



McDonald  
Vague

business recovery partners

McDonald Vague Limited

Level 10, 33 Federal Street,  
Auckland Central

PO Box 6092, Victoria Street West,  
Auckland 1142, New Zealand

p: 09 303 0506  
f: 09 303 0508  
e: [insol@mvp.co.nz](mailto:insol@mvp.co.nz)

[www.mvp.co.nz](http://www.mvp.co.nz)

## MARVEL GRILL NORTH WHARF COMPANY LIMITED (In Liquidation)

### Liquidators' Third Report to creditors and shareholders For the period 21 May 2020 to 20 November 2020

#### 1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Peri Micaela Finnigan, Licensed Insolvency Practitioners, of Auckland, were appointed jointly and severally as liquidators of Marvel Grill North Wharf Limited ("the company") on 21 November 2019.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This third report should be read in conjunction with the liquidators' previous report. 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 **attached**.

#### 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

##### *Asset Realisations*

##### **3.1 Sale of Assets**

Assets recovered have been sold by public auction, realising \$2,659.

### **3.2 Recovery of Funds – Distraint**

We recovered funds from a storage company that had sold assets of the company post liquidation.

### **3.3 Pre-Liquidation GST Refund**

A Pre-liquidation GST refund of \$16,500 was received from the Inland Revenue Department.

## **4 INVESTIGATIONS**

Our investigations into the affairs of the company prior to liquidation are ongoing. We have concentrated efforts on obtaining and examining evidence underlying substantial claims against the company's landlord, the pursuit of such claims having been put on hold immediately prior to liquidation. We anticipate pursuing these claims once all evidence has been obtained and audited.

We have recovered records from the company's accountants and various law firms that acted for the company from its inception. We also recovered records from the directors, and third parties who had been involved in the company's affairs. There are further records that we are in the process of recovering.

We have investigated various transactions and commenced proceedings in respect of those which we believe constituted voidable preference. We have also issued demand against the company's debtors, including against related companies which received inter company funds.

## **5 CREDITORS' CLAIMS**

### **5.1 Secured Creditors**

No secured claims have been received.

### **5.2 Preferential Creditors**

The applicant creditor has registered a claim of \$180,785 of which \$17,999 is preferential. The Inland Revenue Department has submitted a claim of \$1,021,388 of which \$700,808 is preferential, being in respect of outstanding GST, PAYE and other payroll taxes. No dividend has been paid to the preferential creditors.

### **5.3 Unsecured Creditors**

Unsecured creditors' claims registered, total \$555,068, including the non-preferential portions of the applicant creditor's and Inland Revenue Department's claims. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims until we are able to make a distribution to creditors.

## 6 LIQUIDATORS' FEES

Liquidators' fees accrued to the date of this report are \$57,563 and disbursements of \$1,044. The fees are based on 267 hours of work undertaken as follows:

<b>Work Category</b>	<b>Hours</b>	<b>\$</b>
Appointment functions	50.90	11,394
Asset realisations	39.60	7,557
Creditors' claims, enquiries, and reports	16.90	3,248
Management and Reviews	56.50	11,429
Taxation	6.20	1,050
Investigations	96.90	22,885
<b>Total</b>	<b>267.00</b>	<b>57,563</b>

To date, fees amounting to 20,315. Further fees will be taken if realisations are made.

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 will be a short fall on the amount due to the preferential creditors. Therefore, at this stage the liquidator does not anticipate paying a distribution to unsecured creditors.

## 8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Further recovery, investigation and review of records required for recovery actions.
- Pursuit of recovery actions.
- Distributions to creditors.

## 9 ESTIMATED DATE OF COMPLETION

It is impracticable at this stage to estimate a date for completion of the liquidation.


## 10 CONTACT DETAILS

Enquiries should be directed to Colin Sanderson by mobile phone 021 330 741 or by email to [CSanderson@mvp.co.nz](mailto:CSanderson@mvp.co.nz).

The Liquidators can be contacted at:

McDonald Vague Limited  
Level 10, 33 Federal Street, Auckland 1010

P O Box 6092, Victoria Street West, Auckland 1142



**BORIS VAN DELDEN**  
LIQUIDATOR

DATED this 2<sup>nd</sup> day of December 2020

## Realisations and Distributions

### Marvel Grill North Wharf Company Limited (In Liquidation) 21 November 2019 to 20 November 2020

Realisations	Cash Received \$
Cash on hand	Nil
Recovery of funds from distraint	1,743
Sale of Assets	2,659
GST refund recovered	16,500
<b>Total Realisations</b>	<b>\$20,902</b>
Payments	
<b>Liquidators Fees</b>	
Liquidators Fees	20,315
Disbursements	472
<b>Total Liquidators Fees</b>	<b>\$20,787</b>
<b>Other Costs of Liquidation</b>	
Auction Fees	89
<b>Total Costs of Liquidation</b>	<b>\$89</b>
 <b>Total Payments</b>	 <b>\$20,876</b>
 <b>BALANCE HELD</b>	 <b>\$26</b>

**Note:** the above figures are GST exclusive