

East Coast Bulk Haulage Limited (In Liquidation) ("the Company")

Liquidator's First Report to Creditors and Shareholders

Disclaimer

This report is prepared in accordance with section 255 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. I 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 Liquidator prior consent and the Liquidator, 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 22 August 2022 at 2:30 PM, pursuant to section 214(2)(a) of the Companies Act 1993 (“the Act”).

The Liquidator has made the appropriate enquiries and is of the opinion that he is not barred from acting under section 280 of the Act. A notice is provided in **Appendix Three** regarding the licensing of insolvency practitioners.

The Liquidator has been appointed by the shareholders of the Company.

Company Information

The following information has been obtained from the Companies Office as at the time of the appointment:

Date of Incorporation	28 April 2016
Company Registration Number	5970273
Company NZBN	9429042312697
Registered Office	Initiom Limited, 244 Tristram Street, Hamilton 3240
Type of Business	Bulk Haulage

Shareholders

Name	Shareholding
Wayne McLaughlin	150
Diane McLaughlin	150

Directors

Name	Address
Diane McLaughline	44 Seachange Drive, Leamington, Cambridge 3432

Commentary

The Company was incorporated on 28 April 2016 and it was part of a group that had various business interests. This company provided road freight transportation services. A related company was unable to meet its obligations which resulted in financial issues arising. The IRD issued liquidation proceedings. The company director requested the shareholders appoint a Liquidator on a voluntary basis.

To date, the Liquidator has sent notices to the Company’s officers and professional advisors pursuant to section 261 of the Act requesting the delivery of the Company’s books, records and legal files. The Liquidator has also frozen the Company’s bank account and has issued notices to the secured creditors asking for details of their debt and securities.

Statement of the Company’s Affairs

A statement of the Company’s estimated financial position as at the date of liquidation is provided in **Appendix One**. This statement has been prepared based on information obtained from the Company, its officers and creditors. The information has yet to be verified for validity and may be subject to change.

Proposals for Conducting the Liquidation

The Liquidator will take steps to realise the assets of the Company and continue their investigations into the affairs of the Company to determine if there are any insolvent transactions and/or breaches of any relevant legislation by the Company or its officers. It is too early to comment on any recoveries and the likelihood of a distribution at this stage. However, if it is determined that there are sufficient funds to make a distribution to creditors, the Liquidator will contact

the creditors if they have not already provided their claim forms along with any applicable documentation in line with AML/CFT laws. Any distributions will be made in accordance with Schedule 7 of the Act.

Assets

The Liquidator has been advised that the Company had the following assets as at the date of the liquidation:

- Overdrawn shareholder current account
- Related party advances
- Funds held at the BNZ

It is too early to determine the realisable value of these assets and/or any potential claims available to the Liquidator. The Liquidator is also investigating whether there are any other assets and/or potential claims which may give rise to additional recoveries for the benefit of creditors.

Creditor Claims

In accordance with section 255(2)(c) of the Act, a schedule of all known creditors of the Company as at the date of this report is provided in **Appendix Two**.

Secured Creditor Claims

A search of the Personal Properties Securities Register disclosed there were no security interests registered against the Company.

Preferential Creditor Claims

The Liquidator is currently determining the amount owed to the IRD as a preferential creditor and has yet to receive a claim from Inland Revenue. A printout from the IRD site records GST outstanding including penalties and interest is \$114,737.54.

Unsecured Creditor Claims

Financial statements as at 31 March 2022 record income tax payable to the IRD is \$64,583. It appears the tax return for this period is still to be processed. The financial statements also record accounts payable at \$233,593. We still await details of unsecured creditors. If you are an unsecured creditor and have not already done so, please complete and return the Unsecured Creditor's Claim Form (attached) by no later than.

Legal Proceedings

As at the date of our appointment the IRD had filed liquidation proceedings. We were notified on Friday 26 August these proceedings have been discontinued subject to Court approval. The Liquidator is not aware of any other 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.

Meeting of Creditors

A notice of dispensing with the meeting of creditors is provided in **Appendix Three**.

Estimated Completion Date

It is not practicable to estimate the date of completion of the liquidation or if there will be any distribution at this stage. However, if you are a creditor or shareholder and wish to assist the Liquidator by providing funding for recovery action or by providing additional information that would assist the liquidation, please contact the Liquidator as soon as possible. The Liquidator request that the information be provided in writing along with copies of supporting documentation.

Statutory Reporting

Further reports will be issued every 6 months and a final report will be issued at the conclusion of the liquidation pursuant to section 257 of the Act.

Declaration of Independence, Relevant Relationships and Indemnities

Pursuant to section 255A of the Act and the RITANZ Code of Professional Conduct, a declaration of independence, relevant relationships and indemnities is provided in **Appendix Four**.

Contact Information

If you require any further information or have information that can assist the Liquidator, please contact:

Contact	Carol Cullen
Email	carolc@rodewaldconsulting.co.nz
Phone Number	021 227 7408
Postal Address	PO Box 15543, Tauranga 3144



Thomas Lee Rodewald
Liquidator
(Registration Number: IP49)

Dated 26th August 2022

Appendix One

Statement of Company's Affairs

East Coast Bulk Haulage Limited (In Liquidation)		
Statement of Affairs as at 22 August 2022		
	Note	Book Value
Assets		
Cash		3,186
Shareholder Current Account	1	74,694
Inter Entity Current Accounts	2	Unknown
Total Assets		Unknown
Liabilities		
Preferential and Secured Creditors		
Preferential Creditors – Inland Revenue (GST)	3	114,737
Total Preferential and Secured Creditors		114,737
Estimated Surplus/Deficit before Unsecured Creditors		Unknown
Unsecured Creditors		
Unsecured Creditors – Inland Revenue (INC)	4	64,583
Unsecured Creditors – Inland Revenue (Penalties/Interest)	3	Unknown
Unsecured Creditors – Trade Creditors	5	233,593
Related Party Loans		0
Total Unsecured Creditors		Unknown
Estimated surplus/Deficit (before costs of liquidation)		Unknown

All figures are in NZD and include GST where applicable.

Notes to Statement of Company's Affairs

1. Balance owing per financial statements dated 31 March 2022.
2. Balance owing per financial statements dated 31 March 2022, \$484,393. It is unclear if any of this sum is recoverable.
3. This includes penalties and interest. IRD claim yet to be received.
4. Balance owing per financial statements dated 31 March 2022. It appears the relevant tax return has yet to be filed.
5. Balance owing per financial statements dated 31 March 2022. We have to be provided of details of this liability.

Disclaimer

This disclaimer should be read in conjunction with the disclaimer earlier in this report. 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 in accordance with section 255 of the Companies Act 1993. A compilation is limited to the collection, classification and summarisation of the books and records of the company together with information supplied by the Directors. A compilation does not involve the verification of that information. Rodewald Consulting has not audited the information obtained and they do not accept any liability to any party relying on the information presented in the Statement of Affairs. Further, the Statement of affairs has been prepared for the purpose of the liquidation only, and I do not accept any responsibility on any ground whatsoever, including liability in negligence, to any other person.

Appendix Two

Schedule of Company Creditors

Creditor Name	Creditor Address
Inland Revenue Department	PO Box 39010, Wellington Mail Centre, Lower Hutt 5045
Performance Diesels Limited	247 Cameron Road, Tauranga

Appendix Three

Notice to Creditors and Shareholders

Thomas Lee Rodewald, a Licensed Insolvency Practitioner was appointed as Liquidator of the Company on 22 August 2022 at 2:30 PM pursuant to section 214(2)(a) of the Companies Act 1993 (“the Act”).

Notice of Liquidator to Dispense with Meeting of Creditors Pursuant to section 245 of the Act

The Liquidator proposes to dispense with the meeting of creditors pursuant to section 245 of the Act. This decision has been made on the basis that it would add unnecessary costs to the liquidation, and they are unaware of any other issues that require consideration by the creditors.

Therefore, no meeting of creditors will be called unless the Liquidator receive notice in writing from a creditor within 10 working days of their receipt of this notice.

Meetings of Creditors or Shareholders Pursuant to section 314 of the Act

Section 314 of the Act permits any creditor or shareholder of the Company to request the Liquidator, in writing (at any time during the course of the liquidation), to call a meeting of creditors or shareholders for the purpose of:

- Voting on a proposal that a liquidation committee be appointed to act with the Liquidator; and
- To choose the members of the committee.

Should any creditor wish to give notice they require a meeting of creditors to be called they are requested to provide the following information in their notice:

- The nature of the business they require to be transacted at any such meeting; and
- The text of any motion they require to be put to any such meeting.

Please note that the Liquidator may decline a request for a creditors meeting pursuant to section 314(2) of the Act on the grounds that:

- a) the request is frivolous or vexatious; or
- b) the request was not made in good faith; or
- c) except where a creditor or shareholder agrees to meet the costs, the costs of calling a meeting would be out of all proportion to the value of the company’s assets”.

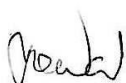
Notice to Creditors to Claim Pursuant to Liquidation Regulation 12 of the Act

Notice is hereby given that the Liquidator fixes, as they day on or before which the creditors of the Company are to make their claims and to establish any priority their claims may have, under section 312 of the Act, or to be excluded from the benefit of any distribution made before the debts are claimed or, as they case may be, from objecting to the distribution.

Notice to Creditors and Shareholders Pursuant to section 255 (2)(c)(ii)(d) of the Act

Notice is hereby given that as of 1 September 2020, Insolvency Practitioners are required to be licensed; and that more information about regulation of insolvency practitioners is available from the Registrar of companies.

Dated 26th August 2022



Thomas Lee Rodewald

Liquidator (Registration Number: IP49)

Appendix Four

Declaration of Independence, Relevant Relationships and Indemnities

Pursuant to section 255A of the Companies Act 1993 ("the Act")

Company: East Coast Bulk Haulage Limited (In Liquidation) (5970273) (the "Company")

I, Thomas Lee Rodewald, a Licensed Insolvency Practitioner declare:

Declaration of Independence

I have undertaken a proper assessment of the risks to my independence prior to accepting the appointment as Liquidator of the Company in accordance with the Act, RITANZ Code of Conduct and applicable professional standards. This assessment identified no real or perceived conflicts to my independence. I am not otherwise aware of any impediments to us being appointed as Liquidator. I have undertaken a proper assessment of the risks to my independence prior to accepting the appointment as Liquidator of the Company in accordance with the Act, RITANZ Code of Conduct and applicable professional standards. This assessment identified real or perceived conflicts to my independence and I have taken such action as is necessary to preserve my independence. I am not otherwise aware of any impediments to us being appointed as Liquidator.

Declaration of Relationships

Circumstances of Appointment

This appointment was referred by the Company's external accountants. I have had a pre-appointment phone discussions with the accountants to discuss the liquidation process. These discussions do not result in a conflict of interest or impediment to be appointed as Liquidator.

Relevant Relationships

Other than disclosed herein, none of the Liquidator, nor members of their firms, have had within the preceding 24 months, any relationships with the Company.

Prior Professional Services

The Liquidator, nor members of the firm, has within the preceding 24 months, provided any professional services to the Company.

Other Relevant Relationships to Disclose

I have no other relevant relationships, including personal, business and professional relationships, over the previous 24 months with the Company, an associate of the Company (excluding relatives, except where the relative has a business relationship with the Company), or any person or entity that has a charge over the whole or substantially whole of the Company's property that should be disclosed.

Declaration of Indemnities and Up-front Payments

I have been provided with the following verbal indemnities in relationship to this company and the Liquidation of Parklane Contracting Limited for remuneration:

Name	Relationship	Nature of Indemnity/Payment
Wayne and Diane McLaughlin	Shareholders	\$6,000 + disbursements + GST

This indemnity does not have any conditions on the conduct or outcome of the engagement. This does not include statutory indemnities and nor have I received any other indemnities or upfront payment that should be disclosed.

Dated 26th August 2022



Thomas Lee Rodewald, Liquidator

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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East Coast Bulk Haulage 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 | TICK |
| 2. I am surrendering the security I hold and I am claiming as an unsecured creditor | <input type="checkbox"/> |
| 3. I am making a preferential claim (refer details of reverse) | <input type="checkbox"/> |
| 4. I am claiming reservation of title rights pursuant to rights held by me
(Refer details on reverse) | <input type="checkbox"/> |

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 Dated:
 Liquidator: _____

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>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.</p> <p>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</p>	<p align="center">Yes/No</p> <p>\$.....</p>

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

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