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The Hearing Hut Limited (In Liquidation) Liquidator's First Report to Creditors and Shareholders

15 April 2019

1. Background

The Hearing Hut Limited (In Liquidation) ("the Company") was placed into liquidation by special resolution of the shareholders on the 8th day of April 2019 at 11:45 am. Thomas Lee Rodewald and Steven Khov, both CA ANZ Accredited Insolvency Practitioners were appointed as joint and several Liquidators of the above-named 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. Declaration of Independence, Relevant Relationships and Indemnities

Attached as **Appendix 1** is the Declaration of Independence, Relevant Relationships and Indemnities.

4. Company Information

Date of Incorporation:	22 November 2013	
Trading Address:	6 Hall Street, Pukekohe 2120	
Type of business:	Hearing clinic	
Date trading ceased:	28 March 2019	
Shareholders:	Andrew Thomas Mcgeough	Number of Shares: 100
Directors:	Andrew Thomas Mcgeough	

5. Events Leading to Appointment of Liquidators

The Director of the Company has advised the reason for the failure of the Company is due to cashflow restraints that lead to the deterioration of profitability and ultimately the failure of the business.

6. Statement of Affairs

We attach as **Appendix 2** 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 3** is a list of known creditors as at the date of appointment.

7. Proposals for Conducting the Liquidation

The Liquidator will review the Company's books and records to establish if there are any potentially voidable transactions, any potential shareholder current issues and ensure the Director/s have complied with their duties and obligations imposed on them under the Companies Act 1993.

8. 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.

9. 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.

10. Creditors Claims


If your terms of trade with the company include reservation of title of goods supplied please contact our offices.

Please complete and return the enclosed Unsecured Creditors Claim form 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.

11. Further Information

If you require any further information or if you have any information that will be of assistance to the Liquidators please contact Steven Khov at stevenk@rodewaldconsulting.co.nz.



Thomas Lee Rodewald
Joint Liquidator



Steven Khov
Joint Liquidator

Declaration of Independence, Relevant Relationships and Indemnities

Name of Insolvent: The Hearing Hut Limited (In Liquidation)

We, Thomas Lee Rodewald and Steven Khov, both CA ANZ Accredited Insolvency Practitioners declare that:

Independence

- We have undertaken a proper assessment of risks to independence in accordance with the law, code and applicable professional standards;
- We have determined that the assessment identified no real or potential risks to independence

Relationship

We have not had any communication or prior meeting with the insolvent or its director or any associated party prior to accepting appointment other than to provide necessary documentation.

We were referred this appointment by the company's accountant.

We have provided no other information to the insolvent, officers of the insolvent or the advisors.

We have had no relationship with the insolvent, associates of the insolvent or security holder in the preceding 2 years;

We have no other relevant relationships, including personal, business and professional relationships, over the previous 24 months with the insolvent, an associate of the insolvent, a former insolvency practitioner appointed to the Insolvent or any person or entity that has a charge over the whole or substantially whole of the Insolvent's property that should be disclosed.

Independence and Upfront Payments

We have received an indemnity for our fees for \$3,500 + GST however, we have yet to receive any payments.



Thomas Lee Rodewald
Joint Liquidator



Steven Khov
Joint Liquidator

Appendix 2

The Hearing Hut Limited (In Liquidation) Statement of Affairs as at the 8th April 2019

	<i>Note</i>	<i>Estimated to Realise</i>
Assets		
Plant & Equipment		13,000
Debtors		None
Motor vehicles		3,000
Cash in Bank		<u>Unknown</u>
		<u>16,000</u>
Less Secured Claims		
GSA Holder		130,000
Less Preferential Claims		
Employee Claims		None
PAYE on Employee Claims		None
IRD – GST		20,000
IRD – PAYE		<u>None</u>
Deficit before Unsecured Creditors		134,000
Less Unsecured Creditors		
IRD – Income Tax (penalties & interest)		Unknown
IRD – GST (penalties & interest)		Unknown
IRD – PAYE (penalties & interest)		None
Trade Creditors		<u>95,000</u>
Deficit (before costs of liquidation)		<u>229,000</u>

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

**The Hearing Hut Limited (In Liquidation)
Schedule of Creditors as at 8th April 2019**

Creditor Name	Address
Inland Revenue Department	PO Box 39090, Wellington Mail Centre, Lower Hutt 5045
Phonak New Zealand	PO Box 333349, Takapuna, Auckland 0740
Sivantos Pty Limited	Level 4, 11 Finchley Street, Milton, Qld 4064, Australia
Sonic Innovations Pty Limited	C/- Brandons Lawyers, PO Box 36, Wellington 6140
Widex New Zealand	8 Heather Street, Parnell, Auckland 1052

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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The Hearing Hut 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

