



McDonald  
Vague

business recovery partners

**Footsteps Trustee Company Limited  
(In Liquidation)**

**Liquidators' Fifth Report  
for the period from 10 September 2018  
to 9 March 2019**

McDonald Vague Limited  
Level 10, 52 Swanson Street,  
Auckland Central

PO Box 6092, Wellesley Street,  
Auckland 1141, New Zealand

p: 09 303 0506  
f: 09 303 0508  
e: [insol@mvp.co.nz](mailto:insol@mvp.co.nz)

[www.mvp.co.nz](http://www.mvp.co.nz)

## 1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Peri M Finnigan, CAANZ Accredited Insolvency Practitioners, of Auckland, were appointed jointly and severally as liquidators of Footsteps Trustee Company Limited ("the company") on 10 March 2017 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 fifth 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 **not** attached as there have been no realisations or distributions in the liquidation.

## 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

As advised in the liquidator's previous report, Statutory Demands were served on Tal 41 limited and LSF Trustee Limited on 27 June 2017. They both filed applications in the High Court to have the demands set aside.

Following the hearing of the applications on 8 November 2017, Associate Judge Bell made orders setting aside the two statutory demands.

The liquidators are in discussions with their legal advisors and the creditors in relation to further action.

Tal 41 Limited was placed into liquidation by the shareholder on 22 January 2018 with John Gilbert appointed as liquidator. That liquidation is continuing.

#### **4 INVESTIGATIONS**

The liquidators are continuing their investigations into the books, records and affairs of the company.

#### **5 CREDITORS' CLAIMS**

##### **5.1 *Preferential Creditors***

Preferential claims have been received from the applicant creditor and the supporting creditor for their Court awarded costs of \$5,266 and \$1,338 respectively. A further preferential claim of \$471, relating to a solicitors' lien on documents, has also been received.

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

##### **5.2 *Unsecured Creditors***

As at the date of preparing this report, three unsecured creditors claim forms have been received totalling \$336,681. 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 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 matters are outstanding:

- A decision on further action in relation to the transfer of properties;
- The outcome of the liquidation of TAL 41 Limited (In Liquidation);
- Completion of the investigations.

## 9 ESTIMATED DATE OF COMPLETION

Based on the information contained in this report the liquidators are unable to estimate when the liquidation will be completed.

## 10 CONTACT DETAILS

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

The Liquidators can be contacted at:

McDonald Vague Limited  
Level 10, 52 Swanson Street, Auckland 1010

P O Box 6092, Wellesley Street, Auckland 1141

  
PERI M FINNIGAN  
LIQUIDATOR

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