

**Te Kaha Kapai Limited (In Liquidation & In Receivership)**  
**Liquidators' Fifth Report**  
**For the period from 24 March 2015 to 23 September 2015**

**1 INTRODUCTION AND APPOINTMENT**

Boris van Delden and Peri Micaela Finnigan, Insolvency Practitioners of Auckland, were appointed jointly and severally as liquidators of Te Kaha Kapai Limited (“the company”) on 24 September 2013.

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 not disqualified from doing pursuant to S 280 of the Companies Act 1993 and the Receiverships Act 1993) Boris van Delden and Peri Finnigan retired as liquidators and appointed Tony Leonard Maginness and Jared Waiata Booth in their place. Jared Waiata Booth resigned as liquidator with effect from 20 March 2015.

A Statement of Realisations and Distributions is not attached there having been no funds collected to date.

**2 RESTRICTIONS**

This report has been prepared in accordance with section 255(2)(d) 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 LIQUIDATION DURING THE PRECEDING SIX MONTHS**

***Asset Realisations***

The liquidators traded on the business from date of liquidation to 6 November 2013. Receivers were appointed on 7 November 2013, therefore the liquidators handed the business to the receivers with stock and debtors as at date of receivership appointment being accounted for.

The receivers have marketed the business and assets for sale. At the date of this report the assets have not been sold. There will be a wash-up calculation in regard to the assets available for preferential creditors when the business and assets are sold.

#### 4 INVESTIGATIONS

The liquidators have not yet completed their investigations into the books, records and affairs of the company. Some matters will be considered depending on the result of the sale of the company assets.

#### 5 CREDITORS' CLAIMS

##### 5.1 *Secured Creditors*

There are three secured creditors in this liquidation. It is likely they will suffer a shortfall on the realisation of the assets covered by their securities.

##### 5.2 *Preferential Creditors*

Total preferential claims for wages or salary and holiday pay amount to \$17,220. The liquidators have made a distribution of \$463.85 in respect of preferential wages and salary.

The Inland Revenue Department has submitted a preferential claim for \$3,700 in respect to its discontinued winding up application. The IRD claim to be owed a further \$226,371.46 of which \$156,525 made up as follows;

PAYE and payroll deductions	\$137,620
GST	\$18,905

is claimed to be preferential. No dividend has been paid to the Inland Revenue Department at the date of this report.

##### 5.3 *Unsecured Creditors*

As at the date of preparing this report five unsecured creditors claim forms have been received which total \$91,149. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims until such time as we are in a position to pay a distribution.

#### 6 FUNDS / LIKELY OUTCOME

At this stage the liquidator does not anticipate paying a distribution to unsecured creditors.

#### 7 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matter is outstanding:

- The receivers realisation of the assets and ceasing to act.

**8 ESTIMATED DATE OF COMPLETION**

Based on the information contained in this report the liquidators are unable to advise at this stage when the liquidation will be completed.

**9 CONTACT DETAILS**

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

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TONY L MAGINNESS  
LIQUIDATOR

DATED this 8<sup>th</sup> day of October 2015