



McDonald  
Vague

business recovery partners

# Te Kaha Resort (2011) Limited (In Receivership)

## Receivers' Ninth Report

McDonald Vague Limited

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### 1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Peri Micaela Finnigan, Insolvency Practitioners of Auckland, were appointed jointly and severally as receivers and managers of all the assets, property and undertakings of Te Kaha Resort (2011) Limited ("the company") on 7 November 2013. The receivers and managers were appointed under the powers contained within a General Security Agreement dated 29 September 2011 in favour of Ruben Sanasarian.

At the same time, Boris van Delden and Peri Micaela Finnigan also accepted appointment as receivers and managers of a related company, Te Kaha Kapai Limited (In Liquidation), following a request from the first ranking secured creditor for both companies to be in receivership.

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

A statement of Sale Realisations and Distributions to 6 November 2017 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

#### *Asset Realisations*

#### *3.1 Buildings*

After an extensive marketing and sale process a sale was settled on 31 October 2016.

#### 4 PROPOSALS FOR DISPOSAL OF RECEIVERSHIP PROPERTY

The secured assets were sold as a going concern with the approval of the first and second mortgagee's and settlement of the sale took place on 31 October 2016.

#### 5 CREDITORS' CLAIMS

##### 5.1 Secured Creditor

At the date of appointment the amount due to our appointer was as follows:

<b>First ranking secured creditor</b>	<b>\$</b>
Term loan accounts, accrued interest and overdue principal at 30 November 2013	4,174,561
Additional penalties and costs	<u>86,207</u>
<b>Total</b>	<b><u>\$4,260,768</u></b>

The final accounts have been presented to the mortgagee. GST returns have been filed and refunds received. A distribution of \$521,083 (plus interest on funds held) has been paid to the first ranking secured creditor.

Further sums are claimed by a second ranking secured creditor as follows:

<b>Second ranking secured creditor</b>	<b>\$</b>
Term loan accounts, accrued interest and overdue principal at 1 September 2013	292,540
Additional penalties and costs	<u>36,508</u>
<b>Total</b>	<b><u>\$329,048</u></b>

As part of the sale process the second ranking secured creditor released its security interest over assets it had security over. No funds were paid to the second ranking secured creditor.

##### 5.2 Unsecured Creditors

As at the date of preparing this report one unsecured creditor has provided documents supporting a debt of \$100,816 for rates due as at the date of receivership. All rates due were paid as part of the sale process. The amount increased over time as rates accrued during the sale process.

The Receivers are not responsible for the administration of unsecured creditors' claims, however, the amount due for rates arrears was paid as required in the sale settlement.

## 6 MATTERS DELAYING THE COMPLETION OF THE RECEIVERSHIP

The following matter is outstanding:

- Completion of the receivership

## 7 ESTIMATED DATE OF COMPLETION

We expect the receivership to conclude within the next six months.

## 8 CONTACT DETAILS

Enquiries should be directed to Iain McLennan on (09) 303-0506 or by email to [imclennan@mvp.co.nz](mailto:imclennan@mvp.co.nz).

The Receivers can be contacted at:

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PERI M FINNIGAN  
RECEIVER

DATED this 6<sup>th</sup> day of November 2018

# Realisations and Distributions

## Te Kaha Resort (2011) Limited (In Receivership) 7 November 2013 to 6 November 2017

Realisations	Cash Received \$
Sale Proceeds (excluding Inventory)	1,875,000
Interest	7,931
<b>Total Realisations</b>	<b>\$1,882,931</b>
<b>Payments</b>	
Fees	225,676
Disbursements	4,404
<b>Total Fees and Disbursements</b>	<b>\$230,080</b>
<b>Costs of Receivership (GST Exclusive)</b>	
Rates Pre-Receivership	87,666
Rates	132,352
Water Rates	14,877
Sales Commission	57,000
Other selling costs	15,541
Body Corporate Charges	458,350
Fixed Power costs	56,765
Legal Fees	33,918
To Te Kaha Kapai Receivership	267,803
RWT on Interest	2,226
<b>Total Costs of Receivership</b>	<b>\$1,126,498</b>
<b>Distribution</b>	
Distribution to Secured Creditor	526,353
<b>Total Distributions</b>	<b>\$526,353</b>
<b>Total Payments</b>	<b>\$1,882,931</b>
<b>BALANCE HELD</b>	<b>\$Nil</b>

**Note 1:** The above figures are GST exclusive

**Note 3:** The above figures exclude all trading on cashflow which is reported in the receivership of Te Kaha Kapai Limited (In receivership and in liquidation)