| GST payable as at 31 March 2009 | 86,834 |
| TOTAL | <u>86,834</u> |

The Receivership paid employees wages for the few days prior to the Receivers taking over trading, as part payment for the purchase of shop inventory from a related company in liquidation.

8. UNSECURED CREDITORS

Based on Company Records and claims received to date the Receivers consider that there are at least 13 unsecured creditors, owed approximately \$4.98 million.

The Receivers' are certain that there will not be any funds available for Unsecured Creditors.

Enquiries to: Iain McLennan
Telephone: (09) 303 0506 DDI (09) 303 9512 or Mobile 021 664 556
Website: www.mvp.co.nz



IAIN McLENNAN
RECEIVER

DATED this  day of March 2020

Realisations and Distributions

EXTKR Limited (In Receivership & In Liquidation) 25 August 2009 to 24 February 2019

| Realisations | As Per Statement of Affairs \$ | Cash Received \$ |
|---|--------------------------------------|------------------------|
| Bank Account Closure | 2,514 | 2,515 |
| Inter Entity Debts and Debtors | 388,446 | 54,209 |
| Pre Receivership GST Refund | - | 5,891 |
| Advance from Appointer | - | 10,000 |
| Trading On Receipts | - | 2,792,664 |
| Sale of Assets | | 3,072,110 |
| Interest | | 3,113 |
| Recovery from Unit Owner | | 5,093 |
| Total Realisations | \$390,960 | \$5,945,595 |
| Payments | | |
| Receivers Fees | | |
| Receivers Fees and Disbursement | | 287,229 |
| Total Receivers Fees | | \$287,229 |
| Other Costs of Receivership and Trading On | | |
| Trading On Payments | | 2,639,639 |
| Fixed Assets | | 98,716 |
| Insurance | | 43,516 |
| Rates | | 116,962 |
| On Site management | | 148,060 |
| Legal Fees | | 58,010 |
| Sale Commissions | | 91,050 |
| Marketing Costs | | 19,322 |
| Salvage Payments | | 522 |
| Wages (in Lieu of Inventory Purchase) | | 2,902 |
| Total Costs of Receivership and Trading On | | \$3,218,699 |
| Distributions | | |
| Distribution to Secured Creditor (appointor) | | 2,361,990 |
| Distribution to Secured Creditors (others) | | 77,677 |
| Total Distributions to Secured Creditors | | \$2,439,595 |
| Total Payments | | \$5,945,595 |
| BALANCE HELD | | \$Nil |

Note: the above figures are GST exclusive