

Fakir Investment Limited (In Liquidation) Liquidator's First Report to Shareholders and Creditors

 Company Number:
 2128618

 NZBN Number:
 9429032754520

14 December 2020

1. Background

Fakir Investment Limited (In Liquidation) ("the Company") was placed into liquidation by special resolution of the shareholder on the 7th day of December 2020 at 9:00am. Thomas Lee Rodewald, Licenced Insolvency Practitioner of Tauranga was appointed 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 Liquidators therefore reserve the right to review, and if necessary, amend the report.

3. Company Information

Date of Incorporation: Trading Address:	15 May 2008 Auckland				
Type of business:	Residential property construction.	operation and	development	excluding	site
Shareholders: Director:	Olia Essina Olia Essina	Numb	er of Shares: 1,0	000	

4. Events Leading to Appointment of Liquidators

The Director of the company has advised the reason for the failure of the Company is due to the lack of profitability on the one contract completed.

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 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.

7. Declaration of Independence, Relevant Relationships and Indemnities

We attach as *Appendix 3* a completed Declaration of Independence, Relevant Relationships and Indemnities.

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

Pursuant to section 245 of the Companies Act 1993, the liquidator, having regard to the assets and liabilities of the company, the likely result of the liquidation of the company, and other relevant matters, intend to dispense with the meeting of creditors. Should any creditor object to the decision to dispense with the creditors' meeting, they are required to notify the liquidator within 10 working days of the date of publication of this notice.

In accordance with Section 314 of the Companies Act 1993 a creditor or shareholder may request the Liquidator 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 Liquidators. 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 Tom Rodewald by email tomr@rodewaldconsulting.co.nz.

Please complete and return the enclosed Unsecured Creditors Claim form by email no later than the 7th day of February 2020 to: <u>carolc@rodewaldconsulting.co.nz</u>. 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, they are not entitled to share in any distribution to creditors that may be made by the Liquidators.

11. Further Information

If you require any further information or if you have any information that will be of assistance to the Liquidator, please contact Tom Rodewald on 021 2277408.

Thomas Lee Rodewald (LP49) Liquidator

Appendix I

Fakir Investment Limited(In Liquidation) Statement of Affairs as at the Date of the Appointment of the Liquidators being 7 December 2020

Assets

There are no known assets

Less Secured Claims There are no known security charges

Less Preferential Claims

Inland Revenue Department - GST

123,757

Unknown

Deficit before Unsecured Creditors

Less Unsecured Creditors	
Inland Revenue Department	Unknown
Trade Creditors	Unknown
First Mortgage Trust	23,000
Westpac Bank	8,789
	Unknown
Deficit (before costs of liquidation)	Unknown

Disclaimer

This statement should be read in conjunction with the disclaimer on page one of the above Liquidators 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

Fakir Investment Limited (In Liquidation) Schedule of Creditors as at 7 December 2020

Name	Address 1	Address 2	Address 3
Inland Revenue Department	PO Box 39010	Wellington Mail Centre	Lower Hutt 5045
Accident Compensation Corporation	PO Box 242		Wellington 6011
First Mortgage Trust	PO Box 13083		Tauranga 3141
Westpac Banking Corporation	PO Box 934	Shortland Street	Auckland 1140

Declaration of Independence, Relevant Relationships and Indemnities Fakir Investment Limited Limited Reg No: 2128618 ("COMPANY")

This document requires the Practitioner appointed to an insolvent entity to make declarations as to:

- A. their independence generally;
- B. relationships, including
 - 1. the circumstances of the appointment;
 - 2. any relationships with the Company and others within the previous 24 months;
 - 3. any prior professional services for the Company within the previous 24 months;
 - 4. that there are no other relationships to declare; and
- C any indemnities given, or up-front payments made, to the Practitioner.

This declaration is made in respect of myself, and Rodewald Consulting Limited.

A. Independence

I, Thomas Lee Rodewald, of Rodewald Consulting Tauranga Limited has undertaken a proper assessment of the risks to my independence prior to accepting the appointment as Liquidator of the Company in accordance with the law, RITANZ Code of Conduct and applicable professional standards. This assessment identified no real or potential risks to my independence. I have evaluated the significance of any real or potential risk to Independence and have taken such action as is necessary to preserve the Practitioner's Independence. In all cases, I am not otherwise aware of any reasons that would prevent me from accepting this appointment.

B. Declaration of Relationships

1. Circumstances of Appointment

This appointment was referred to Rodewald Consulting by its Liquidations Online website.

A conflict check was undertaken. Documents were prepared and emailed.

I believe that this referral does not result in a conflict of interest or duty because:

- It is recognised there is a need for practitioners to provide advice on an insolvency process and the options available for the Company. It is not considered that such advice results in a conflict or is an impediment to accepting the appointment; and
- The nature of the advice provided during the first telephone conversations is such that it would not be subject to review and challenge during the course of our appointment; and
- The pre-appointment advice will not influence my ability to be able to fully comply with the statutory and fiduciary obligations associated with my appointment in an objective and impartial manner

2. Relevant Relationships (excluding Professional Services to the Insolvent)

Other than disclosed herein, neither I, nor my firm, have, or have had within the preceding 24 months, any relationships with the Company, an associate of the Company, a former insolvency practitioner appointed to the Company or any person or entity that has security over on the whole or substantially whole of the Company's property.

There are no other prior professional or personal relationships that should be disclosed.

3. Prior Professional Services to the Insolvent

Neither I, nor my Firm, have provided any professional services to the Company in the previous 24 months, other than those outlined herein.

4. No Other Relevant Relationships to Disclose

There are no other known relevant relationships, including personal, business and professional relationships, from the previous 24 months with the Company, an associate of the Company, a former insolvency practitioner appointed to Scott Flooring Limited or any person or entity that has a valid and enforceable security interest on the whole or substantially the whole of the Company's property that should be disclosed.

C. Indemnities and up-front payments

I have received an upfront indemnity of \$3,250 plus GST to complete this assignment.

Dated: 14 December 2020

Thomas Lee Rodewald (LP49) Liquidator

CREDITORS CLAIM FORM

(Also for use by Preferential Creditors)

Section 304 (1) Companies Act 1993			
Name and postal address o	of creditor in full		llected is for the purpose of n in accordance with the
•••••			d and retained by Rodewald
		Consulting Limited and will be with your authorization or in c	released to other parties only ompliance with the Privacy Act
••••••		1993. Under section 304(1) of the Co	mpanies Act 1993 any claim
		by an unsecured creditor again must be in this prescribed form	
-		(a) Contain full particulars of	the claim; and that evidence or substantiate
My reference is:		the claim.	nd request correction of any
E-mail address:		personal information.	s not an individual within the
I consent to receiving fut company by email	ture information about the	meaning of the Privacy Act 199	93.)
	Fakir Investment Lir	nited (In Liquidation)	
1		(If claim is made	on behalf of creditor, specify
relationship to creditor ar	nd authority) claim that the compain the sum of [amount in words and fig	ny was at the date it was put in	to liquidation indebted to the
above named creditor for	the sum of famount in words and fig	uies].	S
			¥
STATUS OF CLAIM:			ТІСК
 I am an unsecured I am surrendering t 	creator he security I hold and I am claiming:	as an unsecured creditor	
3. I am making a pref	erential claim (refer details of reven	rse)	
	vation of title rights pursuant to rig	hts held by me	
(Refer details on re Full particulars of the cla	everse) .im are set out, and any supporting	documents that substantiate th	ne claim are identified on the
	ase include copies of all unpaid in		
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 i	n a material particular knowing
	it to be false or misleading; or		
	Omit, or authorize the omission, fr claim false or misleading in a mate	rial particular.	ig that the omission makes the
Received (Date Stamp)	Reserved for Office Use	2:	
(Date Stamp)	Claim admitted for vot	ing purposes: Signed:	Date:
	Claim rejected for voti	ng purposes: Signed:	Date:
	Claim rejected for payr	ment: Signed:	Date:
	Preferential claim for: \$	Ordinary Claim for: \$	Deferred Claim for: \$
	Signed Liquidator:		Dated:
		admit or reject a claim is ameno quidation Regulations 1994 requir	

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

	PARTICULARS OF CLAIM	I 4 .
Date	Details of claim and Identification of Documents that Evidence or Substantiate the Claim (i.e., unpaid invoices)	Amount S
	RETENTION OF TITLE CLAIMANTS ONLY 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.	S
		Yes/No \$
	 PREFERENTIAL CLAIMANTS ONLY 1. Are you claiming the full amount of your claim as preferential? 2. If no, what part of the claim is preferential? 3. Why do you believe you are a preferential creditor? 	
	(E.g. employee, GST etc)	
	4. Details of your claim	

If applicable, please record your GST registration number:

Total GST included in your claim

\$.....