



McDonald
Vague

business recovery partners

**HMLT Limited
(In Liquidation)
Trading as: Agenda Restaurant**

Liquidators' First Report

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

www.mvp.co.nz

TO: The directors, shareholders, and known creditors of the company

1 INTRODUCTION AND APPOINTMENT

HMLT Limited ("the company") was placed into liquidation by a special resolution of the shareholders pursuant to Section 241(2)(a) of the Companies Act 1993 ("the Act") on 23 October 2019 at 11:35 a.m. Colin Sanderson and Peri Micaela Finnigan, RITANZ 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 INDEPENDENCE

A declaration of independence is attached at Appendix 2. As far as we are aware there are no conflicts real, perceived, or risks of independence.

4 ATTACHMENTS

The following documents are attached to this report:

- Appendix 1: Statement of Affairs setting out the company's estimated financial position
- Appendix 2: Declaration of independence / relationships / indemnities and upfront payments
- Appendix 3: Schedule of company creditors' names and addresses
- Appendix 4: Notice of Liquidators' decision to dispense with meeting of creditors
- Appendix 5: Notice to creditors to prove debts or claims
- Appendix 6: Creditors claim form

5 COMPANY STRUCTURE AND BACKGROUND

Date of incorporation:	31 March 2009
Company number:	2225649
Date ceased trading:	20 October 2019
Nature of business:	Restaurant
Trading address:	237 Victoria Street, Hamilton
Trading name:	Agenda Restaurant
Share capital:	2,000 Shares
Shareholders:	Logan Troy Hughes Heidi Myra Jordan
Directors:	Logan Troy Hughes Heidi Myra Jordan

The company operated Agenda Restaurant at 237 Victoria Street Hamilton for about four years. The company previously traded at a different Hamilton location for about six years. The directors have advised that the company failure came about because of the downturn in the central business district, higher wage costs and a lack of turnover. Attempts were made to sell the business, without success. The shareholders introduced funds to support the company but were unable to continue doing this and the liquidators were appointed.

6 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.

7 ASSETS AND PROPOSALS FOR CONDUCTING THE LIQUIDATION

We will realise all available assets. If any creditor is interested in or knows of any other party who may be interested in purchasing any of the assets, please advise us urgently. Certain information in relation to the estimated realisable value of the company's assets has been withheld so as not to prejudice any sale negotiations.

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.

8 LIABILITIES AND CREDITOR CLAIMS

A schedule of known creditors and their addresses is provided at Appendix 3, as required by Section 255(2)(c) of the Act.

A notice to creditors to prove debts or claims is provided at Appendix 5. Also provided is a creditor's claim form at Appendix 5 for completion and return to this office by Friday, 29 November 2019. 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.

8.1 *Secured Creditors*

As at the date of liquidation eight secured parties had registered security interests against the company on the Personal Property Securities Register.

- **Lion NZ Limited**
- **BOC Limited**
- **Hancocks Wine Spirit & Beer Merchants Limited** (Hancocks have since discharged their financing statement and confirmed there is no debt)
- **Lion Liquor Retail** (Lion Liquor Retail have since discharged their financing statement and confirmed there is no debt)
- **Eurovintage Limited** (Eurovintage have since discharged their financing statement and confirmed there is no debt)
- **Flexirent Capital Limited** (Flexirent have since discharged their financing statement and confirmed there is no debt)
- **Gaults Limited** (Gaults have since discharged their financing statement and confirmed there is no debt)
- **Mineral Limited** (Mineral have since confirmed that there is no debt and will discharge their financing statement)

Personal Property Securities Act / Reservation of Title

If any creditor believes that they hold a Purchase Money Security Interest entitling them to any goods or proceeds from realisation of goods, they should contact us immediately.

If any creditor believes that they have a Reservation of Title over goods and they have not perfected their interest, they should also contact us immediately.

8.2 *Preferential Creditors*

We estimate that there is approximately \$4,474 owing to former employees for wages, holiday pay.

The Inland Revenue Department has not yet provided us with a creditor's claim form but we understand that there are amounts due in respect of GST, PAYE and other payroll deductions of approximately \$30,804.

8.3 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 \$17,476. This includes an amount of approximately \$1,475 owed to holders of gift cards.

9 CREDITORS' MEETING / LIQUIDATION COMMITTEE

A notice of the Liquidators' decision to dispense with the meeting of creditors is provided at Appendix 4.

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.

10 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

11 ESTIMATED DATE OF COMPLETION

It is currently too early to estimate a date of completion for the liquidation.

12 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 30th day of October 2019

Appendix 1

HMLT Limited (In Liquidation) T/AS Agenda Restaurant Statement of Affairs

Statement of Affairs for the above named company as at 23 October 2019 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.

ASSETS SPECIFICALLY PLEDGED

No specific securities are registered on the Personal Property Securities Register

ASSETS AVAILABLE FOR PREFERENTIAL CREDITORS

	<i>Book</i>	<i>Estimated</i>
	<i>Value</i>	<i>to Realise</i>
Bank account balances	1,001	1,001
Plant & Equipment (See note 5 below)	34,445	Withheld
Building fitout (See note 5 below)	37,557	Withheld
Total	\$73,003	\$1,001

LESS PREFERENTIAL CREDITORS

Employees		4,474
Inland Revenue Department		30,804
Total		\$35,278

Estimated deficiency as regards preferential creditors

(\$34,277)

LESS UNSECURED CREDITORS

Estimated deficiency as regards preferential creditors		34,277
Trade creditors		16,001
Gift card holders		1,475
<i>Estimated (deficiency) as regards unsecured creditors</i>		(\$51,753)

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. Assets held may be subject to Purchase Money Security Interest ("PMSI") or Reservation of Title claims.
4. There is a contingent liability in respect of the lease of the premises.
5. The book value quoted is as at 31 March 2018. Estimated realisable values are withheld so as not to prejudice sale negotiations.

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.

HMLT Limited (In Liquidation)

Declaration of Independence / Relationships / Indemnities and Upfront Payments

A DECLARATION OF INDEPENDENCE

- (i) The appointed and McDonald Vague Limited have undertaken a proper assessment of the risks of independence prior to accepting appointment in accordance with the law code of conduct and applicable professional standards and have concluded that they have no prior business or professional relationship with the insolvent that is a real or potential risk and that they are independent.

B DECLARATION OF RELATIONSHIPS

- (ii) The appointed and McDonald Vague Limited have no prior business or professional or personal relationship with known associates of the insolvent or the major secured creditors that are a real or potential risk.
- (iii) The appointed disclose there are no other relevant relationships to declare.
- (iv) The appointed and McDonald Vague Limited have not provided any prior professional services to the insolvent or known associates of the insolvent in the prior two years.

C DECLARATION OF INDEMNITIES AND UPFRONT PAYMENTS

- (v) An indemnity has been provided by the shareholders for up to \$5,000 plus GST to cover initial remuneration and expenses associated with the appointment. There is no condition on the conduct or outcome of the liquidation attached to the provision of the indemnity.



PERI M FINNIGAN
LIQUIDATOR

DATED this 30th day of October 2019



HMLT Limited (In Liquidation) Schedule of Creditors' Names and Addresses

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

Employee Names

Aimee Pattison
Angel Shannon
Ashley Baldock
Diana Ocoma
Elena Saunders
Elena Schouten
Jack Imray
Piper Zimmerman
Samuel Pema
Tayla Robinson

Gift Card Holders

Brendon O'Reilly
Gallie Miles
Jordan Sullivan
Margaret Gray
Mark Ryan
Matthew Heaphy
Stephen Steiner
Tasha McAllister
Tashya Viknesh
Tracey Flanagan



Appendix 3

Creditor Names	Address 1	Address 2	Address 3
Accident Compensation Corporation	P O Box 3248	WELLINGTON 6140	
ASB Bank	P O Box 9 0649	AUCKLAND 1142	
Bidvest	Level 1/1 Marewa Road	Greenlane	AUCKLAND 1051
BOC Limited	P O Box 11 161	Sockburn	CHRISTCHURCH
Coca Cola Amatil (N.Z) Limited	Private Bag 14 916	Panmure	AUCKLAND 1741
Food Chain	7 Kaimiro Street	Pukete	HAMILTON
Fusion Coffee	141 Totara Street	Mount Maunganui	TAURANGA 3116
Genesis Energy Limited	Private Bag 3131	HAMILTON	
Hamilton City Council	Private Bag 3010	HAMILTON 3240	
Inland Revenue Department	P O Box 39 010	Wellington Mail Centre	LOWER HUTT 5045
Lion NZ Limited	P O Box 23	Shortland Street	Auckland
Magills	81 Jacob Street	Te Awamutu	
Mellow Business Group	P O Box 1225	HAMILTON3240	
Merchant Services	Private Bag 92503	Wellesley Street	AUCKLAND 1141
Red & White Wines	P O Box 1316	Shortland Street	AUCKLAND 1140
Smart Climate Solutions	P O Box 5005	Frankton	HAMILTON 3242
Spark NZ Trading Limited	P O Box 1473	CHRISTCHURCH 8140	
Streamline Environmental & Drainage	P O Box 10 058	Te Rapa	HAMILTON 3241
VR Hamilton Limited	C/- Amazonia Limited	Flat 1, 822 Manukau Road	Royal Oak, AUCKLAND 1061
Waikato Cleaning Supplies	25 King Street	Frankton	HAMILTON

Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of HMLT 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.



PERI M FINNIGAN
LIQUIDATOR

DATED this 30th day of October 2019

Appendix 5

IN THE MATTER of The Companies Act 1993

and

IN THE MATTER of HMLT Limited (In Liquidation)
 Trading as: Agenda Restaurant

Notice to Creditors to Prove Debts or Claims

Notice is given that the liquidator of HMLT Limited (In Liquidation) ("the company"), fix Friday, 29 November 2019, 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.


PERI M FINNIGAN
LIQUIDATOR

DATED this 30th day of October 2019

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: 22 October 2019



McDonald Vague

McDONALD VAGUE LIMITED

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

Unsecured Creditor's Claim

(Also for use by Preferential Creditors)

SECTION 304(1) COMPANIES ACT 1993
(For help see www.mvp.co.nz or email claims@mvp.co.nz)

<p>NAME AND POSTAL ADDRESS OF CREDITOR IN FULL</p> <p>Telephone Numbers: () ()</p> <p>E-Mail</p> <p>My Reference is: (if applicable)</p>	<p>* Any personal information collected is for the purpose of administering the liquidation in accordance with the Companies Act 1993.</p> <p>The information will be used and retained by the liquidators and McDonald Vague and will be released to other parties only with your authorisation or in compliance with the Privacy Act 1993.</p> <p>Under Section 304(1) of the Companies Act 1993 any claim by an unsecured creditor against a company in liquidation must be in this prescribed form and must –</p> <ul style="list-style-type: none">(a) Contain full particulars of the claim; and(b) Identify any documents that evidence or substantiate the claim. <p>You may have access to and request correction of any personal information.</p> <p>(*Not applicable, if creditor is not an individual within the meaning of the Privacy Act 1993.)</p>
---	---

NAME OF COMPANY IN LIQUIDATION: _____ (IN LIQUIDATION)

(If claim is made on behalf of creditor, specify relationship to creditor and authority)
claim that the company was at the date it was put into liquidation indebted to the abovenamed creditor for the sum of (Amount in words): _____

STATUS OF CLAIM:

1. I am an unsecured creditor for (Also applicable to secured creditors who hereby surrender their security) \$ _____
2. I am a preferential creditor for (Refer details on reverse) \$ _____
3. My total claim is for Other Currency NZ \$ _____
4. I have claimed retention/reservation of title rights pursuant to rights held by me Tick if Applicable
Note: If you are a secured creditor contact this office and a Secured Creditors Claim Form will be sent to you. (Refer details on reverse)

Full particulars of the claim are set out, and any supporting documents that substantiate the claim, are identified on the reverse of this form.
(The liquidator may require the production of a document under Section 304(2) of the Companies Act 1993. You are **not required to attach any supporting documents** at this stage, but you may attach them now, if you think it would expedite the processing of the claim.)

SIGNED: _____ Date: ____ / ____ / ____

WARNING — It is an offence under Section 304(6) of the Companies Act 1993 to –
Make or authorise the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or
Omit, or authorise the omission from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular.

<p>Received (Date Stamp)</p>	RESERVED FOR OFFICE USE:	
	Claim admitted/rejected for voting purposes: (Delete one)	Signed: _____ Date: ____ / ____ / ____
	<u>CLAIM REJECTED FOR PAYMENT:</u>	Preferential Claim for: \$ _____ Ordinary Claim for: \$ _____
	or <u>CLAIM ADMITTED FOR PAYMENT:</u>	Preferential Claim for: \$ _____ Ordinary Claim for: \$ _____
	Signed Liquidator: _____	Date: ____ / ____ / ____

Note: If the decision to admit or reject a claim is amended, regulation 8 of the Companies Act 1993 Liquidation Regulations 1994 requires that it be recorded in writing.





McDONALD VAGUE LIMITED

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

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 \$23,160 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: \$ _____