

## Te Kaha Kapai Limited (In Receivership & In Liquidation)

### Receivers' Third 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.

Pursuant to section 24 of the Receiverships Act 1993 ("the Act"), the receivers report herewith on the progress of the receivership. This second report should be read in conjunction with the receivers' previous report.

A statement of Realisations and Distributions is **attached**.

#### 2 RESTRICTIONS

This report has been prepared in accordance with Section 24 of the Act. 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 RECEIVERSHIP DURING THE PRECEDING SIX MONTHS

##### *Asset Realisations*

No assets have been disposed of during this period.

#### 4 PROPOSALS FOR DISPOSAL OF RECEIVERSHIP PROPERTY

The receivers have continued to trade the business on. The receivers have engaged Bayleys Real Estate to market and sell the business as a going concern. The receivers are currently dealing with a number of interested parties.

#### 5 CREDITORS' CLAIMS

##### 5.1 Secured Creditor

At the date of this report the amounts due to our appointer were as follows:

##### **First ranking secured creditor**

Term loan accounts, accrued interest and Overdue principal at 30 November 2013	4,174,561
Additional penalties and costs	86,207
Total	4,260,768

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##### **Second ranking secured creditor**

Term loan accounts, accrued interest and Overdue principal at 30 November 2013	292,540
Additional penalties and costs	36,508
Total	329,048

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##### 5.2 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 creditors claim form but we understand that there are amounts due in respect of GST, PAYE and other payroll deductions. We have filed a claim from Inland Revenue Department in respect of court awarded costs totalling \$3,700.

At this time no payments have been made to preferential creditors

##### 5.3 Unsecured Creditors

As at the date of preparing this report four unsecured creditors claim forms have been received which total \$21,303

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.

## 6 MATTERS DELAYING THE COMPLETION OF THE RECEIVERSHIP

The following matters are outstanding:

- Sell of the business assets as a going concern

## 7 ESTIMATED DATE OF COMPLETION

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


## 8 CONTACT DETAILS

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

The Receivers can be contacted at:

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P O Box 6092  
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Auckland 1141



BORIS VAN DELDEN  
RECEIVER

DATED this *2nd* day of July 2015

# Realisations and Distributions

## Te Kaha Kapai Limited (In Receivership) 7 November 2013 to 6 November 2014

6 Nov 14

### Realisations

Accommodation Income (Post Liquidation)	185,594
Advances from Receivers	34,908
Bar and Shop Sales (Post Liquidation)	553,648
Cash Sales (Post Liquidation)	147,469
Function Income	23,201
Gaming Machine Site Rental (Southern Trust)	50,760
Interest Received	26
Management Fees from Body Corporate	40,000
Management Fees from Third Party Owners	29,172
Reimbursement of Expenses from Third Party Owners	34,914
Staff TABs	13,758
Sundry Receipts	75
<b>Total Realisations</b>	<b>1,113,524</b>

### Payments

#### Receivers' Fees

Receivers' Disbursements	394
Receivers' Fees	18,043
<b>Total Receivers' Fees</b>	<b>18,437</b>

#### Costs of Receivership & Trading On (incl. Accrued Creditors)

Administration Costs	3,011
Advertising and Marketing	3,443
Asset Sales Costs	6,205
Bank Fees	5,600
Bar Entertainment	10,662
Bar Float Cash	6,200
Body Corporate - Compliance Fees	3,676
Body Corporate - Insurance Finance Charge	2,512
Bodycorp - Insurance	48,251
Bodycorp - Labour	65,770
Bodycorp - Power	21,552
Equipment Lease	7,658
House Keeping Expenses	5,178
Insurance Premiums	1,833
Interest	3,813
KiwiSaver Employer Contribution	4,049
Legal Fees	1,617
Licences and Fees	3,802
Managers Salaries	95,123
Motor Vehicle Expenses	3,381
Property Sale Costs	4,200
Purchases - Beverages	248,835

# Realisations and Distributions

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	<b>6 Nov 14</b>
Purchases - Food	189,691
Purchases - Other	45,747
Repairs and Maintenance	20,774
Resident Withholding Tax	9
Staff Expenses	773
Sundry Expenses	981
Telephone and Internet	11,519
Travel Expenses	15,172
Uncoded Expenses	459
Utilities	46,383
Wages & PAYE - Staff	305,517
Waste Disposal and Cleaning	8,866
Water Rates	564
<b>Total Costs of Receivership &amp; Trading On (incl. Accrued Creditors)</b>	<b>1,202,829</b>
<b>Total Payments</b>	<b>1,221,266</b>
<b>BALANCE HELD</b>	<b>(107,742)</b>