

## Cewell Trustee Company Limited (In Liquidation)

### Liquidators' Tenth Report For the period from 18 August 2014 to 17 February 2015

#### 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 tenth 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 is making payments to the liquidators.

**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 \$13,878 has been made on this claim.

**6 LIQUIDATORS' FEES**

Liquidators' fees to the date of this report are \$72,058 excluding GST. The fees are based on 334.6 hours of work undertaken as follows:

<b>Work Category</b>	<b>Hours</b>	<b>\$</b>
Commencement	27.4	6,785
Statutory Requirements	18.7	3,246
Asset realisations	7.9	2,106
Creditors' claims, enquiries and reports	1.2	266
Management & Taxation	46.9	8,123
Investigations & Legal	232.5	51,532
<b>Total</b>	<b>334.6</b>	<b>\$72,058</b>

Currently the fees paid to McDonald Vague total \$36,275 with an outstanding amount owing of \$35,783. 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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P O Box 6092  
Wellesley Street  
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PERI M FINNIGAN  
LIQUIDATOR

DATED this 20<sup>th</sup> day of February 2015

# Realisations and Distributions

## Cewell Trustee Company Limited (In Liquidation) 18 August 2010 to 17 February 2015

Realisations	Cash Received \$
No Assets have been realised	Nil
Funds from Director	60,000
<b>Total Realisations</b>	<b>\$60,000</b>
Payments	
Liquidators Fees	
Liquidators Fees	36,275
Disbursements	3,725
<b>Total Liquidators Fees</b>	<b>\$40,000</b>
Distributions	
Preferential Court awarded costs of applicant creditor	4,040
Interim distribution to unsecured creditor	15,960
<b>Total Distributions to Preferential and Unsecured Creditors</b>	<b>\$20,000</b>
<b>Total Payments</b>	<b>\$60,000</b>
<b>BALANCE HELD</b>	<b>\$Nil</b>

Note: the above figures are GST exclusive