



Kauai Enterprises (1997) Limited (In Liquidation)

Liquidators' First Report

McDonald Vague Limited

Level 10, 52 Swanson Street,
Auckland Central

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

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1 INTRODUCTION AND APPOINTMENT

Kauai Enterprises (1997) Limited ("the company") was placed into liquidation by a special resolution of the sole shareholder pursuant to Section 241(2)(a) of the Companies Act 1993 ("the Act") on 23 June 2017. Peri Micaela Finnigan and Boris van Delden, 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, revise this report in respect of any information existing at the date of this report which becomes known to us after that date.

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:	6 March 1997
Company number:	847739
Date ceased trading:	23 June 2017

Nature of business:	Laundromat
Trading address:	Te Atatu and Manukau
Share capital:	1,000 Shares
Shareholder:	Alan Rutherford Johnson
Director:	Alan Rutherford Johnson

The company has a disputed debt that leads to debts exceeding assets. In order to avoid trading insolvently the company has been placed in liquidation and it is planned the business will be restructured and the two laundrettes sold.

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

We will realise all available assets.

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

7.1 Secured Creditors

As at the date of liquidation four secured parties had registered security interests against the company on the Personal Property Securities Register. The GSA Holders are:

- ANZ Bank New Zealand Limited
- BMW Finance
- Key Trust
- Leonora Johnson

Personal Property Securities Act / Reservation of Title

Should any creditor believe that they are entitled to any goods, or proceeds from realisation of goods, due to holding a Purchase Money Security Interest, 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.

7.2 Preferential Creditors

There are no unpaid wages, holiday pay or redundancy pay owing to former employees.

The Inland Revenue Department has not yet provided us with a creditor's claim form but we understand that there may be amounts due in respect of current GST for approximately \$3,000.

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 \$130,000. 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 included at Appendix 4. Also enclosed is a creditor's claim form for completion and return to this office by Friday, 11 August 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.

8 CREDITORS' MEETING / LIQUIDATION COMMITTEE

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

Pursuant to Section 314 of the Companies Act 1993, creditors are advised that at any time in the course of the liquidation the Liquidator shall, at the request in writing of any creditor or shareholder, call a meeting for the purpose of appointing a liquidation committee.

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 the Liquidators are more able to act on written information.

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 the attached creditor 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



BORIS VAN DELDEN
LIQUIDATOR

DATED this 26th day of June 2017

Kauai Enterprises (1997) Limited (In Liquidation) Statement of Affairs

Statement of Affairs for the above named company as at 23 June 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>Personal Property Securities Register</i>				
Leonora Johnson	\$134,759	\$134,759	\$ -	\$ -
Key Trust	\$215,467	\$230,000	(\$14,533)	\$ -
BMW Finance	\$15,000	\$15,000	\$ -	\$ -
<i>Estimated surplus / (deficiency) as regards specifically pledged assets</i>	\$365,226	\$379,759	(\$14,533)	\$ -

ASSETS AVAILABLE FOR PREFERENTIAL CREDITORS	<i>Book Value</i>	<i>Estimated to Realise</i>
Accounts receivable	\$ -	\$ -
Bank account balances	\$60	\$60
Inventory	\$700	\$700
Total	\$760	\$760
 <i>Less preferential creditors</i>		
Employees		Nil
Inland Revenue Department		
Total		-
<i>Estimated surplus as regards preferential creditors</i>		\$760

ASSETS AVAILABLE FOR GENERAL SECURITY AGREEMENT HOLDER/S	<i>Estimated to Realise</i>
Estimated surplus from assets specifically pledged	\$ -
Estimated surplus as regards preferential creditors	\$760
Laundrette Assets - Two Locations	\$350,000
Total	\$350,760

LESS GENERAL SECURITY AGREEMENT HOLDER/S	
Creditor 1 - first ranking General Security Agreement holder	\$134,759
Creditor 2 - second ranking General Security Agreement holder	\$230,000
Total	\$364,759
<i>Estimated deficiency as regards General Security Agreement holders</i>	(\$13,999)

AVAILABLE FOR UNSECURED CREDITORS **\$760**

LESS UNSECURED CREDITORS	
Estimated deficiency as regards Secured Creditors	\$14,533
Estimated deficiency as regards General Security Agreement holders	\$13,999
Trade creditors	\$135,483
<i>Estimated (deficiency) as regards unsecured creditors</i>	(\$163,255)

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. The General Security Agreement holder's claim will continue to accrue interest until fully paid.

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.

Kauai Enterprises (1997) 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	
ANZ Bank New Zealand Limited	P O Box 2218	AUCKLAND	
BMW Financial Services New Zealand Limited	P O BOX 9510	Newmarket	AUCKLAND
ELS NZ Limited	P O Box 58 780	Botany	AUCKLAND 2163
Inland Revenue Department	P O Box 39 010	Wellington Mail Centre	LOWER HUTT 5045
Lambie Laundromat	Shop 26 / 16 Lambie Drive	Manukau	AUCKLAND 2010
Leonora Faye Johnson	22 Abbotleigh Road	Te Atatu Peninsula	AUCKLAND
Next Payments NZ Limited	5 Campbell Terrace	Petone	WELLINGTON 5012
The Trustee of the Key Trust	P O Box 97 722	Manukau	AUCKLAND
Watercare Services Limited	Private Bag 92 521	Wellesley Street	AUCKLAND 1141

Appendix 3


Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of Kauai Enterprises (1997) Limited (In Liquidation) and the likely result of the liquidation, it is proposed to dispense with a meeting of creditors pursuant to Section 245 of the Companies Act 1993.

We 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.

You are advised that should you desire a creditor's meeting, notice in writing is required within 10 working days of receiving this notice.

At the time of giving notice you must also state the reason you require a meeting so that an agenda can be prepared and advertised and creditors can be given the opportunity to vote on any issue by voting letter.


BORIS VAN DELDEN
LIQUIDATOR

DATED this 26th day of June 2017

Appendix 4

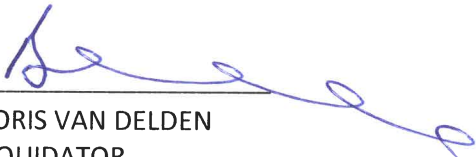
IN THE MATTER of The Companies Act 1993

and

IN THE MATTER of Kauai Enterprises (1997) Limited (In Liquidation)

Notice to Creditors to Prove Debts or Claims

Notice is hereby given that the undersigned, the liquidator of Kauai Enterprises (1997) Limited (In Liquidation) ("the company"), does hereby fix Friday, the 11th day of August 2017, as the day on or before which the company's creditors are to make their claims, and to 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.


BORIS VAN DELDEN
LIQUIDATOR

DATED this 26th day of June 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: 23 June 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: \$ _____