

**RECEIVERS' SIXTH 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 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, and indemnifiers.

We have concluded the pre receivership GST position with the IRD and have received the refunds the company was entitled to.

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, and we have reached delayed settlement with some of those indemnifiers which will lead to recoveries being made in the future.

5. AMOUNTS OWING TO SECURED CREDITOR

The secured creditor was 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, which GSA was held in trust for all depositors. The Trustee however has not been granted a licence by the FMA to act as Trustee. We are working with the FMA and with the former Trustee to appoint a new Trustee. Until that happens, despite not being licenced, the former Trustee remains in place.

There are 17 secured depositors who have advanced funds totalling \$7,835,501.30 as follows:

Pre 20 April 2009	1	\$7,320,046
Post 20 April 2009	16	\$515,455
Total Secured		<u>\$7,835,501</u>

These amounts include any accrued capitalised interest as at the date of receivership.

Approximately 95% by value of the company's investors qualified for repayment under the Crown's Retail Deposit Guarantee Scheme. Accordingly the Crown is now the sole depositor for the funds owed to depositors who invested prior to 20 April 2009.

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>

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



IAIN McLENNAN
 RECEIVER

DATED this 17th day of January 2013

THE RECEIVERSHIPS ACT 1993

NUMBER OF COMPANY : AK 1522758
NAME OF COMPANY : VIADUCT CAPITAL LIMITED (IN RECEIVERSHIP)
PRESENTED BY : McDonald Vague
Insolvency Specialists
P O Box 6092
Wellesley Street PO, AUCKLAND 1141

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 2012.

	As Per Statement of Affairs	Cash Received
CASH HAS BEEN RECEIVED AS FOLLOWS:	\$	\$
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		22,939
Interest		728
TOTAL RECEIPTS		\$286,225
 CASH HAS BEEN PAID AS FOLLOWS:		
Costs Charges & Expenses of Receiver		
Receivers Fees		201,031
Disbursements		1,035
Legal Fees		45,247
Bank Fees		118
Loan related payments		24,955
GST not recoverable		5,333
TOTAL PAYMENTS		\$277,719
 TOTAL RECEIPTS		286,225
LESS TOTAL PAYMENTS		277,719
 BALANCE HELD		\$8,506

Note: The above figures are GST exclusive.

REPRESENTED BY:

ASB Bank Limited – Cheque Account -371
GST Suspense Account 8,877
\$8,506


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IAIN McLENNAN
RECEIVER

Dated this  day of January 2013