



McDonald  
Vague

business recovery partners

## MRH Construction Limited (In Liquidation)

### Liquidators' First Report

McDonald Vague Limited

Level 10, 52 Swanson Street,  
Auckland Central

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#### 1 INTRODUCTION AND APPOINTMENT

MRH Construction Limited ("the company") was placed into liquidation by the High Court at Auckland pursuant to Section 241(2)(c) of the Companies Act 1993 ("the Act") on 8 April 2016 upon the application of Award Carpets Limited. Peri Micaela Finnigan and Boris van Delden, 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, revise this report in respect of any information existing at the date of this report which becomes known to us after that date.

#### 3 ATTACHMENTS

The following documents are attached to this report:

- Appendix 1: Schedule of company creditors' names and addresses
- Appendix 2: Notice of Liquidators' decision to dispense with meeting of creditors
- Appendix 3: Notice to creditors to prove debts or claims
- Appendix 4: Creditors claim form

#### 4 COMPANY STRUCTURE AND BACKGROUND

Date of incorporation:	12 November 2012
Company number:	4101598
Date ceased trading:	Unknown
Nature of business:	Commercial Fit Out and Construction Work

Trading address: 43a West Tamaki Road, St Heliers, Auckland 1072  
Share capital: 100 Shares  
Shareholder: Mark Robin Harding  
Director: Mark Robin Harding

The company director has yet to provide any details regarding the failure of the company, the assets of the company, and the creditors.

Enquiries by the liquidators have identified that the company was involved in carrying out commercial fit out construction work in the Auckland region. Transactions on the company's bank account indicate that it probably ceased trading about the end of November 2015.

## **5 STATEMENT OF AFFAIRS**

The Liquidators have been unable to prepare a Statement of affairs for the company as no information has been received from the director.

## **6 ASSETS AND PROPOSALS FOR CONDUCTING THE LIQUIDATION**

As outlined in Section 4 above, the liquidators have not received any information from the director regarding the assets of the company.

We will complete a thorough review of the company's books, records and affairs that are available to:

- ensure that all assets are identified and 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.

## **7 LIABILITIES AND CREDITOR CLAIMS**

### **7.1 Secured Creditors**

At the date of liquidation there were no secured parties that had registered security interests against the company on the Personal Property Securities Register.

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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.

### **7.2 Preferential Creditors**

We have requested a creditor's claim form from the applicant creditor.

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 is an amount due in respect of a default GST return of \$2,429.

### **7.3 Unsecured Creditors**

No information has been received from the director regarding the creditors of the company. From our enquiries to date we have identified amounts due to unsecured creditors of approximately \$16,104. A schedule of known creditors and their addresses is provided at Appendix 1, as required by Section 255(2)(c) of the Act.

A notice to creditors to prove debts or claims is included at Appendix 3. Also enclosed is a creditor's claim form for completion and return to this office by Friday, 20 May 2016. 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 CREDITORS' MEETING / LIQUIDATION COMMITTEE**

A notice of the Liquidators' decision to dispense with the meeting of creditors is provided at Appendix 2.

Pursuant to Section 314 of the Companies Act 1993, creditors are advised that at any time in the course of the liquidation the Liquidator shall, at the request in writing of any creditor or shareholder, call a meeting for the purpose of appointing a liquidation committee.

## **9 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 the Liquidators are more able to act on written information.

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 the attached creditor claim form. This report and all subsequent reports will be available on the Liquidators' website at [www.mvp.co.nz](http://www.mvp.co.nz)

## 10 ESTIMATED DATE OF COMPLETION

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

## 11 CONTACT DETAILS

Enquiries should be directed to Colin Sanderson on DDI (07) 838 0908 or by email to [CSanderson@mvp.co.nz](mailto:CSanderson@mvp.co.nz).

The Liquidators can be contacted at:

McDonald Vague Limited  
Level 10, 52 Swanson Street  
Auckland 1010

P O Box 6092  
Wellesley Street  
Auckland 1141

  
PERI M FINNIGAN  
LIQUIDATOR

DATED this 27<sup>th</sup> day of April 2016



## MRH Construction 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
ACM Fabricators Limited	P O Box 101 760	North Shore Mail Centre	AUCKLAND 0745
Award Carpets Limited	169 Marua Road, Ellerslie	Ellerslie	AUCKLAND
Causeway Accounting Limited	Level 2 - 703 Rosebank Road	Avondale	AUCKLAND 1348
Fabulous Kitchens	52 Rangī Road	Takanini	AUCKLAND 2105
Inland Revenue Department	P O Box 39 010	Wellington Mail Centre	LOWER HUTT 5045
State Insurance	Private Bag 92130	Victoria Street West	AUCKLAND 1142

## Appendix 2

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

After having regard to the assets and liabilities of MRH Construction Limited (In Liquidation) and the likely result of the liquidation, it is proposed to dispense with a meeting of creditors pursuant to Section 245 of the Companies Act 1993.

We do not, however, wish to preclude creditors from expressing their views. Please contact Colin Sanderson of this office on DDI (07) 838 0908 if you have any specific enquiries.

You are advised that should you desire a creditor's meeting, notice in writing is required within 10 working days of receiving this notice.

At the time of giving notice you must also state the reason you require a meeting so that an agenda can be prepared and advertised and creditors can be given the opportunity to vote on any issue by voting letter.

  
PERI M FINNIGAN  
LIQUIDATOR

DATED this 27<sup>th</sup> day of April 2016

**Appendix 3**

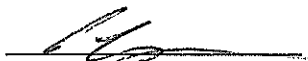
IN THE MATTER of                    The Companies Act 1993

and

IN THE MATTER of                    MRH Construction Limited (In Liquidation)

**Notice to Creditors to Prove Debts or Claims**

Notice is hereby given that the undersigned, the liquidator of MRH Construction Limited (In Liquidation) ("the company"), does hereby fix Friday, the 20<sup>th</sup> day of May 2016, as the day on or before which the company's creditors are to make their claims, and to 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.



PERI M FINNIGAN  
LIQUIDATOR

DATED this 27<sup>th</sup> day of April 2016

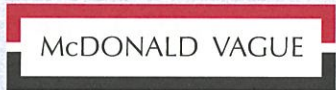
**ADDRESS OF LIQUIDATOR**

McDonald Vague Limited  
Level 10, 52 Swanson Street  
Auckland 1010

PO Box 6092  
Wellesley Street  
AUCKLAND 1141

Telephone: (09) 303 0506  
Facsimile: (09) 303 0508  
Website: [www.mvp.co.nz](http://www.mvp.co.nz)

**DATE OF LIQUIDATION:** 8 April 2016



The Insolvency & Business Recovery Specialists

**McDONALD VAGUE LIMITED**

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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](http://www.mvp.co.nz) or email [claims@mvp.co.nz](mailto:claims@mvp.co.nz))


<p>NAME AND POSTAL ADDRESS OF CREDITOR IN FULL</p>   <p>Telephone Numbers: (    )</p> <p style="margin-left: 150px;">(    )</p> <p>E-Mail</p> <p>My Reference is: (if applicable)</p>	<p><b>* Any personal information collected is for the purpose of administering the liquidation in accordance with the Companies Act 1993.</b></p> <p>The information will be used and retained by the liquidators and McDonald Vague and will be released to other parties only with your authorisation or in compliance with the Privacy Act 1993.</p> <p>Under Section 304(1) of the Companies Act 1993 any claim by an unsecured creditor against a company in liquidation must be in this prescribed form and must –</p> <p>(a) Contain full particulars of the claim; and</p> <p>(b) Identify any documents that evidence or substantiate the claim.</p> <p>You may have access to and request correction of any personal information.</p> <p>(*Not applicable, if creditor is not an individual within the meaning of the Privacy Act 1993.)</p>
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**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. My total claim is for (State currency if other than \$NZ)	Other Currency	NZ \$

4. I have claimed retention/reservation of title rights pursuant to rights held by me Tick if Applicable   
 Note: If you are a secured creditor contact this office and a Secured Creditors Claim Form will be sent to you. (Refer details on reverse)

Full particulars of the claim are set out, and any supporting documents that substantiate the claim, are identified on the reverse of this form.  
 (The liquidator may require the production of a document under Section 304(2) of the Companies Act 1993. You are **not required to attach any supporting documents** at this stage, but you may attach them now, if you think it would expedite the processing of the claim.)

<b>SIGNED:</b>	Date:                    /                    /
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**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.**

<b>Received</b> (Date Stamp)	<b>RESERVED FOR OFFICE USE:</b>	
	Claim admitted/rejected for voting purposes: (Delete one)	Signed: _____ Date:                    /                    /
	<u>CLAIM REJECTED FOR PAYMENT:</u>	Preferential Claim for: _____ Ordinary Claim for: _____
	or <u>CLAIM ADMITTED FOR PAYMENT:</u>	Preferential Claim for: _____ Ordinary Claim for: _____
	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.



The Insolvency & Business Recovery Specialists





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**McDONALD VAGUE LIMITED**

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Telephone 0-9-303 0506, Facsimile 0-9-303 0508

# Particulars of Claim

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 \$20,340 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: \$ \_\_\_\_\_