



McDonald
Vague

business recovery partners

R J Dairy Farming Limited (In Liquidation)

Liquidators' Final Report

McDonald Vague Limited

Level 10, 52 Swanson 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 AND APPOINTMENT

Tony Leonard Maginness and Boris van Delden, Insolvency Practitioners of Auckland, were appointed jointly and severally as liquidators of R J Dairy Farming Limited ("the company") on 26 February 2014. On 18 December 2015 Tony Leonard Maginness vacated his position as liquidator by appointing Peri Micaela Finnigan as his successor.

Pursuant to section 257(1)(a)(i) of the Companies Act 1993 ("the Act") the liquidators herewith report to all creditors and shareholders that the liquidation of the company has been completed. This final report should be read in conjunction with the liquidators' previous reports.

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 REALISATION OF ASSETS

The debtors, livestock, and plant and equipment of the company have all been realised, with details provided in previous reports.

The final payment for the sale of shares in Ballance Agri-Nutrients was received in November 2017 amounting to \$3,699.

4 CREDITORS

4.1 Secured Creditors

At the date of liquidation, we were advised that Stockco Limited had a secured claim, pursuant to a General Security Agreement, of \$1,100,798. This amount has been reduced by the realisation of the secured livestock by the Stockco and funds received from the sale of shares. The liquidators have made distributions to Stockco amounting to \$19,458. The shortfall after all realisations is \$145,003.

Heartland Bank Limited held specific securities over certain assets of the company. They have sold all the assets subject to the security and have notified a claim as an unsecured creditor for the shortfall.

4.2 *Preferential Creditors*

A preferential claim of \$1,209 has been received from a former employee for unpaid holiday pay. This amount has been paid in full.

A preferential claim was received in respect of the company accountant's lien totalling \$955. This amount was also paid in full.

The Inland Revenue Department has submitted a preferential claim for \$142,386. A third and final distribution of \$5,500 has been paid to the Inland Revenue department bringing total distributions to \$90,550, which represents 53.9 cents in the dollar of the Commission's preferential claim.

4.3 *Unsecured Creditors*

As at the date of preparing this report 30 unsecured creditors claim forms have been received totalling \$912,811. As anticipated in the Statement of Affairs, there are no funds available for distribution to unsecured creditors.

5 INVESTIGATIONS

As advised previously, the Liquidators obtained bankruptcy orders against the two shareholders and were endeavouring to have these served. The shareholders could not be located to serve the documents on them and orders for substituted service were obtained.

The shareholders of the company, were both adjudicated bankrupt on 24 November 2016 in the High Court at Auckland in relation to their overdrawn shareholder current account. The liquidators have filed claims with the Insolvency and Trustee Service in each of the bankruptcies for \$388,956 of which \$6,903 is a preferential claim.

The Insolvency Service has advised that they have been unable to locate, or contact, the bankrupts. If no contact is made the bankruptcies will continue indefinitely, however, there appears to be little likelihood of any recovery from this source.

The liquidators have now completed their investigations into the books, records and affairs of the company. There were no matters that could eventuate in a benefit to creditors.

6 COMPLETION OF LIQUIDATION

The liquidation of the company is now complete. A statement of realisations and distributions is **attached**. All known assets have been disclaimed or realised, or distributed without realisation, and all proceeds of realisation have been distributed. The company is ready to be removed from the New Zealand Register (“the register”).

7 REMOVAL OF COMPANY FROM THE REGISTER

The liquidators have given public notice pursuant to Section 320(4) of the Act of the intention to remove the company from the register.

The attention of all creditors or shareholders is drawn to Section 321 of the Act which provides that any person may send to the Registrar of Companies, not later than the date specified in the notice, an objection to the removal on any one or more of the following grounds:

- (a) That the company is still carrying on business or there is other reason for it to continue in existence; or
- (b) That the company is party to legal proceedings; or
- (c) That the company is in receivership, or liquidation, or both; or
- (d) That the person is a creditor, or a shareholder, or a person who has an undischarged claim against the company; or
- (e) That the person believes that there exists, and intends to pursue, a right of action on behalf of the company under Part 9 of the Act; or
- (f) That, for any other reason, it would not be just and equitable to remove the company from the New Zealand register.

Note: Section 321(2) of the Act provides that a claim by a creditor or a shareholder or any other person against a company is not an “undischarged claim” if a receiver or liquidator has notified that person that the company has no surplus assets.

The date by which objections must be lodged with the Registrar is 28 February 2018.

8 PREVIOUS REPORTS

Creditors are advised that all previous reports relating to the conduct of the liquidation are available on the liquidators’ website www.mvp.co.nz.

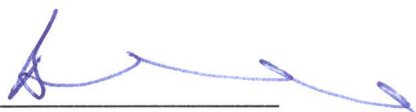
9 CONTACT DETAILS

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:

McDonald Vague Limited
Level 10, 52 Swanson Street
Auckland 1010

P O Box 6092
Wellesley Street
Auckland 1141



BORIS VAN DELDEN
LIQUIDATOR

DATED this 15th day of January 2018

Realisations and Distributions

R J Dairy Farming Limited (In Liquidation) 26 February 2014 to 31 December 2017

Realisations	Cash Received \$
ACC Refund	1,253
Balance of Agri-Nutrients Share Dividend and Rebate	13,622
Bank Account Closure	740
Fonterra Dividends Received	51
Fonterra Milk Revenue	37,546
Interest	5,809
Sale of Shares	6,076
Westland Co-Operative Milk Revenue	158,921
Total Realisations	\$224,018
Payments	
Liquidators Fees	
Liquidators Fees	66,951
Disbursements	1,377
Total Liquidators Fees	\$68,328
Other Costs of Liquidation	
Accountants & Other Advisors	2,407
Fonterra Fees & Levies	189
Legal Fees	39,346
Resident Withholding Tax	1,625
Total Costs of Liquidation	\$43,567
Distributions	
Secured Creditor - Stockco	19,458
Preferential Wages and Holiday Pay	1,210
Preferential Accountant's Lien	955
Preferential GST and PAYE	90,500
Total Distributions to Creditors	\$112,123
Total Payments	\$224,018
BALANCE HELD	\$Nil

Note: the above figures are GST exclusive