



McDonald
Vague

business recovery partners

BNT CONTRACTING LIMITED (IN LIQUIDATION)

Liquidators' First Report

McDonald Vague Limited
Level 1, 136 Greenlane East,
Auckland 1051

PO Box 6092, Victoria Street West,
Auckland 1142, New Zealand

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TO: The directors, shareholders and known creditors of the company

1 INTRODUCTION AND APPOINTMENT

BNT Contracting Limited (In Liquidation) ("the company") was placed into liquidation by a special resolution of the shareholders of the company pursuant to Section 241(2)(a) of the Companies Act 1993 ("the Act") on 21 October 2022 at 17:00 p.m. Keaton Pronk Licence No: IP107 and Iain McLennan Licence No: IP82, Licensed 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 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, amend this report to take into account any information existing at the date of this report that becomes known to us after this report is published.

3 INDEPENDENCE

A declaration of independence is attached at Appendix 2. We are not aware of any 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
- Appendix 2: Declaration of independence, relationships, indemnities, and upfront payments
- Appendix 3: Schedule of 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: Creditors claim form

5 COMPANY STRUCTURE AND BACKGROUND

Date of incorporation:	16 September 2015	
Company number:	5806867	
New Zealand Business Number:	9429041980095	
Date ceased trading:	16 September 2022	
Nature of business:	Transport and Construction	
Trading address:	85 Higgins Road, Rd 1, Brightwater	
Previous names/Trading name:	Nil	
Share capital:	1000	
Shareholders:	Bronwyn Amelia Roach	1000
Directors:	Bronwyn Amelia Scott	
Related companies:	Rochescott Contracting Limited	

The director has advised that the company operated for approximately 7 years carrying out transport and construction under engineers. It employed approximately 11 employees over the period of trading.

The director attributes the failure of the company to two customers that didn't pay outstanding invoices and the effects of the Covid-19 pandemic.

The company is in arrears to the Inland Revenue Department and, when the IRD filed winding up proceedings against the company, the shareholder decided to appoint the liquidators.

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 PROPOSED ACTIONS IN THE LIQUIDATION

The director has advised that there are no assets remaining in the company's ownership.

The company records show outstanding accounts receivable of \$969,300. Legal proceedings were taken against one of the customers, who defended the matter and made counter claims against the company. The matter was heard by the Court in April 2022 and its judgment was received on 10 October 2022. The company was successful with only one of its claims while the customer was successful with three. The net result was judgment against the company of \$53,554.72. The issue of costs was not decided in the judgment and a timetable was set for submissions to be made by the company by 31 October 2022, if agreement wasn't reached between the parties. The liquidators have advised the Court that, pursuant to section 248 (1)(c) of the Companies Act 1993, they do not agree to the proceedings continuing.

The balance of the debts have either been settled or are disputed and any recovery appears unlikely.

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 if there are any other avenues of recovery for creditors, including from the disputed accounts receivable,
- determine if the company's officers have properly carried out their duties and take appropriate steps where necessary.

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 CALL FOR CREDITOR CLAIMS

The liquidators have compiled a schedule of the company's creditors and their addresses as required by Section 255(2)(c) of the Act, which is at Appendix 3. The schedule has been compiled from company records and information provided to the liquidators at the time of preparing this report. The schedule may not list all of the company's creditors and all of the parties listed on the schedule may not be creditors of the company.

There are no known contingent creditors. The issue of costs in relation to the proceedings referred to in section 7 above is yet to be decided.

A notice to creditors to prove debts or claims is provided at Appendix 5 and an unsecured creditor's claim form is provided at Appendix 6. If you are an unsecured creditor and you wish to lodge a claim in the company's liquidation, please complete the unsecured creditor's claim form then return the completed form together with supporting documentation to our offices by 2 December 2022. Creditors that have not made a claim by this date may be excluded from any distribution made.

If you believe that you are a secured creditor, you should not complete the unsecured creditor's claim form. Please contact us and request that a secured creditor's claim form be sent to you.

8.1 Secured Creditors

As at the date of liquidation, 5 secured parties had registered security interests against the company on the Personal Property Securities Register. Three have since advised that nothing is owed and discharged their security. The remaining secured parties are -

Pacific Finance	Specific security over assets
Scott & Sons Earthmoving	Specific security over assets

The liquidators wrote to the secured parties seeking details of their security and the amounts owed. Pacific Crest have advised that the amount of \$23,486 is outstanding. The director has since advised that this amount has been paid in full. That is yet to be confirmed by Pacific Crest.

Scott and Sons Earthmoving Limited (SSEL) has advised that it is owed \$482,819 and has repossessed the assets subject to its security. SSEL is a company controlled by the husband of the director of BNT Contracting Limited.

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 them 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

We are in the process of determining if there are any unpaid wages, holiday pay or redundancy pay owing to former employees.

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 amounting to \$297,905 of which approximately \$152,487 will be preferential.

We are unable at this stage to estimate if preferential creditors will receive a distribution.

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 \$161,336 plus IRD unsecured debt (interest/penalties) as detailed in 8.2 above of \$145,418. Based on the information currently available, we believe it is unlikely that unsecured creditors will receive a distribution.

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.

This report and all subsequent reports will be available on the Liquidators' website at <http://www.mvp.co.nz>

11 ESTIMATED DATE OF COMPLETION

We are unable at this stage to estimate when the liquidation will be completed.

12 CONTACT DETAILS

Enquiries should be directed to Colin Sanderson on DDI +64 (7) 838 0908 or by email to CSanderson@mvp.co.nz.

The Liquidators can be contacted at:

McDonald Vague Limited
Level 1
136 Greenlane East, Greenlane
Auckland 1051


P O Box 6092
Victoria Street West
Auckland 1142



Keaton Pronk
LIQUIDATOR (Licence No: IP107)

Dated this 31st day of October 2022

Appendix 2

 McDonald Vague				
Appendix 1				
BNT CONTRACTING LIMITED (IN LIQUIDATION)				
Statement of Affairs				
Statement of Affairs for the above named company as at 21 October 2022 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.				
			<i>Deficiency</i>	
ASSETS SPECIFICALLY PLEDGED (See Note 5 below)	<i>Estimated</i>	<i>Due to</i>	<i>Ranking as</i>	
	<i>to Realise</i>	<i>Secured Creditor</i>	<i>Unsecured</i>	<i>Surplus</i>
Iveco Trakker KWN523 - Pacific Crest Ltd		17,467	(17,467)	-
Toyota Hilux SR5 LCE847 - Pacific Crest Ltd		6,019	(6,019)	-
Toyota Hilux SR5 LCE847 - Scott and Sons Earthmoving			-	
Holden Colorado JNR392 - Scott and Sons Earthmoving			-	
Iveco Trakker KWN523 - Scott and Sons Earthmoving		482,819	(482,819)	-
Estimated surplus / (deficiency) as regards specifically pledged assets	\$ -	\$ 506,304	(\$506,304)	\$ -
ASSETS AVAILABLE FOR PREFERENTIAL CREDITORS				
			<i>Book</i>	<i>Estimated</i>
			<i>Value</i>	<i>to Realise</i>
Accounts receivable (See note 6 below)			969,300	Unknown
Bank account balances			7	7
Total			969,307	7
Less preferential creditors				
Inland Revenue Department				152,487
Total				152,487
Estimated deficiency as regards preferential creditors				(\$152,480)
AVAILABLE FOR UNSECURED CREDITORS				
LESS UNSECURED CREDITORS				
Estimated deficiency as regards Secured Creditors				506,304
Estimated deficiency as regards preferential creditors				152,480
Trade creditors				161,336
Intercompany advances				
IRD Unsecured				145,418
Other				
Estimated surplus/(deficiency) as regards unsecured creditors				(\$965,538)
Notes:				
1. There is no unpaid capital liable to be called up.				
2. The above estimates are subject to the costs of the liquidation.				
3. Assets held may be subject to Purchase Money Security Interest ("PMSI") or Reservation of Title claims.				
4. The General Security Agreement holder's claim will continue to accrue interest until fully paid. [leave in if applicable]				
5. The assets listed are as recorded in the PPSR. The director has advised all assets have been sold				
6. The director has advised that the debts are all disputed. See section 7 of the Liquidator's 1st report				
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.				

BNT CONTRACTING 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 of independence prior to accepting appointment in accordance with the code of conduct and applicable professional standards and have concluded that they have no prior business or professional relationship with the insolvent that is a real or a potential risk and that they are independent.

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 with the major secured creditors that are a real or potential risk.
- (iii) The appointed disclose there are no other relevant relationships to declare.
- (iv) The appointed and McDonald Vague Limited have not provided any prior professional services to the insolvent or known associates of the insolvent in the prior two years.

C DECLARATION OF INDEMNITIES AND UPFRONT PAYMENTS

- (v) An upfront fee of \$5,600 + GST was received from Scott and Sons Earthmoving Limited to cover initial remuneration and expenses associated with the appointment. The funds are held in a Trust account and will be drawn on as work is produced and expenses incurred. There is no condition on the conduct or outcome of the liquidation attached to the provision of these funds.



Keaton Pronk
LIQUIDATOR

Dated this 31st day of October 2022

BNT CONTRACTING LIMITED (IN LIQUIDATION)

Schedule of Creditors' Names and Addresses

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

Creditor Name	Address 1	Address 2	Address 3	Postcode
AB Equipment Limited	101 Cryers Road	East Tamaki	Auckland	2013
Accident Compensation Corporation	acclevy@acc.co.nz			
All Accounts Matter Limited	sonia@allaccounts.co.nz			
AMI Insurance	Joshua.perry@iag.co.nz			
ERoad	Accounts.receivable@eroad.com			
Fluid Power Solutions Limited	PO Box 5018	Port Nelson	Nelson	7043
Inland Revenue Department	PO Box 39010	Wellington Mail Centre	Lower Hutt	5045
J & A Cimino				
Jacks Tyres	jackstyres@xtra.co.nz			
Lift n Shift	Office.liftnshift@gmail.com			
McKeown Group	stuart@mckeown.co.nz			
Nelson City Council C/- Credit Recoveries	info@creditrecoveries.co.nz			
Nelspecs	admin@nelspecs.co.nz			
Nicholson Protective Coatings C/- Credit Recoveries	info@creditrecoveries.co.nz			
Pacific Crest Limited	Colin@partnersfinance.co.nz			
Porta-loo Nelson	office@porterloo.nz			
Scott and Sons Earthmoving Limited	Digger1328@gmail.com			
Southfuels	Brenda.wilson@fernenergy.co.nz			
Taylors Contracting	accounts@tayconco.nz			
Waka Kotahi C/- Milton Graham	collections@miltongraham.com.au			
Zindels Barristers & Solicitors	PO Box 1023	Nelson		7040

Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of BNT Contracting 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 Colin Sanderson of this office on DDI +64 (7) 838 0908 if you have any specific enquiries.

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.



Keaton Pronk
LIQUIDATOR

Dated this 31st day of October 2022

Appendix 5

IN THE MATTER of The Companies Act 1993

and

IN THE MATTER of BNT Contracting Limited (In Liquidation)

Notice to Creditors to Prove Debts or Claims

Notice is given that the liquidator of BNT Contracting Limited (In Liquidation) (“the company”), fix 2 December 2022, 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 not having made a claim by this date may be excluded from any distribution made.



Keaton Pronk
LIQUIDATOR

Dated this 31st day of October 2022

ADDRESS OF LIQUIDATOR

McDonald Vague Limited
Level 1
136 Greenlane East, Greenlane
Auckland 1051

P O Box 6092
Victoria Street West
Auckland 1142

Telephone: +64 (9) 303 0506
Facsimile: +64 (9) 303 0508
Website: <http://www.mvp.co.nz>

DATE OF LIQUIDATION: 21 October 2022



McDonald Vague

business recovery partners

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)

I _____
(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. I am an unsecured creditor 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: / /

CLAIM REJECTED
FOR PAYMENT:

\$

\$

Preferential Claim for:

Ordinary Claim for:

or
CLAIM ADMITTED
FOR PAYMENT:

\$

\$

Preferential Claim for:

Ordinary Claim for:

Signed
Liquidator:

Date: / /

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
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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 \$25,480 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: \$ _____