

## Cewell Trustee Company Limited (In Liquidation)

### Liquidators' Eighth Report For the period from 18 August 2013 to 17 February 2014

#### 1 INTRODUCTION AND APPOINTMENT

Roy Horrocks and Garry Whimp, Insolvency Practitioners of Auckland, were appointed jointly and severally as liquidators of Cewell Trustee Company Limited ("the company") on 18 August 2010 by the High Court at Whangarei. Roy Horrocks resigned his position as liquidator on 3 April 2013 appointing Peri Micaela Finnigan as his successor.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This seventh 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

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 only asset of the company is an indemnity from the Trust. This has not been realised.

#### 4 INVESTIGATIONS

Following the investigation of the company's books and records, in relation to drawings and distributions, the liquidators entered into negotiations with the director in relation to apparent breaches of the director's duties. A settlement was reached with the director.

The terms of the agreement, contained in a Deed of Settlement, are confidential between the director and the liquidators. The director has commenced making payments to the liquidators in accordance with the agreement.

## 5 CREDITORS' CLAIMS

### 5.1 Secured Creditors

No secured claims have been received.

### 5.2 Preferential Creditors

A preferential claim has been received in respect of the applicant creditor's costs of \$3,513. This amount has been paid in full.

### 5.3 Unsecured Creditors

As at the date of preparing this report one unsecured creditors claim form has been received which totals \$70,501. An interim payment of \$17,391 has been made on this claim.

## 6 LIQUIDATORS' FEES

Liquidators' fees to the date of this report are \$80,800 including GST (\$70,261 excluding GST). The fees are based on 327.1 hours of work undertaken as follows:

Work Category	Hours	\$
Commencement	27.4	6,785
Statutory Requirements	14.7	2,448
Asset realisations	6.2	1,732
Creditors' claims, enquiries and reports	1.2	266
Management & Taxation	45.5	7,586
Investigations & Legal	232.1	51,444
<b>Total</b>	<b>327.1</b>	<b>\$70,261</b>

Currently the fees paid to McDonald Vague total \$30,593 with an outstanding amount owing of \$39,668. This will be paid from any future realisations.

Liquidators' fees in a Court ordered liquidation is 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

Following the agreement with the director there are funds available for distribution to creditors.

## 8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matter is outstanding:

- Receipt of the balance of funds payable under the settlement agreement.

## 9 ESTIMATED DATE OF COMPLETION

We are unable to estimate a completion date at this time.

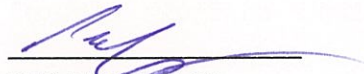
## 10 CONTACT DETAILS

Enquiries should be directed to Colin Sanderson on (07) 838 0908 (DDI) or by email to [CSanderson@mvp.co.nz](mailto:CSanderson@mvp.co.nz).

The Liquidators can be contacted at:

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Level 10, 52 Swanson Street  
Auckland 1010

P O Box 6092  
Wellesley Street  
Auckland 1141



PERI M FINNIGAN  
LIQUIDATOR

DATED this 15 day of February 2014

# Realisations and Distributions

## Cewel Trustee Company Limited (In Liquidation) 18 August 2010 to 17 February 2014

Realisations	Cash Received \$
No Assets have been Realised	Nil
Advance from Liquidators	1,981
Funds from Director	57,000
<b>Total Realisations</b>	<b>\$58,981</b>
Payments	
<b>Liquidators Fees</b>	
Liquidators Fees	30,593
Disbursements	1,581
<b>Total Liquidators Fees</b>	<b>\$32,174</b>
<b>Other Costs of Liquidation</b>	
Legal Fees	1,723
<b>Total Costs of Liquidation</b>	<b>\$1,723</b>
<b>Distributions</b>	
Preferential Court awarded costs of petitioning creditor	3,513
Interim distribution to unsecured creditor	13,878
<b>Total Distributions to Preferential and Unsecured Creditors</b>	<b>\$17,391</b>
<b>Total Payments</b>	<b>\$51,288</b>
<b>BALANCE HELD</b>	<b>\$7,693</b>

Note: the above figures are GST exclusive