

# Bay Mortgage & Insurance Consultants Limited (In Liquidation)

## Liquidators First Report

18 April 2008

### 1. Background

Bay Mortgage & Insurance Consultants Limited (“the company”) was placed into liquidation by order of the High Court at Tauranga on the 10<sup>th</sup> of March 2008, at 10.36am. 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: | 29 September 1993  |
| Trading Address:       | No longer trading formerly Suite 7 No 9 Devonport Road, Tauranga |
| Type of business:      | Mortgage and Insurance   |
| Date trading ceased:   | March 2007   |
| Shareholders:          | Peter Andrew Smith (500)<br>Leanne Maree Provick (500)           |
| Directors:             | Peter Andrew Smith<br>Leanne Maree Bartosh                       |

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

The Director spoken to accuses the other Director who was in charge of the administration as the reason for the company failing. This Director advises as a result correspondence was not opened and the true position of the company was not known. The company fell behind in payments to IRD, who successfully petitioned the High Court to have a liquidator appointed.

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

We attach as *Appendix I* a statement of the company's affairs as at the date of our appointment. The company has a number of current insurance policies with different providers, the Liquidators will investigate whether these policies have any value and are able to be sold.

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

The only known creditor at the date of appointment is the IRD.

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

The Liquidators will account for all assets, sell any assets of value and conduct an investigation of the company's books and records to establish if there are any potentially voidable transactions that require investigation, potential current account issues, and ensure the director has complied with the duties and obligations imposed on him under 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.

Reports will be prepared at six monthly intervals from appointment and a final report will be issued at the conclusion of the liquidation.

#### **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 nil or very small.

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 Paul Clark on 07 571 6280.

Please complete and return the enclosed Unsecured Creditors Claim form before 19<sup>th</sup> May 2008. If you believe that you are a secured creditor please contact this 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 Liquidators, they are not entitled to share in any distribution to creditors that may be made by the Liquidators.

## **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 Paul Clark at our Tauranga Office.

Kenneth Peter Brown  
*Joint Liquidator*

Statement of Affairs of  
 Bay Mortgage & Insurance Consultants Limited (In Liquidation)  
 As at the date of the appointment of the Liquidators  
 being 10th March 2008.

|   | <i>Estimated<br/>to realise</i> |
|---|---------------------------------|
| <b>Assets</b>                                       |                                 |
| Insurance Policies                                  | <u>TBA</u><br><b>TBA</b>        |
| <b>Less Secured Claims</b>                          |                                 |
| Nil   | Nil                             |
| <b>Less Preferential Claims</b>                     |                                 |
| Petitioning Creditors Costs                         | <u>2,789</u>                    |
| <b>Deficit before Unsecured Creditors</b>           | <b>(2,789)</b>                  |
| <b>Less Unsecured Creditors</b>                     |                                 |
| IRD – Income Tax (assessment, penalties & interest) | 927,677                         |
| Trade Creditors                                     | <u>Nil</u>                      |
| <b>Deficit (before costs of liquidation)</b>        | <b>(930,466)</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*