



Momotea In Charge Limited (In Liquidation)

McDonald Vague Limited
Level 10, 33 Federal Street
Auckland Central

Liquidators' First Report

P O Box 6092
Victoria Street West
Auckland 1142
New Zealand

p: 09 303 0506
f: 09 303 0508

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

e: insol@mvp.co.nz
www.mvp.co.nz

1 INTRODUCTION AND APPOINTMENT

Momotea In Charge 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 26 May 2020 at 3:00 p.m. Iain McLennan and Keaton Alexander Pronk, RITANZ Accredited 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. As far as we are aware there are no conflicts real, perceived, or risks of independence.

4 ATTACHMENTS

The following documents are attached to this report:

- Appendix 1: Statement of Affairs setting out the company's estimated financial position
- Appendix 2: Declaration of independence / relationships / indemnities and upfront payments
- Appendix 3: Schedule of company 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:	15 April 2019
Company number:	7408317
Date ceased trading:	25 March 2020
Nature of business:	Asian Restaurant
Trading address:	3A/301 Lincoln Road, Henderson, Auckland
Trading name:	Momotea Henderson
Share capital:	100 Shares
Shareholder:	Yue Chen
Director:	Yue Chen

Momotea In Charge Limited (In Liquidation) operated as a Henderson, Auckland based Momotea franchisee.

The liquidators have interviewed the director and were advised that the liquidation of the company was due to Covid-19 and historical debts causing insufficient working capital.

The business ceased trading prior to the liquidators' appointment in March 2020 following the commencement of Level 4 Lockdown.

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 PROPOSALS FOR CONDUCTING 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 CREDITOR CLAIMS

A schedule of known creditors and their addresses is provided at Appendix 3, as required by Section 255(2)(c) of the Act.

A notice to creditors to prove debts or claims is provided at Appendix 5. Also provided is a creditor's claim form at Appendix 6 for completion and return to this office by Friday, 3 July 2020. 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.

8.1 *Secured Creditors*

As at the date of liquidation there are no secured parties that have registered security interests against the company on the Personal Property Securities Register.

Personal Property Securities Act / Reservation of Title

If any creditor believes that they hold a Purchase Money Security Interest entitling them to any goods or proceeds from realisation of goods, 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.

8.2 *Preferential Creditors*

At this time we are unaware of any preferential claims.

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 \$411,000.

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 www.mvp.co.nz

11 ESTIMATED DATE OF COMPLETION

It is currently too early to estimate a date of completion for the liquidation.

12 CONTACT DETAILS

Enquiries should be directed to Keaton Pronk on DDI (09) 969 1518 or by email to kpronk@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



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IAIN McLENNAN
LIQUIDATOR

DATED this 1st day of July 2020

PMF/KAP/150
Momotea/205 First Report

Momotea In Charge Limited (In Liquidation)
trading as Momotea Henderson
Statement of Affairs

Statement of Affairs for the above named company as at 26 May 2020 (being the date of liquidation) showing assets at estimated realisable values and liabilities expected to rank.

ASSETS

	<i>Book Value</i>	<i>Estimated to Realise</i>
Property, Plant and Equipment	Redacted	unknown
Stock	Nil	unknown
Total	Redacted	Unknown

UNSECURED CREDITORS

Trade creditors	411,000
Total	\$411,000

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.

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.

Momotea In Charge 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 law 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 potential risk and that they are independent.

B DECLARATION OF RELATIONSHIPS

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

- (v) An upfront fee of \$3,000 + GST was received from the director 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.



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IAIN McLENNAN
LIQUIDATOR

DATED this 1st day of July 2020

Appendix 3

Momotea In Charge 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
Allied Premium Funders Ltd	4/243 Blenheim Road	Riccarton	CHRISTCHURCH 8041
ASB Central Auckland Commercial Banking	P O Box 90 649		AUCKLAND 1142
Centurion Management Service Limited	P O Box 35566	Browns Bay	AUCKLAND 0783
Deloitte	Private Bag 115 033	Shortland Street	AUCKLAND 1140
Gpos	66B Mt Eden Road	Mt Eden	AUCKLAND 1024
Green Gorilla - Waste	P O Box 13 827	Onehunga	AUCKLAND 1061
Green Land Limited	14 Greenpark Road	Penrose	AUCKLAND 1061
Mercury Energy	P O Box 90 399		AUCKLAND 1142
MMT Henderson Limited (In Liquidation)	C/- KPMG, P O Box 1584	Shortland Street	AUCKLAND 1140
Spark New Zealand Trading Limited	P O Box 1473	Christchurch	

Notice of Liquidators' Decision to Dispense with Meeting of Creditors

After having regard to the assets and liabilities of Momotea In Charge 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 Keaton Pronk of this office on DDI (09) 969 0508 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.



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IAIN McLENNAN
LIQUIDATOR

DATED this 1st day of July 2020

IN THE MATTER of The Companies Act 1993

and

IN THE MATTER of Momotea In Charge Limited (In Liquidation)

Notice to Creditors to Prove Debts or Claims

Notice is given that the liquidator of Momotea In Charge Limited (In Liquidation) (“the company”), fix Friday the 3rd day of July 2020, 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.



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IAIN McLENNAN
LIQUIDATOR

DATED this 1st day of July 2020

ADDRESS OF LIQUIDATOR

McDonald Vague Limited
Level 10, 33 Federal Street
AUCKLAND 1010

PO Box 6092
Victoria Street West
AUCKLAND 1142

Telephone: (09) 303 0506
Facsimile: (09) 303 0508
Website: www.mvp.co.nz

DATE OF LIQUIDATION: 26 May 2020



McDonald Vague

business recovery partners

McDONALD VAGUE LIMITED
PO Box 6092, Wellesley St, Auckland 1141, New Zealand.
Telephone 0-9-303 0506, Facsimile 0-9-303 0508

Unsecured Creditor's Claim
(Also for use by Preferential Creditors)

SECTION 304(1) COMPANIES ACT 1993
(For help see www.mvp.co.nz or email
claims@mvp.co.nz)

Grid of 10 empty boxes for stamping or tracking.

NAME AND POSTAL ADDRESS OF CREDITOR IN FULL
Telephone Numbers: ()
E-Mail
My Reference is: (if applicable)
* Any personal information collected is for the purpose of administering the liquidation...
Under Section 304(1) of the Companies Act 1993 any claim by an unsecured creditor...

NAME OF COMPANY IN LIQUIDATION:
(IN LIQUIDATION)
I
(If claim is made on behalf of creditor, specify relationship to creditor and authority)
claim that the company was at the date it was put into liquidation indebted to the abovenamed creditor for the sum of (Amount in words):

STATUS OF CLAIM:
1. I am an unsecured creditor for (Also applicable to secured creditors who hereby surrender their security)
2. I am a preferential creditor for (Refer details on reverse)
3. I am an unsecured creditor for (State currency if other than \$NZ)
4. I have claimed retention/reservation of title rights pursuant to rights held by me
Full particulars of the claim are set out, and any supporting documents that substantiate the claim, are identified on the reverse of this form.

SIGNED: Date: / /

WARNING
It is an offence under Section 304(6) of the Companies Act 1993 to -
Make or authorise the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or
Omit, or authorise the omission from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular.

Received (Date Stamp)
RESERVED FOR OFFICE USE:
Claim admitted/rejected for voting purposes: (Delete one)
CLAIM REJECTED FOR PAYMENT:
or CLAIM ADMITTED FOR PAYMENT:
Signed Liquidator:
Date: / /
Note: If the decision to admit or reject a claim is amended, regulation 8 of the Companies Act 1993 Liquidation Regulations 1994 requires that it be recorded in writing.



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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: \$ _____