



McDonald
Vague

business recovery partners

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MARVEL GRILL NORTH WHARF COMPANY LIMITED (In Liquidation)

Liquidators' Second Report to creditors and shareholders For the period 21 November 2019 to 31 May 2020

1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Peri Micaela Finnigan, CAANZ Accredited Insolvency Practitioners, of Auckland, were appointed jointly and severally as liquidators of Marvel Grill North Wharf Limited ("the company") on 21 November 2019.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This second 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**.

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 Sale of Assets

Assets recovered have been sold by public auction, realising \$1,032.

3.2 Recovery of Funds – Distraint

We recovered funds from a storage company that had sold assets of the company post liquidation.

3.3 Pre-Liquidation GST Refund

A Pre-liquidation GST refund of \$16,500 was received from the Inland Revenue Department.

4 INVESTIGATIONS

Our investigations into the affairs of the company prior to liquidation are ongoing. We have concentrated efforts on obtaining and examining evidence underlying substantial claims against the company's landlord, the pursuit of such claims having been put on hold immediately prior to liquidation. We anticipate pursuing these claims once all evidence has been obtained and audited.

We have recovered records from the company's accountants and various law firms that acted for the company from its inception. We also recovered records from the directors, and third parties who had been involved in the company's affairs. There are further records that we are in the process of recovering.

We have investigated various transactions and commenced proceedings in respect of those which we believe constituted voidable preference. We have also issued demand against the company's debtors, including against related companies which received inter company funds.

5 CREDITORS' CLAIMS

5.1 Secured Creditors

No secured claims have been received.

5.2 Preferential Creditors

The applicant creditor has registered a claim of \$180,785 of which \$17,999 is preferential. The Inland Revenue Department has submitted a claim of \$1,021,388 of which \$700,808 is preferential, being in respect of outstanding GST, PAYE and other payroll taxes. No dividend has been paid to the preferential creditors.

5.3 Unsecured Creditors

Unsecured creditors' claims registered, total \$546,847, including the non-preferential portions of the applicant creditor's and Inland Revenue Department's claims. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims until we are able to make a distribution to creditors.

6 LIQUIDATORS' FEES

Liquidators' fees to the date of this report are \$18,683 and disbursements of \$472. The fees are based on 166.7 hours of work undertaken as follows:

Work Category	Hours	\$
Appointment functions	34.65	3,735
Asset realisations	13.7	1,399
Creditors' claims, enquiries, and reports	11.6	2,098
Management and Reviews	40.2	4,786
Taxation	4.4	655
Investigations	62.2	6,010
Total	166.7	\$18,683

Liquidators' fees in a Court ordered liquidation are to be approved by the Court and if required a retrospective application for fee approval will be made by the liquidators.

Section 284 (1) of the Act provides that an application (with the leave of the Court) may be made by a creditor, shareholder, or director of a company in liquidation to review or fix the remuneration of the liquidators. In circumstances where no application has been made to review or fix the liquidators' remuneration the Court will be less inclined to rigorously examine the fees submitted by the liquidators for subsequent approval.

7 FUNDS / LIKELY OUTCOME

There will be a short fall on the amount due to the preferential creditors. Therefore, at this stage the liquidator does not anticipate paying a distribution to unsecured creditors.

8 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Further recovery, investigation and review of records required for recovery actions.
- Pursuit of recovery actions.
- Distributions to creditors.

9 ESTIMATED DATE OF COMPLETION

It is impracticable at this stage to estimate a date for completion of the liquidation.

10 CONTACT DETAILS

Enquiries should be directed to Dalwyn Whisken by mobile phone 021 210 6903 or by email to dwhisken@mvp.co.nz.

The Liquidators can be contacted at:

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PERI M FINNIGAN
LIQUIDATOR

DATED this 3rd June 2020

Realisations and Distributions

Realisations	Cash Received \$
Cash on hand	Nil
Recovery of funds from distraint	1,743
Sale of Assets	1,039
GST refund recovered	16,500
Total Realisations	\$19,282
Payments	
Liquidators Fees	
Liquidators Fees	18,683
Disbursements	472
Total Liquidators Fees	\$17,996
Other Costs of Liquidation	
Auction Fees	61
Total Costs of Liquidation	\$61
Total Payments	\$19,216
BALANCE HELD	\$66

Note: the above figures are GST exclusive