



McDonald  
Vague

business recovery partners

# STEWART SCOTT CABINETRY LIMITED (IN RECEIVERSHIP AND IN LIQUIDATION)

McDonald Vague Limited

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## Receivers' Seventh Report

### 1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Keaton Pronk, Licensed Insolvency Practitioners of Auckland, were appointed jointly and severally as receivers of the property of Stewart Scott Cabinetry Limited (In Receivership) ("the company") on 09 October 2020. The receivers were appointed under the powers contained within a General Security Agreement dated on the 4<sup>th</sup> November 2016 in favour of Kellow Trustees Limited, Marjorie Scott, Stewart Brian Scott, And Heather Dawn Wood, Jointly, As Trustees Of The Heather Wood And Brian Scott Children's Trust, Kellow Trustees Limited, Christopher Walkden Wood, And Heather Dawn Wood, Jointly, As Trustees Of The Wood Family Trust, Heather Dawn Wood And Stewart Brian Scott (Jointly And Severally Secured Creditor(s)).

Stewart Scott Cabinetry Limited was placed into liquidation by the High Court at Auckland pursuant to Section 241(2)(c) of the Companies Act 1993 ("the Act") on 23 October 2020. Elizabeth Helen Keene and Vivian Fatupaito, of Auckland, were appointed as joint and several liquidators of the company. On 8 March 2022 Vivian Fatupaito resigned as liquidator and was replaced by Janet Sprosen.

Pursuant to section 24 of the Receiverships Act 1993 ("the Act"), the receivers report herewith on the progress of the receivership. This seventh report should be read in conjunction with the receivers' previous reports.

A statement of Realisations and Distributions is **attached**.

### 2 RESTRICTIONS

This report has been prepared in accordance with Section 24 of the Act. 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 RECEIVERSHIP DURING THE PRECEDING SIX MONTHS

- Related Party Receivable (Statement of Affairs: \$235,530)**

  - Demand has been made in relation to the Related Party Receivable. To date \$93,463 has been received of this debt, the balance remains outstanding. Formal demand has been made for the debt to progress this matter. Executors have subsequently been appointed and the Receivers are dealing directly with them. The Executors are seeking legal advice.
  
- Shareholder Current Account (Statement of Affairs: \$487,633)**

  - The Receivers have made demand on the shareholders for their overdrawn current accounts. The shareholders have subsequently adjudicated themselves bankrupt.
  
  - Heather Wood was adjudicated bankrupt on 31 August 2021
  - Brian Scott was adjudicated bankrupt on 10 August 2021
  
  - Creditor claims have been filed in both bankruptcies, to date no distribution has been made from the bankrupt estates. The receivers claims in the bankruptcies are currently undergoing review by the Official Assignee.

### 4 PROPOSALS FOR DISPOSAL OF RECEIVERSHIP PROPERTY

The Shareholder Current Account remains outstanding, the Receiver will await the outcome of the Official Assignees investigations into the bankrupt estate and whether a distribution will be made to creditors of the bankruptcy.

The Related Party Receivable has not yet been realised in full. A formal demand has been issued and enforcement steps will be progressed if non-payment continues.

There is a separate third-party claims that are being reviewed by the Receivers.

### 5 CREDITORS' CLAIMS

#### 5.1 Secured Creditors

At the date of this report the amounts due to our appointer were as follows:

Term loan accounts, accrued interest and overdue principal on 09 October 2020	\$1,322,529
Less distributions from receiver	-0.00
<b>Balance outstanding</b>	<u>\$1,322,529</u>

Distributions were made to a number of secured creditors with valid PMSI claims over the assets of the business:

Applico Limited	\$532
Acero	\$14,201
Burns & Ferrall	\$3,758
Fleet Partners	\$50,101

## 5.2 Preferential Creditors

At the commencement of the receivership, the following amounts were owed to preferential creditors.

Employees Claims – Wages, Holiday Pay and Redundancy	\$83,349
Inland Revenue	\$832,814
Total	<u>\$916,163</u>

At this time employees have received payment of \$39,592 towards their preferential employee claims. No payments have been made to other preferential creditor claims.

From the remaining assets initial estimates suggest that employees will receive payment of their preferential claims in full and a distribution will be made to Inland Revenue Department for their preferential claim.

## 5.3 Unsecured Creditors

As at the date of preparing this report 50 unsecured creditors claim forms have been received which total \$2,192,000.

The Receivers are not responsible for the administration of unsecured creditors' claims, however, it appears unlikely that there will be surplus funds available for unsecured creditors.

## 6 MATTERS DELAYING THE COMPLETION OF THE RECEIVERSHIP

The following matters are outstanding:

- Recovery of the Shareholder Current Account
- Recovery of the Related Party Receivable
- Recovery of the Third-Party Claim

## 7 ESTIMATED DATE OF COMPLETION

The receivers estimate completing the receivership within the next two years.

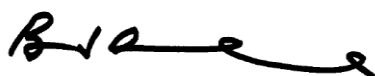
## 8 CONTACT DETAILS

Enquiries should be directed to Keaton Pronk on DDI +64 (9) 969 1518 or by email to [kpronk@mvp.co.nz](mailto:kpronk@mvp.co.nz).

The Receivers can be contacted at:

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Boris van Delden (Licence No: IP57)  
RECEIVER

Dated this 1<sup>st</sup> day of November 2023

# Realisations and Distributions

## Stewart Scott Cabinetry Limited (In Receivership) 9 October 2020 to 8 October 2023

08/10/2023

### Realisations

Debtors & WIP Completed	726,451
Pre-Receiver'ship GST Refund	57,698
Related Party Receivable	93,463
Sale of Assets	132,873
<b>Total Realisations</b>	<b>1,010,485</b>

### Payments

#### Receiver's Fees

Receiver's Fees	253,991
Disbursements	644

#### Total Receiver's Fees

254,635

#### Other Costs of Receivership and Trading On

Auctioneer/Commission Charges	25,532
Bank Fees	90
Legal Fees	4,278
Trading on Suppliers	389,659
Wages and PAYE	228,134

#### Total Costs of Receivership and Trading On

647,692

### Distributions

PMSI Secured Creditor	68,592
Preferential Wages and Holiday Pay	39,565
Preferential GST and PAYE	-
General Security Agreement Holders	-

#### Total Distributions to Creditors

108,158

#### Total Payments

1,010,485

#### BALANCE HELD

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