



The Insolvency & Business Recovery Specialists

Te Kaha Kapai Limited (In Liquidation & In Receivership)

Receivers' First Report

1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Peri Micaela Finnigan, Insolvency Practitioners of Auckland, were appointed jointly and severally as receivers and managers of the property of Te Kaha Kapai Limited ("the company") on 7 November 2013. The receivers and managers were appointed under the powers contained in a term loan agreement dated 29 September 2011, where the company granted a general security interest to the secured creditor. A general security agreement formalising the terms of the term loan agreement was signed on 7 August 2013. The property consists of all present and after acquired personal property.

At the same time, Boris van Delden and Peri Micaela Finnigan also accepted appointment as receivers and managers of a related company, Te Kaha Resort (2011) Limited (In Receivership), following a request from the secured creditor for both companies to be in receivership. At the time, Boris van Delden and Peri Finnigan were liquidators of Te Kaha Kapai Limited (In Liquidation) and after accepting appointment as receivers (which they were technically able to) Boris van Delden and Peri Finnigan retired as liquidators and appointed Tony Leonard Maginness and Jared Waiata Booth in their place.

2 RESTRICTIONS

This report has been prepared in accordance with Section 23 of the Receiverships Act 1993 ("the Act"). In preparing this report and its appendices we have relied upon 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 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 ATTACHMENTS

The following document is attached to this report:

Appendix 1: Schedule of secured creditors' names and addresses

4 EVENTS LEADING UP TO OUR APPOINTMENT

The appointment arose as a result of the company’s default in meeting payments due to its first ranking secured creditor.

5 TRADING ON

The receivers are trading on the business with the view of selling it as a going concern.

6 PARTICULARS OF ASSETS AND LIABILITIES

We have omitted details concerning our proposals for the disposal of receivership property as we believe that their inclusion would materially prejudice the exercise of our functions and in particular our duty to obtain the best price reasonably obtainable for the sale of the receivership property.

7 ASSETS COMPRISING THE PROPERTY IN RECEIVERSHIP

The assets consist of the business of Te Kaha Beach Resort (including Goodwill) plus the stock available onsite.

8 PROPERTY DISPOSED OF TO DATE

No property has been disposed of as at the date of this report.

9 PROPOSALS FOR DISPOSAL OF RECEIVERSHIP PROPERTY

We have omitted details concerning our proposals for the disposal of receivership property as we believe that their inclusion would materially prejudice the exercise of our functions and in particular our duty to obtain the best price reasonably obtainable for the sale of the receivership property.

10 LIABILITIES AND CREDITOR CLAIMS

	\$
First ranking secured creditor	
Term loan accounts, accrued interest and overdue principal at 30 November 2013	4,174,561
Additional penalties and costs	<u>86,207</u>
Total	<u>\$4,260,768</u>

Second ranking secured creditor	\$
Term loan accounts, accrued interest and overdue principal at 1 September 2013	292,540
Additional penalties and costs	36,508
Total	<u><u>\$329,048</u></u>

10.2 Preferential Creditors

We estimate that there is approximately \$12,582 owing to former employees for wages, holiday pay and redundancy pay.

The Inland Revenue Department has not yet provided us with a creditor's claim form but we understand that there are amounts due in respect of GST, PAYE and other payroll deductions.

10.3 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 \$29,493.

The Receivers are not responsible for the administration of unsecured creditors' claims, however, it appears unlikely that there will be surplus funds available for unsecured creditors.

11 INFORMATION PROVIDED BY THE COMPANY

The directors of the company co-operated fully in making available the information required by the receiver to complete this report.

12 FURTHER INFORMATION

If you are aware of any information that would assist the Receivers, please set the details out in writing, attach any supporting evidence and send it to us. Please note that the Receivers are more able to act on written information.

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 the attached creditor claim form. This report and all subsequent reports will be available on the Receivers' website at www.mvp.co.nz

13 ESTIMATED DATE OF COMPLETION

It is currently too early to estimate a date of completion for the receivership.

14 CONTACT DETAILS

Enquiries should be directed to Daniel Zhang on (09) 306 3356 or by email to dzhang@mvp.co.nz.

The Receivers can be contacted at:

McDonald Vague
Level 10, 52 Swanson Street
Auckland 1010

PO Box 6092
Wellesley Street
Auckland 1141



BORIS VAN DELDEN
RECEIVER

DATED this 21st day of March 2014

Te Kaha Kapai Limited (In Liquidation & In Receivership) Schedule of Secured Creditors' Names and Addresses

Pursuant to Section 23(1)(c) of the Receiverships Act 1993

Creditor name	Address 1	Address 2	Address 3
Ruben Sanasarian Waitangi Investments Limited	C/- 4D Haast Street PO Box 137 241	Remuera Parnell	AUCKLAND AUCKLAND