



CM Contracting Limited (In Liquidation)

Liquidators' Second Report For the period from 17 December 2019 to 16 June 2020

McDonald Vague Limited
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Auckland Central

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1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Iain McLennan, RITANZ Accredited Insolvency Practitioners, of Auckland, were appointed as joint and several liquidators of CM Contracting Limited ("the company") on 17 December 2019 by the High Court at Auckland.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This second report should be read in conjunction with the liquidators' previous report. 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 Debtors

(Statement of Affairs: \$Nil)

The company records show that there was up to \$780,913 owed by debtors, including a related company in Rarotonga owing \$148,058. Recovery investigations are underway. No funds have been received from company debtors.

3.2 Overdrawn Shareholders Current account

We are re compiling the company books and records as there is no record that some of the funds recorded as introduced into the company by the shareholders actually reached the company.

3.3 Bank Account Closure

(Statement of Affairs: \$Nil)

No funds were recovered from the company bank account.

3.3 Inventory

(Statement of Affairs: \$Nil)

There are no known assets available.

3.4 Fixed Assets

The liquidators' investigations have identified and located secured and unsecured fixed assets in New Zealand and Rarotonga. Efforts are being made to realise these assets.

4 INVESTIGATIONS

The liquidators are continuing their investigations into the books, records, and affairs of the company. Xero accounting records were recently released to the liquidators after a dispute over entitlement to them. They continue to be analysed and explanations sought from a wide range of parties.

5 CREDITORS' CLAIMS

5.1 Secured Creditors

Two claims have been received from secured creditors, Heartland Bank and Oxford Finance, which total \$95,355.45. Heartland Bank have re possessed the vehicle it had security over.

The liquidators are aware of a further secured creditor owed approximately \$74,743.

5.2 Preferential Creditor

The applicant creditor's costs amount to \$4,787.

No dividend has been paid to the preferential creditor at the date of this report.

GST refunds have been paid to the company, and there do not appear to have been any New Zealand based employees.

5.3 Unsecured Creditors

As at the date of preparing this report seven unsecured creditors claim forms have been received totalling \$103,177. Company records show a much larger number and debt to creditors, so we **attach** a revised creditors list, and creditor claim forms for completion by those creditors that were not included in the first report.

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 accrued to the date of this report are \$19,728 (excluding GST). The fees are based on 106.2 hours of work undertaken as follows:

Work Category	Hours	\$
Appointment functions	19.6	3,206
Asset realisations	30.5	6,180
Creditors' claims, enquiries, and reports	18.3	3,271
Taxation & management	18.9	3,571
Investigations	18.9	3,500
Total	106.2	\$19,728

Fees taken to date amount to \$1,810. Further fees may be taken when realisations are available. 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 too early to determine whether or not there will be a distribution to unsecured creditors.

8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matter is outstanding:

- Investigation and realisation matters

9 ESTIMATED DATE OF COMPLETION

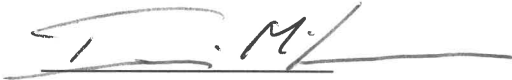
Based on the information contained in this report the liquidators have no estimated date of completion of this liquidation.

10 CONTACT DETAILS

The Liquidators can be contacted at:

McDonald Vague Limited
Level 10, 33 Federal Street, Auckland 1010

P O Box 6092, Victoria Street West, Auckland 1142



IAIN MCLENNAN
LIQUIDATOR

DATED this 6th day of August 2020

Realisations and Distributions

CM Contracting Limited (In Liquidation) 17 December 2019 to 16 June 2020

Realisations	As Per Statement of Affairs \$	Cash Received \$
Bank Account Closure	Unknown	-
Cash on Hand	-	-
Debtors	-	-
Interest	-	-
Sale of Assets and Inventory	Unknown	-
Pre liquidation GST refund	-	4,165
Total Realisations	\$Unknown	\$4,165
Payments		
Liquidators Fees		
Liquidators Fees		1,810
Disbursements		-
Total Liquidators Fees		\$1,810
Other Costs of Liquidation		
Residents Withholding Tax on Interest		-
Total Costs of Liquidation		\$NIL
Distributions		
Secured Creditor		-
Preferential GST and PAYE		-
Preferential Applicant Creditors		-
Total Distributions to Unsecured Creditors		\$NIL
Total Payments		\$1,810
BALANCE HELD		\$2,355

Note: the above figures are GST exclusive

CM Contracting Limited (In Liquidation)

Amended Schedule of Creditors' Names and Addresses for Second Report

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

Creditor Names	Address 1	Address 2	Address 3
Accident Compensation Corporation	P O Box 3248		WELLINGTON 6140
Atlas International Freight Limited	P O Box 113 010		AUCKLAND 1149
BOQ Equipment Finance Limited	Level 1, Building 3, 331 Rosedale Road	Albany	AUCKLAND
Bracken Enterprises Limited	156 Te Wera Road	RD1	MATAWAI 4075
Cardlink Systems Limited	Private Bag 99 918	Newmarket	AUCKLAND 1149
Crest Showers	5 Stonehill Drive	Wiri	AUCKLAND 2104
Formula Four Investments Limited	217 Manukau Road		PUKEKOHE 2120
Futuris NZ	3 Otley Street	Christchurch Central	CHRISTCHURCH 8013
Heartland Bank Limited	75 Riccarton Road	Riccarton	CHRISTCHURCH 8011
Inland Revenue Department	P O Box 39 010	Wellington Mail Centre	LOWER HUTT 5045
Jones Doors	P O Box 4	Takanini	AUCKLAND 2245
Nova Energy Limited	P O Box 104029	Lincoln North	AUCKLAND 0654
NZ Deer Group Limited	C/- Auckland Property Management Ltd		
Oxford Finance Limited	Level 8, 34 Shortland Street	Auckland Central	AUCKLAND 1010
Relief Transport Limited	P O Box 72 485	Papakura	AUCKLAND 2244
The Design Store	393 Mt Wellington Highway	Mt Wellington	AUCKLAND 1060
Tile Deals	1 / 43 Cavendish Drive	Manukau	AUCKLAND 2104
Tyremax LP	PO Box 1590		INVERCARGILL 9840
UDC Finance Limited	PO Box 91145	Victoria Street West	AUCKLAND 1142