

MSM Holdings NZ Limited (In Liquidation) **(“the Company”)**

Liquidators’ Final Report to Creditors and Shareholders

6 May 2022

Disclaimer

This report is prepared in accordance with section 257 of the Companies Act 1993 and is intended only for the Company’s creditors and shareholders for the purposes of reporting on the Company’s statement of affairs and the conduct of the liquidation. This report is based upon information available to the Liquidator as at the date of the report. We take no responsibility for any misinformation contained in the report that has been obtained from the Company, its officers or any other persons. This report is not to be reproduced, circulated or used for any other purpose without the Liquidators prior consent and the Liquidators, their firm and its employees accept no responsibility or liability to any party for loss or damaged caused from any use of or reliance on this report.

Appointment

Thomas Lee Rodewald, a Licensed Insolvency Practitioner, was appointed as Liquidator of the above-named Company by special resolution of the shareholders on 15 November 2021 at 2:05 PM pursuant to 241(2)(a) of the Companies Act 1993 ("the Act").

Statutory Reporting

This report is prepared in accordance with section 257 of the Act and should be read in conjunction with the Liquidator's previous reports.

Commentary

The Company operated from November 2004. The Liquidator has been advised that the reason for the failure of the Company which led to the appointment of the Liquidators is due to lack of profitability.

Conduct of the Liquidation

The Liquidator has taken the following action since the previous reports:

- Reviewed financial statements and established
- Reviewed pre-liquidation sale of section
- Reviewed the documentation relating to the first mortgage holder
- Dealt with legal enquiries
- Attempted to contact the company director.
- Reviewed correspondence from and to the group accountant.

Assets

The Liquidator has now realised or disclaimed all assets of the Company and a final summary of receipts and payments provided in **Appendix One**.

The company had title to a section located in Papamoa. This was sold seven years ago but title was not transferred. Court cases resulted. A modest payment was received for the Liquidator to deal with the property.

Creditors

The funds recovered from the liquidation were only sufficient to cover the Liquidators costs of liquidation, therefore the Liquidator was unable to make any distributions to any class of creditors.

Preferential Creditor Claims

To date, the Liquidator has received preferential claims of \$181,672.67. This balance remains.

Secured Creditor Claims

Proceedings in the High Court have been resolved.

Unsecured Creditor Claims

To date, the Liquidator has received no formal unsecured claims.

Legal Proceedings

The Liquidator is not aware of any current or pending proceedings that the Company is a party to as at the date of this report. Should the Liquidator become aware of any proceedings, details of these will be provided in future reports.

Liquidator's Remuneration

Attached as **Appendix Two** is the Liquidator's remuneration summary.

If you have yet to receive this, please contact the Liquidator.

The attention of all creditors and shareholders of the Company is drawn to section 284(1)(e) of the Act which provides that they may apply to the Court to review or fix the remuneration of the Liquidator. Please contact the Liquidator for more information.

Completion of Liquidation

The work completed during the liquidation includes realisation of assets, liaising with creditors regarding their claims and any distributions, investigations into the books and records of the Company for any insolvent transactions and any breaches of legislation by its officers and attending to all statutory matters.

In accordance with section 257(1)(a)(ii) of the Act all known assets of the Company have been realised and the Company is ready to be removed from the New Zealand Register ("**the Register**").

Removal of Company from Register

The Liquidator has given public notice pursuant to section 320(4) of the Act of their intention to remove the Company from the Register. A copy of this notice is provided in Appendix Two.

The attention of all creditors and shareholders is drawn to section 321 of the Act which provides that any person may send to the Registrar of Companies, not later than the date specified in the notice, an objection to the removal on any one or more the following grounds:

- a. That the company is still carrying on business or there is other reason for it to continue in existence;
- b. The company is a party to a legal proceeding;
- c. That the company is in receivership, liquidation or both;
- d. That the person is a creditor, or a shareholder, or a person who has an undischarged claim against the Company;
- e. That the person believes that there exists, and intends to pursue, a right of action on behalf of the Company under part IX of the Act; or
- f. That, for any reason, it would not be just an equitable to remove the company from the New Zealand Register.

Note: section 312(2) of the Act provides that a claim by a creditor or a shareholder or any other person against a Company is not an "undischarged claim" if a Receiver or Liquidator has notified that person that the Company has no surplus assets.

Any objections must be lodged with the Registrar of Companies by 6 July 2022.

Contact Information

If you require any further information or have information that can assist the liquidator, please contact the Liquidators.

Contact	Thomas Rodewald
Email	tomr@rodewaldconsulting.co.nz
Phone Number	021 2277408
Postal Address	PO Box 54413, Tauranga 3144



Thomas Lee Rodewald (IP49)

Liquidator

Appendix One

Summary of Receipts and Payments

MSM Holdings NZ Limited (In Liquidation)
Liquidators's Summary of Receipts and Payments
To 06 May 2022

RECEIPTS

Settlement	1,600.00
Shareholder Payments	4,750.00
GST Refund due	712.51
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	7,062.51

PAYMENTS

Liquidators Fees	5,627.95
Liquidators Disbursements	722.05
GST on Expenses	712.51
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	7,062.51
Balances in Hand	0.00

All figures are in NZD and exclude GST.

Appendix Two

Liquidators Remuneration Report

**MSM Holdings NZ Limited (In Liquidation)
Liquidators's Remuneration Summary
To 06 May 2022**

Position	Time	Rate	Cost
Liquidator	8.4	379	3,186.00
Senior Manager	0.415	230	95.45
Support Staff	19.433	160	3,109.28
	<u>28.248</u>		<u>6,390.73</u>
Finalisation Fee			<u>1,000.00</u>
			<u>7,390.73</u>
Billed			<u>5,627.95</u>
Liquidators Write Off			<u>1,762.78</u>

Appendix Three

Notice to Remove the Company from the Register

Company: MSM Holdings NZ Limited (In Liquidation) (“the Company”)

**Notice of Intention to Remove Company from Register
Pursuant to section 320 of the Companies Act 1993 (“the Act”)**

I, Thomas Lee Rodewald, Liquidator of the Company, hereby give notice that pursuant to section 318(1)(e) of the Act and having filed with the Registrar my final report on the liquidation, it is intended to remove the Company from the New Zealand Register.

Any objection to the removal pursuant to section 321 of the Act, must be delivered to the Registrar no later than 6 July 2022.

Dated 6 May 2022



Thomas Lee Rodewald
Liquidator
(Registration Number: IP49)