



The Insolvency & Business Recovery Specialists

**RECEIVERS' FOURTH REPORT ON THE STATE OF AFFAIRS OF  
VIADUCT CAPITAL LIMITED (IN RECEIVERSHIP)  
"The Company"**

**1. INTRODUCTION**

Boris van Delden and Iain McLennan, Insolvency Practitioners, of Auckland, were appointed jointly and severally as receivers and managers of all the assets, property and undertakings of the company on 13 May 2010 by Prince & Partners Trustee Company Limited. Pursuant to section 24 of the Receiverships Act 1993, the receivers report herewith on the progress of the receivership. This report should be read in conjunction with the receivers prior reports. A statement of realisations and distributions is **attached**.

**2. EVENTS LEADING TO APPOINTMENT**

The appointment arose following a request from the directors to the Trustee to have the company placed into receivership. The directors had assessed that a default under the Trust Deed was about to occur.

**3. PROPERTY DISPOSED OF TO DATE**

Where possible, we have acted to be more directly involved with the secured assets. We have realised funds from two small securities, however, as most of the loans are likely to rank behind other lenders, we assess that on many of those loans there will be little or no direct recovery given the state of the secured assets and economic conditions.

We are considering and in discussions with the receivers of other finance companies over several issues surrounding several large advances which intersect with advances made by Viaduct. We have concluded the restructuring of some loans held in common with one receivership for the benefit of both receiverships and to protect the interests of Viaduct depositors.

Debtors have been pursued, most are in liquidation, receivership and we are pursuing disputed amounts.

We have concluded the pre receivership GST position with the IRD and have received the refunds the company was entitled to. Some adjustments had to be made to the pre receivership GST refund claims as we completed our analysis of the true position.

**4. PROPOSALS FOR DISPOSAL OF RECEIVERSHIP PROPERTY**

Future realisations depend almost entirely on the ability of prior chargeholders to realise their security at a price sufficient to not only repay themselves, but to also produce a surplus. We have commenced pursuing indemnifiers of several loans on which the company has suffered a shortfall on realisation.

We have maintained loans and advanced further funds to ensure that Viaduct recovery rights are maintained, in circumstances where we are confident of a recovery.

**5. AMOUNTS OWING TO SECURED CREDITOR**

The secured creditor is Prince & Partners Trustee Company Limited, Level 9, 50 Anzac Ave, Auckland, secured by way of a Trust Deed dated 6 October 2006 and a GSA dated 15 August 2005. The Trustee by the Trust Deed represents the interests of all of the depositors of the Company.

There are 110 secured depositors who have advanced funds secured totalling \$7,835,501.30 as follows:

Pre 20 April 2009	94	\$7,320,046
Post 20 April 2009	16	\$515,455
Total Secured		<u>\$7,835,501</u>

These amounts include any accrued capitalised interest.

Approximately 95% by value of the company's investors qualified for repayment under the Crown's Retail Deposit Guarantee Scheme.

We are not aware of any investors that were covered by the Retail Deposit Guarantee Scheme that have not been paid.

The Post 20 April 2009 depositors will have funds repaid to them as realisations of loans occur, pari passu with the claims of the Crown under the Retail Deposit Guarantee Scheme.

We estimate that depositors could receive approximately 20 to 27 cents in the dollar however this depends significantly on the recovery of one large loan.

## 6. PREFERENTIAL CREDITORS

As at the date of receivership preferential creditors for the following:

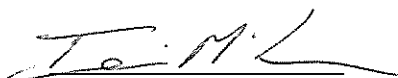
Resident Withholding Tax (RWT)	\$1,280
Non Resident Withholding Tax (RWT)	\$50
Employee Deductions	\$184
Total Preferential Creditors	<u>\$1,514</u>

As at the date of our appointment, the company had no employees, and had claimed a GST refund in its last filed GST return. We are corresponding with the IRD over issues surrounding the claimed GST refund.

## 7. UNSECURED CREDITORS

To date, we have received unsecured claims totalling \$52,824. We consider it highly unlikely that there will be any distribution to unsecured creditors.

Enquiries to: Iain McLennan  
Telephone: DDI 0-9-303 9512  
Website: [www.mvp.co.nz](http://www.mvp.co.nz)



IAIN McLENNAN  
RECEIVER

DATED this 13<sup>th</sup> day of April 2012

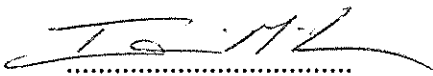
**THE RECEIVERSHIPS ACT 1993**


NUMBER OF COMPANY : AK 1522758  
NAME OF COMPANY : VIADUCT CAPITAL LIMITED (IN RECEIVERSHIP)  
PRESENTED BY : McDonald Vague  
Insolvency Specialists  
Level 4, 143 Nelson Street  
P O Box 6092  
Wellesley Street PO, AUCKLAND 1

**STATEMENT PURSUANT TO SECTION 24**

Statement of Receipts and Payments in the Receivership of the company from 13 May 2010 (being commencement of the Receivership) to 12 November 2011.

	As Per Statement of Affairs	Cash Received
	\$	\$
<b>CASH HAS BEEN RECEIVED AS FOLLOWS:</b>		
Bank Account	57,526	57,526
Debtors	30,000	3,593
GST	102,055	94,737
Prepayments	4,645	4,645
Security Realisations	2,380,000	102,057
Recovery of Loan costs paid		22,589
Interest		725
<b>TOTAL RECEIPTS</b>		<b>\$285,872</b>
<b>CASH HAS BEEN PAID AS FOLLOWS:</b>		
<b>Costs Charges &amp; Expenses of Receiver</b>		
Receivers Fees		190,469
Disbursements		1,020
Legal Fees		44,530
Bank Fees		92
Loan related payments		24,955
GST not recoverable		5,093
<b>TOTAL PAYMENTS</b>		<b>\$266,159</b>
<b>TOTAL RECEIPTS</b>		<b>285,872</b>
<b>LESS TOTAL PAYMENTS</b>		<b>266,159</b>
<b>BALANCE HELD</b>		<b>\$19,713</b>
<b>REPRESENTED BY:</b>		
ASB Bank Limited – Cheque Account		8,381
GST Suspense Account		11,332
		<b>\$19,713</b>

  
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IAIN McLENNAN  
RECEIVER

Dated this  day of April 2012