



McDonald
Vague

business recovery partners

Hayfield SHA Limited (In Liquidation)

Liquidators' Fifth Report for the period from 5 October 2020 to 4 April 2021

McDonald Vague Limited
Level 10, 33 Federal Street
Auckland Central

PO Box 6092
Victoria Street West
Auckland 1142
New Zealand

p: 09 303 0506
f: 09 303 0508

e: insol@mvp.co.nz
www.mvp.co.nz

1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Peri Micaela Finnigan, Licensed Insolvency Practitioners, of Auckland, were appointed jointly and severally as liquidators of Hayfield SHA Limited ("the company") on 5 April 2019.

On 4 April 2019, Andrew John McKay and Andrew James Bethell of BDO Auckland, were appointed joint and several receivers and managers of the company pursuant to a General Security Agreement ("GSA") dated 10 December 2018. The receivers retired on 5 July 2019 having paid the appointing creditors in full.

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 **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: \$2,412,028)

Further funds are being sought for amounts that had not been invoiced to various landowners as at the date of receivership and liquidation but there are disputes to resolve.

Realising the assets of the Company relies partly on advancing completion of the project with the landowners. To advance the works the liquidators have agreed to vary the funding arrangements with two landowners who are funding the completion of a significant portion of the remaining project work and as of the date of signing this report \$700,000 has been collected from them

We provide positive solutions for businesses

Member of Insol International
Consultants to the Accounting and Legal Professions

toward the costs of the further works. This sum is not included in the receipts and payments as it was received after of the reporting period ended. A further \$1.332 million is expected in the next week to fund works completion costs, plus \$96,000 toward the pre liquidation creditors from the two landowners agreed to pay in the circumstances.

3.2 Closure of Company Bank Account **(Statement of Affairs: \$22,797)**

No further funds have been received since the last report.

3.3 Cash on Hand – Receiver

No further funds have been received since the last report.

3.4 Retentions on Hand – Receiver

The liquidators received \$174,364 in retentions. Those funds remain held in trust.

3.5 Tax Refund **(Statement of Affairs: \$7,647)**

The liquidators are filing the company income tax return claiming a tax refund of \$7,647.

3.6 Solicitors Trust Account **(Statement of Affairs: \$256,686)**

No further funds have been received since the last report.

3.7 Interest Received

During the course of the liquidation, interest has continued to be earned on funds held.

4 INVESTIGATIONS

The liquidators are currently dealing with a wide range of issues with a view to resolving those matters, with the involvement of landowners, and the major creditors in order to resolve the situation for all creditors, and landowners.

The company director has cooperated as required in the investigations to date.

5 CREDITORS' CLAIMS

5.1 Secured Creditors

Secured creditors debts of approximately \$1,441,890 (incl Interest) have been paid in full by the receivers.

5.2 Preferential Creditors

While no preferential claims have yet been received from the Inland Revenue Department the liquidators are aware that there is an outstanding GST return yet to be filed which will result in a preferential claim in relation to GST of approximately \$92,000.

5.3 Unsecured Creditors

As at the date of preparing this report 18 unsecured creditors claim forms have been received which total \$12.249 million plus on one case interest and costs. The significant increase arises from 5 landowners lodging claims for amounts that are not due contractually or at the date of liquidation. The liquidators will continue to engage with the creditors in relation to accepting or rejecting their claims in the liquidation.

The liquidators recently disclaimed the contract with the pre liquidation contractor as onerous.

6 LIQUIDATORS' FEES

Liquidators' fees paid to the date of this report are \$305,663 excluding GST. The fees are based on 861 hours of work undertaken as follows:

Work Category	Hours	\$
Commencement, dealing with receivers	96	26,835
Creditors' claims, enquiries and Statutory reports	377	144,785
Landowners' claims, collections and dealings	348	124,178
Taxation and GST	40	9,865
Total billed Time and Costs	861	\$305,663

7 FUNDS / LIKELY OUTCOME

It remains likely that there will be a distribution to unsecured creditors.

8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Remaining funding /works resolution to assist with collection for creditors
- Collection of outstanding amounts from landowners
- Accepting or rejecting creditor claims
- Distribution
- Completion of liquidation

9 ESTIMATED DATE OF COMPLETION

Based on the information contained in this report the liquidators presently propose to complete all outstanding matters with a view to retiring as liquidators within the next year.

10 CONTACT DETAILS

Enquiries should be directed to the writer on DDI (09) 306 3342 or by email to bvandelden@mvp.co.nz.
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



BORIS VAN DELDEN
LIQUIDATOR

DATED this 04th day of May 2021

Realisations and Distributions

Hayfield SHA Limited (In Receivership & In Liquidation) 5 April 2019 to 4 April 2021

Realisations	As Per Statement of Affairs \$	Cash Received \$
Cash on Hand – Receiver		611,969
Retentions on Hand		174,364
Ellis Gould Trust Account	256,686	241,629
Debtors - Receiver	2,412,028	899,323
ANZ Bank	22,797	22,757
Debtors – Liquidator	(see above)	261,901
Interest Received	-	4,976
Interest Received – Landowners	-	52,148
Total Realisations	\$2,699,158	\$2,269,067
Payments		
Receivers and Liquidators Fees		
Receivers Fees		39,828
Receivers and liquidators Legal Fees		98,786
Liquidators Fees		305,663
Disbursements		596
Total Liquidators Fees		\$444,873
Other Costs of Liquidation		
Candor3 Costs		3,328
H & G Costs		89,975
Building Disputes Tribunal		107,451
Fence Site Rental		2,278
Residents Withholding Tax on Interest		659
Total Other Costs of Liquidation		\$203,691
Distributions		
Secured Creditor		1,348,839
Secured Creditor – Interest Paid		93,041
Preferential GST and PAYE		150
Total Distributions to Secured Creditor		\$1,442,030
Total Payments		\$2,090,593
General Funds in Trust Account		4,110
Retentions Held in Trust		174,364
Total funds Held		\$178,474

Note: the above figures are GST exclusive