



McDonald  
Vague

business recovery partners

**Apple Cars Limited (In Liquidation)  
Liquidators' Third Report  
to creditors and shareholders  
(for the period from 20 April 2018  
to 19 February 2019)**

McDonald Vague Limited

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## 1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Iain McLennan, CAANZ Accredited Insolvency Practitioners, of Auckland, were appointed as joint and several liquidators of Apple Cars Limited ("the company") on 20 October 2017 by the High Court at Auckland.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report to creditors and shareholders of the company on the progress of the liquidation. This third report should be read in conjunction with the liquidators' previous reports. This report is being sent to all shareholders and all creditors who have filed a claim in the liquidation.

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

## 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 CONDUCT OF THE LIQUIDATION DURING THE PRECEDING SIX MONTHS

### *Asset Realisations*

#### **3.1 Inventory**

**(Statement of Affairs: \$3,000)**

The liquidators have collected \$6,783 from the sale of company inventory, being two vehicles. The first vehicle was subject to a specific security held by Heartland bank, and the vehicle was recovered and sold by public auction on the secured creditor's behalf. The second vehicle was found after investigations revealed it had been abandoned at Auckland Airport and impounded for over three years. The liquidators secured the release of the vehicle for sale by public auction.

#### **3.2 Bank Account Closure**

On closure of the company bank account we received \$11.

### **3.3 Intellectual Property**

The completion of the liquidation was delayed to allow an interested party time to place an offer for the company's intellectual property. As sufficient time has elapsed without an offer being made and the value of such intellectual property now almost nil, the liquidators will proceed to finalise the liquidation.

## **4 INVESTIGATIONS**

The liquidators have identified potential claims against the director, however, as he has been bankrupted and without assets, such claims are unrecoverable at this stage. At this stage there are no further matters that have come to the knowledge of the liquidators that could eventuate in a benefit to creditors.

## **5 CREDITORS' CLAIMS**

### **5.1 Secured Creditors**

No secured claims have been received at the date of this report. Net sale proceeds of \$2,408 excluding GST were paid to Heartland Bank in respect of its secured vehicle.

Other vehicles subject to specific securities held by The Interface Financial Group were recovered and realised by the secured creditor.

N.Z.Commercials Limited registered a general security over the company's assets and submitted documentation in support, which we have not needed to accept or reject, as the company's inventory did not realise sufficient for a surplus to be available for distribution. We have been advised that N.Z.Commercials Limited will recover amounts owing to it through a mortgagee sale over property owned jointly by itself and a related company Apple Car Holdings Limited.

### **5.2 Preferential Creditors**

A preferential claim has been received in respect of the applicant creditor's costs of \$3,596. The Inland Revenue Department has submitted a preferential claim for \$25,000.

No dividend has been paid to preferential creditors 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 \$483,126. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims unless we are in a position to pay a distribution.

## **6 LIQUIDATORS' FEES**

Liquidators' fees to the date of this report are \$3,224 (excluding GST). The fees are based on 17.3 hours of work undertaken as follows:

<b>Work Category</b>	<b>Hours</b>	<b>\$</b>
Appointment functions	6.05	1,025
Statutory requirements	0.35	120
Asset realisations	4.70	940
Creditors' claims, enquiries and reports	2.80	486
Management	1.90	340
Taxation	0.50	100
Investigations	1.00	200
<b>Total</b>	<b>17.30</b>	<b>\$3,211</b>

\*the above does not include unbilled hours which the liquidators have not been able to recover.

Liquidators' fees in a Court ordered liquidation are to be approved by the Court and if required a retrospective application for fee approval will be made by the liquidators.

Section 284 (1) of the Act provides that an application (with the leave of the Court) may be made by a creditor, shareholder or director of a company in liquidation to review or fix the remuneration of the liquidators. In circumstances where no application has been made to review or fix the liquidators' remuneration the Court will be less inclined to rigorously examine the fees submitted by the liquidators for subsequent approval.

## **7 FUNDS / LIKELY OUTCOME**

It is unlikely that there will be any surplus available for distribution to creditors.

## **8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION**

The following matter is outstanding:

- Possible sale of intellectual property.

## **9 ESTIMATED DATE OF COMPLETION**

It is estimated that the liquidation will be complete within six months.

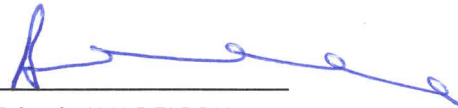
## **10 CONTACT DETAILS**

Enquiries should be directed to Dalwyn Whisken on DDI (09) 969 5336 or by email to [dwhisken@mvp.co.nz](mailto:dwhisken@mvp.co.nz).

The Liquidators can be contacted at:

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BORIS VAN DELDEN  
LIQUIDATOR

DATED this 11<sup>th</sup> day of March 2019

# Realisations and Distributions

## Apple Cars Limited (In Liquidation) 20 October 2017 to 19 February 2019

Realisations	As Per Statement of Affairs \$	Cash Received \$
Inventory – Sale of Stock	3,000	6,783
Bank Account Closure	-	11
Interest	-	1
<b>Total Realisations</b>	<b>\$3,000</b>	<b>\$6,795</b>
<b>Payments</b>		
<b>Liquidators Fees</b>		
Liquidators Fees		3,224
Disbursements		67
<b>Total Liquidators Fees</b>		<b>\$3,291</b>
<b>Other Costs of Liquidation</b>		
Commission and Auction Costs		1,094
<b>Total Costs of Liquidation</b>		<b>\$1,094</b>
<b>Distributions</b>		
Secured Creditor		2,408
<b>Total Distributions to Unsecured Creditors</b>		<b>\$2,408</b>
<b>Total Payments</b>		<b>\$6,780</b>
<b>BALANCE HELD</b>		<b>\$2</b>

Note: the above figures are GST exclusive