



McDonald
Vague

business recovery partners

Fowler Enterprises Limited (In Liquidation)

Liquidators' First Report

McDonald Vague Limited

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Auckland Central

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1 INTRODUCTION AND APPOINTMENT

Fowler Enterprises Limited ("the company") was placed into liquidation by the High Court at Auckland pursuant to Section 241(2)(c) of the Companies Act 1993 ("the Act") on 10 November 2017 at 10:05 a.m. on the application of Body Corporate 206697. Iain McLennan and Colin Roger Sanderson, CAANZ Accredited 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 ATTACHMENTS

The following documents are attached to this report:

- Appendix 1: Statement of Affairs setting out the company's estimated financial position
- Appendix 2: Schedule of company creditors' names and addresses
- Appendix 3: Notice of Liquidators' decision to dispense with meeting of creditors
- Appendix 4: Notice to creditors to prove debts or claims
- Appendix 5: Creditors claim form

4 COMPANY STRUCTURE AND BACKGROUND

Date of incorporation:	12 March 2004
Company number:	1492771
Nature of business:	Residential Property Rental

Share capital:	100 Shares
Shareholder:	Brent Carl Fowler
Director:	Brent Carl Fowler

The company is the owner of three rental properties in Mount Eden and Avondale in Auckland and in Waiuku. The property in Mount Eden has weather tightness issues and is unoccupied. The Body Corporate has levied the company for the cost of repairs to the property. Part of those levies have not been paid.

The company was liquidated on the application of the Body Corporate in relation to unpaid levies of \$52,346, which were levied as part of the funding for recladding the property.

5 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.

6 ASSETS AND PROPOSALS FOR CONDUCTING THE LIQUIDATION

As advised in the background information above, the company owns three properties.

- The property at Avondale is currently tenanted;
- The property at Waiuku is currently untenanted as the last tenant had moved out prior to the commencement of the liquidation; and
- The property at Mt Eden has weather-tightness issues and is not tenanted.

Marketing of the property at Waiuku has been commenced and steps will be taken to sell the Avondale property in due course.

Based on the available information, it appears that all creditors should be paid, in full, from the proceeds of the sales of the Waiuku and Avondale properties. Accordingly, no decision has been made in regard to the Mt Eden property.

If all creditors are not paid in full, 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,
- 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.

7 LIABILITIES AND CREDITOR CLAIMS

A schedule of known creditors and their addresses is provided at Appendix 2, as required by Section 255(2)(c) of the Act.

A notice to creditors to prove debts or claims is provided at Appendix 4. Also provided is a creditor's claim form at Appendix 5 for completion and return to this office by Monday, 18 December 2017.

Creditors that have not made a claim by the date on the notice may be excluded from any distribution made. If you believe that you are a secured creditor, please contact us and the appropriate form will be sent to you.

7.1 Secured Creditors

As at the date of liquidation there are no secured parties that have registered security interests against the company on the Personal Property Securities Register.

Two of the properties owned by the company are subject to mortgages in favour of Westpac New Zealand Limited. The amount owed to Westpac, as at the date of liquidation, is \$628,714.

7.2 Preferential Creditors

The applicant creditor's preferential claim for the Court awarded costs of the application amounts to approximately \$3,500.

The Inland Revenue Department has advised that they have no preferential claim in the liquidation.

7.3 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 \$113,637.

8 CREDITORS' MEETING / LIQUIDATION COMMITTEE

A notice of the Liquidators' decision to dispense with the meeting of creditors is provided at Appendix 3.

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.

9 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 www.mvp.co.nz

10 ESTIMATED DATE OF COMPLETION

The Liquidators believe the liquidation may be concluded within six months

11 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



IAIN McLENNAN
LIQUIDATOR

DATED this 4th day of December 2017

Fowler Enterprises Limited (In Liquidation) Statement of Affairs

Statement of Affairs for the above named company as at 10 November 2017 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.

ASSETS SPECIFICALLY PLEDGED	<i>Estimated to Realise</i>	<i>Due to Secured Creditor</i>	<i>Deficiency Ranking as Unsecured</i>	<i>Surplus</i>
<i>No securities are registered on the Personal Property Securities Register</i>				
ASSETS AVAILABLE FOR PREFERENTIAL CREDITORS				
			<i>Book Value</i>	<i>Estimated to Realise</i>
Bank account balances			876	876
Property 87/32 Edwin Street, Mt Eden Auckland (See note 3 below)			300,000	No estimate made
Total			\$300,876	\$876
<i>Less preferential creditors</i>				
Applicant creditor				3,500
Total				\$3,500
<i>Estimated deficiency as regards preferential creditors</i>				(\$2,624)
ASSETS AVAILABLE FOR MORTGAGEE				
			<i>Book Value</i>	<i>Estimated to Realise</i>
Property 17 Hamilton Drive Waiuku (See note 4 below)				410,000
Property 6 Kenley Place Avondale (See note 4 below)				820,000
Total			\$ -	\$1,230,000
LESS MORTGAGEE				
Westpac New Zealand Limited - 1st Mortgagee				628,714
Total				\$628,714
<i>Estimated surplus as regards General Security Agreement holders</i>				\$601,286
Less deficiency as regards preferential creditors				2,624
Estimated Surplus				\$598,662
AVAILABLE FOR UNSECURED CREDITORS				\$598,662
LESS UNSECURED CREDITORS				
Auckland Council - Rates				5,752
Body Corp				107,685
Inland Revenue Department				200
<i>Estimated surplus as regards unsecured creditors</i>				\$485,025

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. The value shown is the current capital value but the property has weather tightness issues and realisable value is not known.
4. The realisable value does not include any allowance for rates allocation or commission & legal costs incurred in the sale process.
5. Interest continues to accrue on the amounts owed to the mortgagee.

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.

**Appendix 2****Fowler Enterprises Limited (In Liquidation)
Schedule of Creditors' Names and Addresses**

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	
Auckland Council Rates Collection	Private Bag 92 300	AUCKLAND 1142	
Body Corp 206697	P O Box 74 054	Greenlane	AUCKLAND 1546
Inland Revenue Department	P O Box 39 010	Wellington Mail Centre	LOWER HUTT 5045
RPL Accountants Limited	P O Box 26 314	Epsom	AUCKLAND 1344
Westpac Bank Limited	P O Box 934	Shortland Street	AUCKLAND 1140

Appendix 3

Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of Fowler Enterprises 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 (07) 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.



IAIN McLENNAN
LIQUIDATOR

DATED this 4th day of December 2017

Appendix 4

IN THE MATTER of The Companies Act 1993

and

IN THE MATTER of Fowler Enterprises Limited (In Liquidation)

Notice to Creditors to Prove Debts or Claims

Notice is given that the liquidator of Fowler Enterprises Limited (In Liquidation) (“the company”), fix Monday, 18 December 2017, 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.



IAIN McLENNAN
LIQUIDATOR

DATED this 4th day of December 2017

ADDRESS OF LIQUIDATOR

McDonald Vague Limited
Level 10, 52 Swanson Street
AUCKLAND 1010

PO Box 6092
Wellesley Street
AUCKLAND 1141

Telephone: (09) 303 0506
Facsimile: (09) 303 0508
Website: www.mvp.co.nz

DATE OF LIQUIDATION: 10 November 2017



The Insolvency & Business Recovery Specialists

McDONALD VAGUE LIMITED

PO Box 6092, Wellesley St, Auckland 1141, New Zealand.
Telephone 0-9-303 0506, Facsimile 0-9-303 0508

Particulars of Claim

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 \$20,340 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: \$ _____