



McDonald
Vague

business recovery partners

Rockefeller Champagne & Oyster Bar Limited (In Liquidation)

Liquidators' First 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

TO: The director

AND TO: The shareholder

AND TO: All known creditors of the company

1 INTRODUCTION AND APPOINTMENT

Rockefeller Champagne & Oyster Bar Limited ("the company") was placed into liquidation by a special resolution of the sole shareholder pursuant to Section 241(2)(a) of the Companies Act 1993 ("the Act") on 31 July 2018 at 5:00 p.m. Iain McLennan and Peri Micaela Finnigan, 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 on 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 arising from 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 as at the date of this report that becomes known to us after the date of this report.

3 INDEPENDENCE

A declaration of independence is attached at Appendix 2. To the best of the liquidators' knowledge and belief, there are no real or perceived conflicts of interest or risks to our 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: Unsecured creditor's claim form

5 COMPANY STRUCTURE AND BACKGROUND

Date of incorporation:	9 January 2014
Company number:	4886239
Date ceased trading:	June 2018
Nature of business:	Bar and Restaurant
Trading address:	Kauri Timber Building, 104 Fanshawe Street, Auckland
Previous names/Trading name:	None Known
Shares:	100 Shares
Shareholder:	Timothy Samuel Arnold
Director:	Timothy Samuel Arnold
Related companies:	None known

The director has advised that there were initially delays in opening the restaurant at the fit-out stage. After opening, company encountered further difficulties, including:

- the public car park next to the premises was closed to the public, which made parking near the restaurant difficult and negatively impacted on client numbers
- the director/shareholder's family had health issues, which impacted
- staffing issues

In the period leading up to liquidation, the company director was looking to sell the business. When the sale fell through and the company could not secure alternative funding, it ceased trading. The company was put into liquidation shortly after it ceased trading.

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.

The liquidators intend to sell the company's assets. If you or any other parties you know might be interested in purchasing any of the company's assets, please contact us to discuss the same at your earliest opportunity.

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 whether there are any other avenues of recovery for creditors;
- determine whether the company's officers have properly carried out their duties;

Following our investigations, we may take recovery or enforcement actions, assessed on a cost/benefit basis.

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. Please note that the list of known creditors is based on the company's books and records. Some of the parties listed in Appendix 3 may not be creditors of the company as at the date of liquidation and other creditors may not be listed because they do not appear as creditors in the company's books and records held by the liquidators.

A notice to creditors to prove debts or claims is provided at Appendix 5. Also provided is a creditor's claim form at Appendix 6 for completion and return to this office by Monday, 17 September 2018. 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.

The estimated amounts owed to creditors listed below may differ from the actual amounts owing to creditors.

8.1 Secured Creditors

As at the date of liquidation, 10 parties had financing statements registered against the company on the Personal Property Securities Register ("PPSR") as follows:

Boc Limited	Specific security over goods supplied
Dhall And Nash Fine Wines Limited	Specific security over goods supplied
Gaults Limited	General security and specific security over good supplied
Hancocks Wine, Spirit and Beer Merchants Limited ("Hancocks")	General security and specific security over good supplied
Kauri Timber Building Limited	Specific security over fixtures and fittings
Maison Vauron Ltd and/or La Fromagerie Ltd	Specific security over goods supplied

Mt Roskill Cash'n Carry Limited	Specific security over goods supplied
Negociants NZ	Specific security over goods supplied
Smartpay Rental Services Limited	General security and specific security over good supplied
Vintners NZ Ltd	Specific security over goods supplied

Since the liquidators' appointment, Hancocks and Negotiants NZ have discharged their financing statements.

If you believe you are a secured creditor and you have not yet contacted the liquidators, you should do so immediately.

Personal Property Securities Act / Reservation of Title

If you have not registered a financing statement on the PPSR and you believe you have:

- a Purchase Money Security Interest entitling you to any goods in the possession or control of the company and/or proceeds from the realisation of those goods; and/or
 - a Reservation of Title over goods;
- you should contact us immediately.

8.2 Preferential Creditors

According to the company's books and records, there are no amounts owing to employees. We are in the process of confirming the position.

The Inland Revenue Department has advised that the Commissioner has a preferential claim of approximately \$82,000 for outstanding GST, PAYE and other payroll deductions and a total claim including interest and penalties of approximately \$140,000.

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 \$55,000, excluding any unsecured amounts owing to the Commissioner.

The company's landlord has indicated that it might be owed more than has been allowed for in the liquidators' estimate of the total unsecured claims. The liquidators have requested further information and documents from the landlord, which has not yet been provided.

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-monthly reports by email, as and when they are published, please ensure that an email address is provided on your creditors' claim form.

If you are an unsecured creditor and you do not lodge a claim, you will not be sent a copy of the liquidators' six-monthly reports.

This report and all subsequent reports will be available on the liquidators' website at 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 Marisa Brugeyroux on DDI (09) 306 3340 or by email to mbrugeyroux@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



IAIN McLENNAN
LIQUIDATOR

DATED this *8th* day of August 2018

Rockefeller Champagne & Oyster Bar Limited (In Liquidation) Statement of Affairs

Statement of Affairs for the above named company as at 31 July 2018 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.

ASSETS SPECIFICALLY PLEDGED (subject to verification of security interest)	<i>Estimated to Realise</i>	<i>Due to Secured Creditor</i>	<i>Deficiency Ranking as Unsecured</i>	<i>Surplus</i>
Gas Bottle - Boc Limited	to be collected	to be confirmed	unknown	unknown
Fixtures and Fittings - Kauri Timber Building Limited	unknown	to be confirmed	unknown	unknown
goods supplied - Dhall and Nash Fine Wines Limited	none known	to be confirmed	unknown	unknown
goods supplied - Gaults Limited	none known	to be confirmed	unknown	unknown
goods supplied - Maison Vauron Ltd and/or La Fromagerie Ltd	none known	to be confirmed	unknown	unknown
goods supplied - Mt Roskill Cash 'N' Carry Limited	none known	to be confirmed	unknown	unknown
Smartpay Rental Services Limited	to be collected	to be confirmed	unknown	unknown
Vintners NZ Limited	none known	to be confirmed	unknown	unknown
<i>Estimated surplus / (deficiency) relating to specifically pledged assets</i>	unknown	unknown	unknown	unknown

ASSETS AVAILABLE FOR PREFERENTIAL CREDITORS

	<i>Book Value</i>	<i>Estimated to Realise</i>
Accounts Receivable	11,514	11,514
Rental Bond	6,677	6,677
Chattels	28,843	unknown
Plant & Equipment	90,802	unknown
Total	137,836	unknown

Less preferential creditors

Employees	unknown
Inland Revenue Department	82,000
Total	unknown

Estimated deficiency to preferential creditors

unknown

AVAILABLE FOR UNSECURED CREDITORS

unknown

LESS UNSECURED CREDITORS

Estimated deficiency to secured creditors	unknown
Estimated deficiency to preferential creditors	unknown
Unsecured creditors	unknown
<i>Estimated deficiency to unsecured creditors</i>	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 liquidators have requested further information from the landlord on the amount said to be owed by the company.

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.

Rockefeller Champagne & Oyster Bar 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 to the liquidators' independence prior to accepting appointment, as required by the code of conduct and applicable professional standards. The liquidators have concluded that they are independent and that they have no prior business or professional relationship with the insolvent that poses a real or potential risk to their independence.

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 create a real or potential risk to their independence.
- (iii) The appointed and McDonald Vague Limited have relationships with the company's known creditors to the following extent:

Name of Creditor	Relationship	Nature of Relationship
ANZ Bank New Zealand Limited	Business Relationship	MVP deals with the bank on insolvency matters, as required.
Auckland Council	Business Relationship	We have been appointed liquidators by Auckland Council on one occasion.


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

C DECLARATION OF INDEMNITIES AND UPFRONT PAYMENTS

- (vi) An upfront fee of \$2,000 plus GST was paid by the company's director/shareholder to cover initial remuneration and expenses associated with the appointment. The funds are held in the liquidators' Trust Account and will be drawn on as work is undertaken and expenses are incurred.

Appendix 2

There are no conditions attached to the payment of the upfront fee, including in relation to how the liquidation will be conducted and the outcome of the liquidation.



IAIN McLENNAN
LIQUIDATOR

DATED this *8th* day of August 2018



Rockefeller Champagne & Oyster Bar Limited (In Liquidation) Schedule of Creditors' Names and Addresses

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

Creditor's Name	Address 1	Address 2	Address 3
Accident Compensation Corporation	C/- Dun & Bradstreet (New Zealand) Limited	P O Box 9589, Newmarket	AUCKLAND 1149
Alsco NZ	Level 1, 602C Great South Road	Ellerslie	Auckland 1051
ANZ Bank of New Zealand Limited	P O Box 788	AUCKLAND	
Auckland Council	Private Bag 92 300	Victoria Street West	AUCKLAND 1142
Blue Ribbon Agencies	141 Victoria Street West	AUCKLAND	
BOC Limited	P O Box 11 161	Sockburn	CHRISTCHURCH 8030
Brave Media Limited	PO Box 90923	Victoria Street West	Auckland 1142
Bravo Commercial Limited	C/- Scottish Pacific Business Finance Ltd	P O Box 106 047	AUCKLAND 1143
Carlton Henderson 109 Limited	P O Box 84 155	Westgate	AUCKLAND
Clos Marguerite Limited	PO Box 7	Seddon	Marlborough
Coolit Ice	115 Harris Road	East Tamaki	Auckland
Dhall and Nash Fine Wines Limited	84 College Hill	Freemans Bay	AUCKLAND 1011
EDL Smart Power	PO Box 39315	Howick	Auckland 2145
Filter & Flue Cleaning Services	26A Williamson Ave	Ponsonby	Auckland 1021
Gaults Limited	P O Box 202 134	AUCKLAND	
Hancocks Wine, Spirit And Beer Merchants Limited	P O Box 47 191	Ponsonby	AUCKLAND 1144
Heatwave Maintenance Limited	P O Box 15 261	New Lynn	AUCKLAND 0640
Inland Revenue Department	P O Box 39 010	Wellington Mail Centre	LOWER HUTT 5045
Kauri Timber Building Limited	Level 1, Shed 19a, Princes Wharf	137 Quay Street	AUCKLAND 1010
Kiwi Fish International Limited	P O Box 27 013	Mt Roskill	AUCKLAND 1440
Kono NZ	PO Box 440	Nelson	
Lockey Fresh Seafoods	14 Kitchener Road	Takapuna	AUCKLAND 0622



Appendix 3

Creditor's Name	Address 1	Address 2	Address 3
Macvine International Limited	P O Box 28 501	Remuera	AUCKLAND 1541
Maison Vauron Ltd and/or La Fromagerie Ltd	P O Box 8471	Symonds Street	AUCKLAND 1150
Moët Hennessy Australia and New Zealand	P O Box 37 357	Parnell	AUCKLAND 1052
Mt Roskill Cash 'N' Carry Limited	103-105 May Road	Mount Roskill	AUCKLAND 1041
Negociants NZ	P O Box 4494	AUCKLAND	
Orata Marine Limited	54 Whitaker Road	Warkworth 0910	
Planet Wine Ltd	PO Box 47 073	Ponsonby	Auckland
Poverty Bay Wine Estates Limited	10A Gardner Place	Gisborne	
red+white cellar	P O Box 1316	Shortland Street	Auckland 1140
Sabato Limited	P O Box 8331	Symonds Street	Auckland 1150
Silver Wing Wines	62 Canterbury St	Lyttelton 8082	
Smartpay Rental Services Limited	P O Box 100 490	North Shore Mail Centre	AUCKLAND 0745
Southern Hospitality Limited	PO Box 4570	Shortland Street	Auckland 1140
Speakeasy Limited	P O Box 78349	Grey Lynn 1021	
The Produce Company Limited	25 Hannigan Drive	St Johns	Auckland
Three French Vines Ltd	PO Box 74611	Greenlane	Auckland
Timothy Samuel Arnold	90 Glendale Road	Glen Eden	AUCKLAND 0602
Tokyo Food Co Limited	P O Box 132 169	Sylvia Park	AUCKLAND 1644
Vintners NZ Limited	P O Box 41 433	St Lukes	AUCKLAND 1346

Appendix 4

Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of Rockefeller Champagne & Oyster Bar 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 Marisa Brugeyroux of this office on DDI (09) 306 3340 if you have any specific queries.

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.



IAIN McLENNAN
LIQUIDATOR

DATED this  day of August 2018

Appendix 5

IN THE MATTER of The Companies Act 1993

and

IN THE MATTER of Rockefeller Champagne & Oyster Bar Limited (In Liquidation)

Notice to Creditors to Prove Debts or Claims

Notice is given that the liquidator of Rockefeller Champagne & Oyster Bar Limited (In Liquidation) ("the company"), fix Monday, 17 September 2018, 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 who do not lodge a claim by this date may be excluded from any distribution made.



IAIN McLENNAN
LIQUIDATOR

DATED this  day of August 2018

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

DATE OF LIQUIDATION: 31 July 2018



McDonald
Vague

McDONALD VAGUE LIMITED

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

Unsecured Creditor's Claim

(Also for use by Preferential Creditors)

SECTION 304(1) COMPANIES ACT 1993
(For help see www.mvp.co.nz or email
claims@mvp.co.nz)

NAME AND POSTAL ADDRESS OF CREDITOR IN FULL

Telephone Numbers: ()
()

E-Mail

My Reference is:
(if applicable)

* Any personal information collected is for the purpose of administering the liquidation in accordance with the Companies Act 1993.

The information will be used and retained by the liquidators and McDonald Vague and will be released to other parties only with your authorisation or in compliance with the Privacy Act 1993.

Under Section 304(1) of the Companies Act 1993 any claim by an unsecured creditor against a company in liquidation must be in this prescribed form and must –
(a) Contain full particulars of the claim; and
(b) Identify any documents that evidence or substantiate the claim.

You may have access to and request correction of any personal information.

(*Not applicable, if creditor is not an individual within the meaning of the Privacy Act 1993.)

NAME OF COMPANY IN LIQUIDATION:

(IN LIQUIDATION)

(If claim is made on behalf of creditor, specify relationship to creditor and authority)

claim that the company was at the date it was put into liquidation indebted to the abovenamed creditor for the sum of (Amount in words):

STATUS OF CLAIM:

1. I am an unsecured creditor for
(Also applicable to secured creditors who hereby surrender their security)

\$

2. I am a preferential creditor for
(Refer details on reverse)

\$

3. My total claim is for
(State currency if other than \$NZ)

Other
Currency

NZ \$

4. I have claimed retention/reservation of title rights pursuant to rights held by me

Note: If you are a secured creditor contact this office and a Secured Creditors Claim Form will be sent to you.

Tick if Applicable
(Refer details on reverse)

Full particulars of the claim are set out, and any supporting documents that substantiate the claim, are identified on the reverse of this form.

(The liquidator may require the production of a document under Section 304(2) of the Companies Act 1993. You are **not required to attach any supporting documents** at this stage, but you may attach them now, if you think it would expedite the processing of the claim.)

SIGNED:

Date: / /

WARNING —

It is an offence under Section 304(6) of the Companies Act 1993 to –
Make or authorise the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or
Omit, or authorise the omission from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular.

Received
(Date Stamp)

RESERVED FOR OFFICE USE:

Claim admitted/rejected for voting purposes:
(Delete one)

Signed:

Date: / /

Preferential Claim for:

Ordinary Claim for:

CLAIM REJECTED FOR PAYMENT:

\$

\$

or
CLAIM ADMITTED FOR PAYMENT:

\$

\$

Signed
Liquidator:

Date: / /



McDonald
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Note: If the decision to admit or reject a claim is amended, regulation 8 of the Companies Act 1993 Liquidation Regulations 1994 requires that it be recorded in writing.



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 \$22,160 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: \$ _____