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## **RWS Logging Limited (In Liquidation) Liquidator's First Report to Creditors and Shareholders**

17 July 2019

### **1. Background**

RWS Logging Limited (In Liquidation) ("the Company") was placed into liquidation by order of the High Court at Palmerston North on the 13<sup>th</sup> day of June 2019 at 11:02am. Thomas Lee Rodewald, Chartered Accountant of Tauranga was appointed as Liquidator of the company.

### **2. Disclaimer**

*This report is not intended for general circulation, nor is it to be reproduced or used for any purpose other than that outlined above without written permission in each specific instance. The Liquidator does not accept any responsibility or liability for any damage or loss occasioned to any party as a result of the circulation, publication, reproduction or use of this report. In particular the Liquidator takes no responsibility for any misinformation contained therein that has been supplied by the company, its officers or any other person. The report is also based upon information available at this date, and the Liquidator therefore reserves the right to review, and if necessary, amend the report.*

### **3. Company Information**

Date of Incorporation:	21 December 2017	
Type of business:	Forestry	
Date trading ceased:	February 2019	
Shareholders:	William Kevin McDonnell Robert William Triplow	Number of Shares: 75 Number of Shares: 75
Directors:	William Kevin McDonnell Robert William Triplow	

### **4. Events Leading to Appointment of Liquidators**

The Director / Shareholders of the company have had a disagreement which led to one partner taking over assets and funds of the company which he used to start his own business. A party with funds owing applied to the Court to have RWS Logging Limited placed into liquidation.

## **5. Statement of Affairs**

We attach as **Appendix 1** a statement of the Company's affairs as at the date of our appointment.

This has been prepared from information provided by a director of the Company and the Liquidator is not yet able to express an opinion on the validity of that information.

Also attached as **Appendix 2** is a list of known creditors as at the date of appointment.

## **6. Proposals for Conducting the Liquidation**

The Liquidator is attempting to contact the shareholder with possession of plant and will look to repossessing the machinery if necessary. He will review the misappropriation of funds, Company's books and records to establish if there are any potentially voidable transactions, any potential shareholder current account issues and ensure the Directors have complied with the duties and obligations imposed on them under the Companies Act 1993.

## **7. Estimated Date of Completion of Liquidation and Notice As To Further Reports**

It is not practicable to estimate the date of the completion of the liquidation at this stage. Further reports will be issued six monthly, with a final report at the conclusion of the liquidation.

## **8. Creditors Meeting**

Having regard to the assets and liabilities of the company, the likely result of the liquidation and other relevant matters, the Liquidator considers in accordance with section 245 of the Companies Act 1993 that no such meeting should be held.

A meeting will not be called unless within 10 working days after receiving this notice a creditor gives notice in writing to the Liquidators requiring a meeting to be called.

The Liquidator dispenses with holding a creditors meeting pursuant to Section 243 of the Companies Act 1993 as the dividend is expected to be nil or very small.

In accordance with Section 314 of the Companies Act 1993 a creditor or shareholder may request the Liquidator to call a meeting of creditors or shareholders at any time in the course of the Liquidation to vote on a proposal that a Liquidation Committee be appointed to act with the Liquidator. This request must be in writing.

The Liquidator may decline a request by a creditor or a shareholder to call a meeting on the grounds that:

- a) the request is frivolous or vexatious; or
- b) the request was not made in good faith; or
- c) the costs of calling the meeting would be out of proportion to the value of the company's assets.

The decision to decline a request may be reviewed by the Court on the application of any creditor or shareholder.

#### **9. Creditors Claims**

If your terms of trade with the company include reservation of title of goods supplied please contact Denise Cooper by email [denisec@rodewaldconsulting.co.nz](mailto:denisec@rodewaldconsulting.co.nz).

Please complete and return the enclosed Unsecured Creditors Claim form by 16 August 2019 to P O Box 15543, Tauranga 3144. If you believe that you are a secured creditor please contact our Tauranga office and the appropriate forms will be sent to you.

Completion of your claim should be given your urgent attention. If creditors do not lodge a claim with the Liquidator, the creditor is not entitled to share in any distribution to creditors that may be made by the Liquidator.

#### **10. Further Information**

If you require any further information or if you have any information that will be of assistance to the Liquidators please contact Denise Cooper at our Tauranga Office.



Thomas Lee Rodewald  
*Liquidator*

**RWS Logging Limited (In Liquidation)**  
**Statement of Affairs as at the Date of the Appointment of the**  
**Liquidators being 13 June 2019**

	<i>Notes</i>	<b>Book Value</b>	<b>Estimated to realise</b>
<b>Assets</b>		<b>\$</b>	<b>\$</b>
Plant & Machinery		60,187	<i>Unknown</i>
Shareholder Current Accounts	<i>1</i>	12,556	<i>Unknown</i>
Debtor Funds not banked to Company		53,167	<i>Unknown</i>
Funds held by FOIMS		9,813	9,813
		<u>135,723</u>	<i>Unknown</i>
<b>Less Secured Creditors:</b>			
H Levack			<i>Nil</i>
			<i>Nil</i>
<b>Less Preferential Creditors</b>			
IRD- PAYE, KSE, KSR, SL			1,958
IRD- GST			2,742
Petitioning Creditor Costs			
			<u>4,700</u>
<b>Surplus before unsecured creditors</b>			<i>Unknown</i>
<b>Unsecured creditors:</b>			
IRD- penalties & Interest			1,054
Trade Creditors - excluding PPSR charges			142,757
			<u>143,811</u>
<b>Estimated deficit (subject to costs of Liquidation)</b>			<b><i>Unknown</i></b>

**Disclaimer**

*This statement should be read in conjunction with the disclaimer on page one of the above Liquidator's report and Rodewald Consulting Limited have not audited the report and they, their directors or employees accept no liability to any other party in relying on the information presented. The purpose of the report is to give creditors of the company an indication of the financial position of the company as at the date of appointment of the Liquidator.*

*Rodewald Consulting Limited*

**RWS Logging Limited (In Liquidation)**  
**Schedule of Creditors as at 13 June 2019**

Name	Address 1	Address 2	Address 3
Fluker Denton Limited	PO Box 316		Levin 4632
Hamish H Levack	5 Paparata Street	Karori	Wellington
Hydraulink Mobile Services	146 Argyle Street		Hawera 4610
Inland Revenue	PO Box 39050	Wellington Mail Centre	Lower Hutt 5045
Porter Equipment Limited	PO Box 10164		Hamilton 3241
Stihl Shop Hawera	25 Glover Road		Hawera 4610
WRT Holdings Limited	C/- HOBEC	Private Bag 12011	Tauranga 3143



## CREDITORS CLAIM FORM

(Also for use by Preferential Creditors)  
Section 304 (1) Companies Act 1993

Name and postal address of creditor in full ..... ..... ..... ..... Telephone number: ..... My reference is: ..... (if applicable) E-mail address: ..... <input type="checkbox"/> I consent to receiving future information about the company by email	*Any personal information collected is for the purpose of administering the liquidation in accordance with the Companies Act 1993. The information will be used and retained by Rodewald Consulting Limited and will be released to other parties only with your authorization or in compliance with the Privacy Act 1993. 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 - (a) Contain full particulars of the claim; and (b) Identify any documents that evidence or substantiate the claim. You may have access to, and request correction of any personal information. (*Not applicable, if creditor is not an individual within the meaning of the Privacy Act 1993.)
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### RWS Logging Limited (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 above named creditor for the sum of [amount in words and figures]:

\$ \_\_\_\_\_

**STATUS OF CLAIM:**

1. I am an unsecured creditor
2. I am surrendering the security I hold and I am claiming as an unsecured creditor
3. I am making a preferential claim (refer details of reverse)
4. I am claiming reservation of title rights pursuant to rights held by me  
(Refer details on reverse)

TICK


Full particulars of the claim are set out, and any supporting documents that substantiate the claim are identified on the reverse of the form. *(Please include copies of all unpaid invoices)*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**WARNING:-**

It is an offence under section 304(6) of the Companies Act 1993 to:-  
 Make, or authorize the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or  
 Omit, or authorize the omission, from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular.

Received  
(Date Stamp)

Reserved for Office Use:

Claim admitted for voting purposes:      Signed:      Date:

Claim rejected for voting purposes:      Signed:      Date:

Claim rejected for payment:      Signed:      Date:

Preferential claim for:      Ordinary Claim for:      Deferred Claim for:  
 \$      \$      \$

Signed  
Liquidator:

Dated:

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.

**Please return this form to:**  
**Rodewald Consulting Ltd, PO Box 15543, Tauranga 3144**  
**carolc@rodewaldconsulting.co.nz**

**PARTICULARS OF CLAIM**

Date	Details of claim and Identification of Documents that Evidence or Substantiate the Claim (i.e., unpaid invoices)	Amount \$
	<p><b>RETENTION OF TITLE CLAIMANTS ONLY</b> Please provide details of the basis of your retention of title claim and furnish a copy of the documentation showing that such reservation of title clause is a condition of contract.</p> <p><b>PREFERENTIAL CLAIMANTS ONLY</b></p> <p>1. Are you claiming the full amount of your claim as preferential?</p> <p>2. If no, what part of the claim is preferential?</p> <p>3. Why do you believe you are a preferential creditor?</p> <p>(E.g. employee, GST etc) .....</p> <p>.....</p> <p>4. Details of your claim .....</p> <p>.....</p> <p>.....</p>	<p align="center">Yes/No</p> <p>\$.....</p>

If applicable, please record your GST registration number:      .....

Total GST included in your claim      \$.....