



McDonald
Vague

business recovery partners

Footsteps Trustee Company Limited (In Liquidation)

Liquidators' Eleventh Report for the period from 10 September 2021 to 9 March 2022

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1 INTRODUCTION AND APPOINTMENT

Boris van Delden (Licence No: IP57) and Peri Micaela Finnigan (Licence No: IP17), Licensed Insolvency Practitioners, of Auckland, were appointed jointly and severally as liquidators of Footsteps Trustee Company Limited ("the company") on 10 March 2017 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 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 as there have been no realisations or distributions in the liquidation.

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

As advised in the liquidator's previous report, Statutory Demands were served on Tal 41 limited and LSF Trustee Limited on 27 June 2017. They both filed applications in the High Court to have the demands set aside.

Following the hearing of the applications on 8 November 2017, Associate Judge Bell made orders setting aside the two statutory demands.

Tal 41 Limited was placed into liquidation by the shareholder on 22 January 2018 with John Gilbert appointed as liquidator. The liquidation of Tal 41 Limited has now been completed and the liquidator's final report filed. In that report it states –

“The company acted as Trustee of the Footsteps Trust. In that capacity it owned 14 units at 15 Karaka Street Newton. The units had significant debt associated with Council Rates (disputed), Body Corporate Levies and advances secured by a loan from a Trust associated with the Settler. The value of these debts is in excess of the value of the units currently. The Liquidator reached an agreement with the secured party to transfer the encumbered units to that party in partial settlement of the debts due”.

We have been advised by Mr Gilbert that the property at Karaka Street has now been consented by Auckland Council and that some payment (of the outstanding rates and Body Corp levies) will be made in due course.

Auckland Council have confirmed all the properties are now owned by LSF Trustees.

4 INVESTIGATIONS

The liquidators have completed their investigations into the books, records and affairs of the company. There were no matters identified that could be pursued for the benefit of creditors.

5 CREDITORS' CLAIMS

5.1 Preferential Creditors

Preferential claims have been received from the applicant creditor and the supporting creditor for their Court awarded costs of \$5,266 and \$1,338 respectively. A further preferential claim of \$471, relating to a solicitors' lien on documents, has also been received.

No dividend has been paid to preferential creditors at the date of this report.

5.2 Unsecured Creditors

As at the date of preparing this report, three unsecured creditors claim forms have been received totalling \$336,681. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims unless we are in a position to pay a distribution.

6 LIQUIDATORS' FEES

Liquidators' fees accrued to the date of this report are \$31,082 (excluding GST). The fees are based on 123.54 hours of work undertaken as follows:

Work Category	Hours	\$
Appointment functions	15.17	3,307
Asset realisations	11.72	3,654
Creditors' claims, enquiries and reports	16.08	3,472
Taxation & Management	15.35	3,661
Investigations	65.22	16,988
Total	<u>123.54</u>	<u>31,082</u>

To date no fees have been taken. Fees will be taken if there are realisations in the future.

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 are no funds available for a distribution to unsecured creditors.

8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Completion of the liquidation

9 ESTIMATED DATE OF COMPLETION

Based on the information contained in this report the liquidators expect that the liquidation will be completed within the next three months.

10 CONTACT DETAILS

Enquiries should be directed to Colin Sanderson on DDI (07) 838 0908 or by email to CSanderson@mvp.co.nz.

The Liquidators can be contacted at:

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PERI M FINNIGAN
LIQUIDATOR

DATED this 10th day of March 2022