



McDonald
Vague

business recovery partners

**Landscaping Direct Limited
(In Liquidation)**

**Liquidators' Third Report
For the period from 6 October 2021
to 5 April 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.

Pursuant to Section 255(2)(d) of the Companies Act 1993 (“the Act”), the liquidators herewith report on the progress of the liquidation. This third 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 has been filed by LSD 2017 but no date for the hearing is known at this stage.

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

The liquidators are continuing their investigations into the books, records, and affairs of the company.

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 4 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 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

8 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.

9 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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PERI M FINNIGAN
LIQUIDATOR

DATED this 6th day of April 2022

Realisations and Distributions				
Landscaping Direct Limited (In Liquidation)				
6 April 2021 to 5 April 2022				
				Cash Received
Realisations				
	Bank account closure			153
	Pre liquidation GST refund			5,668
Total Realisations				\$ 5,821
Payments				
Liquidators Fees				
	Liquidators Fees			5,473
	Disbursements			151
Total Liquidators Fees				\$ 5,624
Other Costs of Liquidation and Trading On				
	Bank fees			100
Total Costs of Liquidation and Trading On				\$ 100
Total Payments				\$ 5,724
BALANCE HELD				\$ 97
Note: the above figures are GST exclusive				