



McDonald
Vague

business recovery partners

Landscaping Direct Limited (In Liquidation)

Liquidators' Fourth Report For the period from 6 April 2022 to 5 October 2022

McDonald Vague Limited
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1 INTRODUCTION AND APPOINTMENT

Peri Micaela Finnigan and Colin Sanderson, Licensed Insolvency Practitioners, of Auckland, were appointed jointly and severally as liquidators of Landscaping Direct Limited (“the company”) on 6 April 2021. Peri Micaela Finnigan resigned from her position as liquidator on 25 June 2022 appointing Boris van Delden, Licensed Insolvency Practitioner IP57, as her successor.

Pursuant to Section 255(2)(d) of the Companies Act 1993 (“the Act”), the liquidators herewith report on the progress of the liquidation. This fourth report should be read in conjunction with the liquidators’ previous report. 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

Legal proceedings against the company by LSD 2017 Limited were heard by way of formal proof in the Rotorua High Court on 3 June 2021. The judgment was delivered on 10 December 2021 with the Judge dismissing the claims made by LSD 2017 Limited. An appeal was filed by LSD 2017 and the appeal was heard on 15 August 2022. The judgment of the Court of Appeal is yet to be received.

Asset Realisations

3.1 Debtors **(Statement of Affairs: \$18,720)**

To date there has been no recovery from debtors.

3.2 Related company debt **(Statement of Affairs: \$Unknown)**

The amount recorded as being owed by the related company, Pumice Central Limited is disputed.

3.3 Inventory **(Statement of Affairs: Unknown)**

There is no market for the scoria by-product and no realisation from this is expected.

3.4 Resource Consent – scoria quarry **(Statement of Affairs: \$Unknown)**

The resource consent is not able to be transferred and has been surrendered.

4 INVESTIGATIONS

Investigations have identified a transaction which formed part of the sale of the company's assets prior to liquidation which is potentially voidable by the liquidators. This investigation is paused pending the result of the appeal against the decision in the formal proof hearing.

5 CREDITORS' CLAIMS

5.1 Secured Creditors

There have been no claims received from secured creditors.

5.2 Preferential Creditors

There have been no claims received from preferential creditors

5.3 Unsecured Creditors

As at the date of preparing this report two unsecured creditors claim forms have been received which total \$6,763. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims until such time as we are in a position to pay a distribution.

In the Statement of Affairs provided with the liquidator's first report, a contingent claim of \$3,500,000 from a judgment creditor was recorded. This related to the proceedings involving LSD 2017 Limited referred to in part 3 above. In the documents filed for the formal proof hearing on 3 June 2021, the amount claimed by LSD 2017 Limited was set at \$729,959.26. As noted above, the decision of the High Court in relation to the claim is subject to an appeal.

6 FUNDS / LIKELY OUTCOME

It is too early to determine whether or not there will be a distribution to unsecured creditors.

7 LIQUIDATORS' FEES

The Company has paid liquidators' fees and disbursements to the end of the reporting period totalling \$5,721 plus GST.

The liquidators' time costings to the cut-off date total \$14,262 plus GST, based on 51.50 hours of work undertaken are detailed as follows:

| Work Category | Hours | \$ |
|--|--------------|-----------------|
| Appointment functions | 15.12 | 3,931 |
| Asset realisations | 3.68 | 1,027 |
| Creditors' claims, enquiries and reports | 6.13 | 1,707 |
| Taxation & Management | 9.6 | 2,150 |
| Investigations | 16.97 | 5,447 |
| Total | 51.50 | \$14,262 |

8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- The result of the appeal by LSD 2017 Limited
- The completion of the investigations of the books and records

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

The Liquidators can be contacted at:

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COLIN SANDERSON
LIQUIDATOR

DATED this 6th day of October 2022

| Realisations and Distributions | 2nd/subsequent | | movement |
|--|----------------------|-------------------|--------------------------|
| | Since initial report | Since last report | |
| Landscaping Direct Limited (In Liquidation) | | | |
| 6 April 2021 to 5 October 2022 | | | |
| | | 05/10/2022 | (last six months) |
| Realisations | | | |
| Advance from Shareholders | | - | - |
| Bank Account Closure | | 153 | 153 |
| Cash on Hand | | - | - |
| Debtors | | - | - |
| Interest | | - | - |
| Sale of Assets | | - | - |
| Pre receivership GST Refund | | 5,668 | 5,668 |
| Total Realisations | | 5,821 | 5,821 |
| Payments | | | |
| Liquidators Fees | | | |
| Liquidators Fees | | 5,570 | 5,473 |
| Disbursements | | 151 | 151 |
| Total Liquidators Fees | | 5,721 | 5,624 |
| Other Costs of Liquidation and Trading On | | | |
| Legal Fees | | - | - |
| Debt Collection Costs | | - | - |
| Wages and PAYE | | - | - |
| Bank Fees | | 100 | 100 |
| Total Costs of Liquidation and Trading On | | 100 | 100 |
| Distributions | | | |
| Secured Creditor | | - | - |
| Preferential Wages and Holiday Pay | | - | - |
| Preferential GST and PAYE | | - | - |
| Dividends to Unsecured Creditors | | - | - |
| Total Distributions to Unsecured Creditors | | - | - |
| Total Payments | | 5,821 | 5,724 |
| BALANCE HELD | | - | 97 |