



McDonald  
Vague

business recovery partners

## MITCHELL CAR COMPANY LIMITED (IN LIQUIDATION)

McDonald Vague Limited

Level 10, 33 Federal Street,  
Auckland Central

PO Box 6092, Victoria Street West,  
Auckland 1142, New Zealand

p: 09 303 0506

f: 09 303 0508

e: [insol@mvp.co.nz](mailto:insol@mvp.co.nz)

[www.mvp.co.nz](http://www.mvp.co.nz)

### Liquidators' First Report

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

#### 1 INTRODUCTION AND APPOINTMENT

Mitchell Car Company Limited (In Liquidation) ("the company") was placed into liquidation by a special resolution of the shareholders of the company pursuant to Section 241(2)(a) of the Companies Act 1993 ("the Act") on 02 March 2021 at 10:15 a.m. Iain McLennan (Licence No: IP82) and Keaton Pronk (Licence No: IP107), Licensed 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. We are not aware of any real or perceived conflicts of interest or risks to our independence.

#### 4 ATTACHMENTS

The following documents are attached to this report:

- Appendix 1: Statement of Affairs
- Appendix 2: Declaration of independence, relationships, indemnities, and upfront payments
- Appendix 3: Schedule of 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:	18 January 2019	
Company number:	7223774	
New Zealand Business Number:	9429047229624	
Date ceased trading:	2 March 2021	
Nature of business:	Motor Vehicle Sales	
Trading address:	38 East Tamaki Road, Papatoetoe, Auckland	
Previous names/Trading name:	Mitchell Car Co	
Share capital:	2 shares	
Shareholders:	Darrin Townend Horsfall	1
	Nancy Ellen King	1
Directors:	Darrin Townend Horsfall and Nancy Ellen King	

The liquidation arose following a downturn in cars sales due to Covid 19.

## 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 PROPOSED ACTIONS IN 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.

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 CALL FOR CREDITOR CLAIMS

The liquidators have compiled a schedule of the company's creditors and their addresses as required by Section 255(2)(c) of the Act, which is at Appendix 3. The schedule has been compiled from company records and information provided to the liquidators at the time of preparing this report. The schedule may not list all of the company's creditors and all of the parties listed on the schedule may not be creditors of the company.

A notice to creditors to prove debts or claims is provided at Appendix 5 and an unsecured creditor's claim form is provided at Appendix 6. If you are an unsecured creditor and you wish to

lodge a claim in the company's liquidation, please complete the unsecured creditor's claim form then return the completed form together with supporting documentation to our offices by 6 April 2021. Creditors that have not made a claim by this date may be excluded from any distribution made.

If you believe that you are a secured creditor, you should not complete the unsecured creditor's claim form. Please contact us and request that a secured creditor's claim form be sent to you.

### **8.1 Secured Creditors**

As at the date of liquidation 1 secured parties had registered security interests against the company on the Personal Property Securities Register.

Blackbird Finance Limited – Security over 6 vehicles

*Personal Property Securities Act / Reservation of Title*

If you have not registered a financing statement on the PPSR and you believe you have:

- a Purchase Money Security Interest entitling them to any goods in the possession or control of the company and/or proceeds from the realisation of those goods; and/or
- a Reservation of Title over goods;

you should contact us immediately.

### **8.2 Preferential Creditors**

We are in the process of determining if there are any 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 are amounts due in respect of GST (default assessments), PAYE and other payroll deductions.

### **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 \$248,000.

## **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 <http://www.mvp.co.nz>

## 11 ESTIMATED DATE OF COMPLETION

It is too soon to provide an estimated date of completion.

## 12 CONTACT DETAILS

Enquiries should be directed to Yvonne Wei on DDI +64 (9) 969 5352 or by email to [ywei@mvp.co.nz](mailto:ywei@mvp.co.nz).

The Liquidators can be contacted at:

McDonald Vague Limited  
Level 10  
33 Federal Street  
Auckland 1010

P O Box 6092  
Victoria Street West  
Auckland 1142



Iain McLennan  
LIQUIDATOR (Licence No: IP82)

Dated this 9<sup>th</sup> day of March 2021

## MITCHELL CAR COMPANY LIMITED (IN LIQUIDATION)

### Statement of Affairs

Statement of Affairs for the above named company as at 2 March 2021 (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>
Blackbird Finance Limited	27,000	20,362	-	6,638
<b><i>Estimated surplus / (deficiency) as regards specifically pledged assets</i></b>	<b><u>\$ 27,000</u></b>	<b><u>\$ 20,362</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 6,638</u></b>
ASSETS AVAILABLE FOR PREFERENTIAL CREDITORS			<i>Book Value</i>	<i>Estimated to Realise</i>
Accounts receivable			10,142	10,000
Bank account balances			N/A	
Inventory			8,000	5,000
Surplus from sale of secured inventory				6,638
Furniture/Fittings/chattels			<u>20,000</u>	<u>2,000</u>
Total			<b><u>38,142</u></b>	<b><u>23,638</u></b>
<b><i>Less preferential creditors</i></b>				
Employees				TBA
Inland Revenue Department	Approx			<u>41,000</u>
Total				<b><u>41,000</u></b>
<b><i>Estimated deficiency as regards preferential creditors</i></b>				
				<b><u>(\$17,362)</u></b>
ASSETS AVAILABLE FOR GENERAL SECURITY AGREEMENT HOLDER/S			<i>Book Value</i>	<i>Estimated to Realise</i>
Estimated surplus from assets specifically pledged				
None known				-
Total			<u>-</u>	<u>-</u>
LESS GENERAL SECURITY AGREEMENT HOLDER/S				
Total				<u>-</u>
<b><i>Estimated deficiency as regards General Security Agreement holders</i></b>				
				<b><u>\$ -</u></b>
<b><i>Less deficiency as regards preferential creditors</i></b>				
<b>Deficiency ranking as unsecured</b>				<b><u>17,362</u></b>
				<b><u>(17,362)</u></b>
AVAILABLE FOR UNSECURED CREDITORS				
				-
LESS UNSECURED CREDITORS				
Estimated deficiency as regards Secured Creditors				-
Estimated deficiency as regards General Security Agreement holders				-
Estimated deficiency as regards preferential creditors				17,362
Trade creditors				230,663
Intercompany advances				
<b><i>Estimated surplus/(deficiency) as regards unsecured creditors</i></b>				<b><u>(\$248,025)</u></b>

**Notes:**

1. There is no unpaid capital liable to be called up.
2. The above estimates are subject to the costs of the liquidation incl GST payable on realisations.
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. [leave in if applicable]
5. There is a contingent liability in respect of the lease of the premises. The above excludes any bond money held by the landlord.

**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.



## MITCHELL CAR COMPANY 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 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 a potential risk and that they are independent.

#### B DECLARATION OF RELATIONSHIPS

The appointed and McDonald Vague Limited have no prior business or professional or personal relationship with known associates of the insolvent or with the major secured creditors that are a real or potential risk.

- (ii) The appointed disclose there are no other relevant relationships to declare.
- (iii) 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

- (iv) There is no indemnity nor upfront payment to cover initial remuneration and expenses associated with the appointment. The funds are held in a Trust account and will be drawn on as work is produced and expenses incurred. There is no condition on the conduct or outcome of the liquidation attached to the provision of these funds.



Iain McLennan  
LIQUIDATOR

Dated this 9<sup>th</sup> day of March 2021

## MITCHELL CAR COMPANY LIMITED (IN LIQUIDATION)

### Schedule of Creditors' Names and Addresses

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

<b>Creditor Name</b>	<b>Address 1</b>	<b>Address 2</b>	<b>Address 3</b>	<b>Postcode</b>
Alarm & Camera Warehouse Limited	26 Cunningham Place	Halswell	Christchurch	8025
AL-QAEM Auto Parts Limited	Flat 2, 116 Henderson Valley Road	Henderson	Waitakere	612
ARB Auto Repairs Limited	8/20 Weka Street	Otahuhu	Auckland	1062
Ashraf Family Trust				
Auckland Mobile Auto Electrical Limited	20 Mccahill Views	Botany Downs	Auckland	2010
Auto Mobile Services Limited	26b East Tamaki Road	Papatoetoe	Auckland	2025
Autobiz Panel & Paint Limited	18A Joval Place	Wiri	Auckland	2104
B Mates [SA] Towing	10 Barcroft Place	Clendon Park	Auckland	2103
Bachn Vehicle Deliveries Limited	44 Bowker Road	RD 4	Pukekohe	2679
Bentleys Chartered Accountants Limited				
Blackbird Finance	PO Box 37824	Parnell	Auckland	1151
Blade-conspire International Group			Auckland CBD	1010
Brett Payne Automotive			Auckland	
Chubb United Technologies				
Don's Automotive & Tyre Centre	174 Kolmar Road	Papatoetoe	Auckland	2025
Final Touch	6 Saturn Place	Rosedale	Auckland	
Horizon Finance Limited				
Inland Revenue Dept				
M J Breen Panelbeaters Limited	17 East Tamaki Road	Papatoetoe	Auckland	2025
Manukau Auto Valet	605B Great South Road	Manukau	Auckland	2104
Meridian Energy Limited	33 Customhouse Quay	Wellington Central	Wellington	6011
Microsoft Office Suite				
MYOB - Ace Payroll	PO Box 2864	Christchurch	Christchurch	8140
Neat Clean Services Limited	763 Great South Road	Papatoetoe	Auckland	

### Appendix 3

Nz Copier Systems Limited	PO Box 97643	Manukau City	Auckland	2241
Pacer Car Clean Products Nz Limited				
Paymark Limited	Level 2 162 Victoria Street West		Auckland	1010
Quality Batteries Limited	55 Apirana Avenue	Glen Innes	Auckland	1072
Quest Insurance			Auckland	
Quest MBI Insurance			Auckland	
Quinn Group Limited Recruitment	PO Box 3033	Shortland Street	Auckland	1140
Spark NZ				
SR Auto Electrical Limited	3/35 Saleyards Road	Otahuhu	Auckland	1062
Super Cheap Tyres & Auto Limited	Unit 4	586 Great South Road	Auckland	2025
The Dentman	PO Box 38911	Howick	Auckland	2145
Trade Me Motors				
VVS Auto & Mechanical Limited	3171b Great North Road	New Lynn	Auckland	600
Waste Management Collections Limited	PO Box 204253	Highbrook	Auckland	2161




## Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of Mitchell Car Company 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 Iain McLennan of this office on DDI +64 (9) 303-0506 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.



Iain McLennan  
LIQUIDATOR

Dated this 9<sup>th</sup> day of March 2021

IN THE MATTER of                    The Companies Act 1993

and

IN THE MATTER of                    Mitchell Car Company Limited (In Liquidation)

### Notice to Creditors to Prove Debts or Claims

Notice is given that the liquidator of Mitchell Car Company Limited (In Liquidation) (“the company”), fix Tuesday, 6 April 2021, 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.



Iain McLennan  
LIQUIDATOR

Dated this 9<sup>th</sup> day of March 2021

#### ADDRESS OF LIQUIDATOR

McDonald Vague Limited  
Level 10  
33 Federal Street  
Auckland 1010

P O Box 6092  
Victoria Street West  
Auckland 1142

Telephone: +64 (9) 303 0506  
Facsimile: +64 (9) 303 0508  
Website: <http://www.mvp.co.nz>

**DATE OF LIQUIDATION: 09 March 2021**





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 \$23,960 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: \$ \_\_\_\_\_