



Rodewald Consulting Limited
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GFX Contracting Limited (In Liquidation) Liquidator's First Report to Creditors and Shareholders

5 June 2020

1. Background

GFX Contracting Limited (In Liquidation) ("the Company") was placed into liquidation by special resolution of the shareholders on the 28th day of May 2020 at 3:05 pm. Thomas Lee Rodewald, Insolvency Specialist 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. 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:	9 January 2019	
Trading Address:	2 Oliver Street, Cambridge	
Type of business:	Contracting	
Date trading ceased:	28 th May 2020	
Shareholders:	Peter Botha	Number of Shares: 100
Directors:	Peter Ernest Botha	

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 lack of profitability.

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.

A staff member has negotiated the purchase of the business and its assets on a delayed payment basis.

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

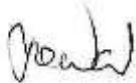
If your terms of trade with the company include reservation of title of goods supplied please contact Carol Cullen by email carolc@rodewaldconsulting.co.nz.

Please complete and return the enclosed Unsecured Creditors Claim form by 15 August 2020 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 Tom Rodewald at our Tauranga Office.



Thomas Lee Rodewald
Liquidator

Declaration of Independence, Relevant Relationships and Indemnities
GFX Contracting Limited
Reg No: 7207295 (“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 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 made based on an enquiry to our Liquidations Online website. Following this enquiry a meeting was held with the company director’s family members and subsequent phone and email discussions were also held following which the director decided that liquidation was the only course of action.

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

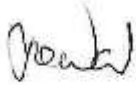
Neither I, nor my Firm, have provided any professional services to the Company in the previous 24 months, other than those outlined herein.

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 Zelena Group 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

It was agreed the Liquidator would receive an upfront payment of \$5,000 plus GST. To date \$4,500 has been received.



Thomas Lee Rodewald
Liquidator

5 June 2020

GFX Contracting Limited(In Liquidation)
Statement of Affairs as at the Date of the Appointment of the
Liquidators being 28 May 2020

	Note	Estimated to Realise
Assets		
Goodwill, Plant & Equipment		3,500
Debtors	1	22,374
Motor vehicles	2	0
Shareholder Current Account	3	Unknown
WIP		3,500
		Unknown
Less Secured Claims		
Seascope (2010) Limited		58,000
Mitre 10 Mega Te Awamutu		7,624
Less Preferential Claims		
Employee Claims		Unknown
IRD – Income Tax		8,202
IRD – PAYE		98,520
		Unknown
Deficit before Unsecured Creditors		(Unknown)
Less Unsecured Creditors		
ANZ Bank		10,171
IRD – Income Tax (penalties & interest)		671
IRD – PAYE (penalties & interest)		53,967
Trade Creditors		132,127
		196,936
Deficit (before costs of liquidation)		(Unknown)

Note 1: Debtors were factored to Seascope (2010) Limited

Note 2: Vehicles were leased from Fleet Partners.

Note 3: We have yet to calculate the Shareholders Current Account position but we understand the shareholder is not in a position to pay any sum owed to the company.

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

**GFX Contracting Limited(In Liquidation)
Schedule of Creditors as at 28 May 2020**

Name	Address 1	Address 2	Address 3
ANZ Bank			
Chorus	ash@debtworks.co.nz		
Concrete Tool Imports	76a Oxford Street	Richmond	Nelson 7020
Craig Smith Installations	37 Kentucky Road	RD 2	Cambridge 3494
Elschin Venter	office@gfxcontracts.com		
IRD	P O Box 39010	Wellington Mail Centre	Lower Hutt 5045
Karapiro Hire	719 State Highway 1	Karapiro	
Mitre 10 Mega	670 Cambridge Road	Te Awamutu 3800	
Onsite ReadyMix Concrete	156 Queen Street	Cambridge 3434	
OS12019 LP	C/- Rob@eth.co.nz		
Revital	3831 Cambridge Road	Leamington	Cambridge
Seascape (2010) Ltd	P O Box 1601	Nelson 7040	
The Tool Shed	475 Anglesea Street	Hamilton	
Traffic Management NZ	10 Aztech Place	Frankton	Hamilton
Trade Staff	P O Box 5115	Hamilton 3242	

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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GFX Contracting 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

