



Builtwell Building Limited (In Liquidation) **(“the Company”)**

Liquidators’ Final Report to Creditors and Shareholders

Company Number: 8385225

NZBN: 9429050624072

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 14 March 2024 at 10:00 AM pursuant to 241(2)(a) of the Companies Act 1993 (“the Act”).

Statutory Reporting

This report is the Liquidators final report and 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 traded from Hamilton in building and house construction. 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 difficult trading conditions and a breakdown between the director and management. The Inland Revenue Department debt increased leading to an arrangement being put in place but subsequent concerns over solvency lead to the decision to appoint a Liquidator.

Conduct of the Liquidation

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

- Assets of the business were sold
- Collected outstanding debtor funds and wrote off uncollectible amounts
- Collected cash on hand
- Attended to statutory reporting
- Considered director liability and voidable preference issues but no further action was deemed cost effective for creditors.

Assets

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

Creditors

The Liquidator has recovered the costs of the liquidation and has made a distribution to the following class of creditors as per Schedule 7 of the Act.

Preferential Creditor Claims

To date, the Liquidator has received preferential claims of \$5,650.85 from staff and made a distribution of \$5,650.85 representing 100 cents in the dollar. A preferential claim of \$211,282.94 has been received from the Inland Revenue Department and a distribution of \$51,878.94 has been made representing 24.56 cents in the dollar.

Secured Creditor Claims

The Liquidator has received no secured creditor claims.

Unsecured Creditor Claims

The Liquidator has received notification of unsecured claims of \$295,186. No distribution was able to be made to unsecured creditors.

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

The Liquidator has invoiced \$25,789.93 (excluding GST) plus disbursements of \$801.70 (excluding GST) for their services. Attached as **Appendix Three** is a summary of the Liquidator’s time and cost.

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, disclaimed or distributed without realisation, all realisations have been distributed, 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 Four**.

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 30th September 2024.

Contact Information

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

Contact	Tom Rodewald
Email	tomr@rodewaldconsulting.co.nz
Phone Number	021 2277408
Postal Address	PO Box 15443, Tauranga 3144



Thomas Lee Rodewald (LP49)
Liquidator

Dated 22nd August 2024

Appendix One

Statement of Company Affairs

Builtwell Building Limited (In Liquidation)			
Statement of Affairs as at 22 August 2024			
	Note	Estimate on Appointment	Updated estimate
Assets			
Funds on hand		1,814	1,814
Accounts receivable		137,047	55,498
Related party advance	1.	12,340	-
Plant and equipment		2,000	2,349
Vehicles		40,000	23,714
GST		-	17,630
Total Assets		193,201	101,005
Liabilities			
Preferential and Secured Creditors			
Employee claims		-	5,770
Inland Revenue Department – Paye and GST		230,655	211,283
Total Preferential and Secured Creditors		230,655	217,053
Estimated Deficit before Unsecured Creditors			
		37,454	116,048
Unsecured Creditors			
Unsecured creditors – Inland Revenue Department		-	32,186
Unsecured Creditors – Trade Creditors		115,903	270,202
Related Party	1.	16,023	3,683
Total Unsecured Creditors		131,926	306,071
Estimated Deficit (before costs of liquidation)			
		169,380	422,119

Note 1. Amount offset

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 and a comparison with the final outcome. 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 Limited 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 we do not accept any responsibility on any ground whatsoever, including liability in negligence, to any other person.

Appendix Two

Summary of Receipts and Payments

Liquidator's Summary of Receipts and Payments		
14 March 2024 to 22 August 2024		
RECEIPTS		Total (NZD)
Funds on hand pre liquidation		1,813.61
Pre Appointment Debtors		55,498.36
Sale of Assets		26,063.05
GST on Income		12,237.47
GST Refunded		5,392.33
		<u>101,004.82</u>
PAYMENTS		
Commission on sale of assets		5,148.91
Legal fees		4,786.85
Liquidators fees		25,789.93
Liquidators disbursements		801.70
Paye paid		1,326.34
Preferential payments - employees		5,769.76
Preferential payments - Inland Revenue Department		51,898.94
GST on expenses		5,482.39
		<u>101,004.82</u>
Balances in Hand		-
		<u>101,004.82</u>

All figures are in NZD and exclude GST.

Appendix Three

Time Costs

	Rate	Asset Realisation		Creditors		Administration		Investigation		Reporting		Total	
		Time	Cost*	Time	Cost*	Time	Cost*	Time	Cost*	Time	Cost*	Time	Cost*
Liquidator	410	6.10	2,501.00	5.30	2,173.00	7.80	3,198.00	1.20	492.00	1.20	492.00	21.60	8,856.00
Senior Manager / Consultant	310	9.51	2,949.03	13.61	4,218.17	5.96	1,846.98	0.00	0.00	1.16	359.60	30.23	9,373.78
Support Staff	180	5.70	1,026.00	12.17	2,190.06	13.18	23,73.12	0.00	0.00	1.00	180.00	32.05	5,769.18
Total		21.31	6,476.03	31.07	8,581.23	26.94	7,418.10	0.00	0.00	3.36	1,031.60	83.89	23,998.96
Provision for Finalisation												1790.97	
Fees per Receipts and Payments												25,789.93	

Disbursements

Disbursement	Cost*
Advertising	401.70
General Expenses	400.00
Total	801.70

*Amounts exclude GST.

Detail of Work Completed

Asset Realisation	<i>Realising assets, realising debtors</i>
Creditors	<i>Recepting creditors claim forms, preparing and remitting payments to creditors, liaising with creditors on liquidation matters</i>
General Administration	<i>Trust account management, attending meetings, phone calls, file reviews, attending to tax obligations</i>
Investigation	<i>Reviewing financials records, tax assessments, liaising with IRD, reviewing directors conduct</i>
Reporting	<i>Statutory reporting obligations</i>

Appendix Four

Notice to Remove the Company from the Register

Company: Builtwell Building 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 30th September 2024.

Dated 22nd August 2024



Thomas Lee Rodewald (LP49)
Liquidator