

# Advance Fintube X-Changers Limited (In Liquidation)

## Liquidators First Report

10 August 2007

### 1. Background

Advance Fintube X-Changers Limited (“the company”) was placed into liquidation by order of the High Court at Hamilton dated the 2<sup>nd</sup> of July 2007, at 11.25am. Kenneth Peter Brown and Thomas Lee Rodewald, Chartered Accountants of Tauranga, were appointed as Joint and Several Liquidators of the company. We detail below the Liquidators first report, for the information of creditors 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 Liquidators do 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 Liquidators take 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:	27 March 2003
Trading Address:	Hamilton
Type of business:	Engineers
Date trading ceased:	March 06
Shareholders:	Kevin Malpass William Bunning Makarini Tupe
Directors:	Kevin Malpass William Bunning

#### **4. Events leading to appointment of Liquidators**

The company was wound up on the petition of one of the shareholders, Mr Tupe, for monies advanced to the company and outstanding wages. The claim is disputed to a degree by the other shareholders and the Liquidators will look to investigate the claim.

#### **5. Statement of Affairs**

We attach as *Appendix I* a statement of the company's affairs as at the date of our appointment.

This has been prepared from information provided to the Liquidators, and the Liquidators are not yet able to express an opinion on the validity of that information.

#### **6. Proposals for Conducting the Liquidation**

There appear to be some issues to clarify in respect of assets that the company may have previously had in relation to items of plant and machinery. The Liquidators are currently making enquiries into this and we are unable to estimate the chances of any recovery or any specific amounts at this point in time.

We will also be looking at the issue of shareholders current accounts although initial indications are that these are in credit. In addition we will be looking to establish if there are any potential voidable transactions that require further investigation.

Further we will look to establish if the directors have completed their statutory duties as required by the Companies Act 1993.

#### **7. 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. A further report will be completed in six months time updating creditors on the Liquidators progress.

#### **8. Creditors Meeting**

No meeting will be held. The Liquidators dispense with holding a creditors meeting pursuant to section 243 of the Companies Act 1993 as the dividend is expected to be small and the costs of holding a meeting would be out of proportion to any value arising.

In accordance with Section 314 of the Companies Act 1993 a creditor or shareholder may request the Liquidators 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 Liquidators. This request must be in writing.

The Liquidators 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.

**9. Creditors Claims**

If your terms of trade with the company include reservation of title of goods supplied please contact Grant Wills on 07 571 6280.

Please complete and return the enclosed Unsecured Creditors Claim form by the 20th day of September 2007. If you believe that you are a secured creditor please contact this office and the appropriate forms will be sent to you.

**10. Further Information**

If you require any further information or if you have any information that will be of assistance to the Liquidators please contact Grant Wills at our Tauranga Office.

Kenneth Peter Brown  
*Joint Liquidator*

Statement of Affairs of  
Advance Fintube X-Changers Limited (In Liquidation)  
as at 2 July 2007

	<i>Estimated to realise \$</i>
<b>Assets</b>	unknown
<b>Less Secured Claims</b>	nil
<b>Less Preferential Claims</b>	
IRD – GST/PAYE	nil
<b>Surplus before Unsecured Creditors</b>	
<b>Less Unsecured Creditors</b>	
Trade Creditors	483,030
<b>Deficit (before costs of liquidation)</b>	<b>(483,030)</b>

*Disclaimer*

*This statement should be read in conjunction with the disclaimer on page one of the above Liquidators report and Rodewald Hart Brown Ltd 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 liquidators.*

*Rodewald Hart Brown Limited*