



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

The Director of the company has advised that the reason for the failure of the company is due to increased input costs as a percentage of gross sales combined with large debt servicing requirements. This made the operation of the business unprofitable. Attempts to sell the business were unsuccessful and eventually the decision was made to appoint liquidators.

#### **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 by a director of the company and the Liquidators are not yet able to express an opinion on the validity of that information.

Also attached as *Appendix II* is a list of known creditors as at the date of appointment.

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

The Liquidators will attend to normal statutory matters and realise assets owned by the company. In addition, they will conduct an investigation of the company's books and records to establish if there are any potentially voidable transactions that require recovery action. The Liquidators will review the actions of the director to ensure that he 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.

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

A Liquidator may call a meeting of creditors in order to decide whether an application should be made to the Court to appoint a replacement Liquidator.

Having regard to the assets and liabilities of the company, the likely result of the liquidation and other relevant matters, the Liquidator considers in accordance with section 245 of the Companies Act 1993 that no such meeting should be held.

A meeting will not be called unless within 10 working days after receiving this notice a creditor gives notice in writing to the Liquidator requiring a meeting to be called.

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 Adam Jolly on 07 571 6280.

Please complete and return the enclosed Unsecured Creditors Claim form by the 20<sup>th</sup> November 2009 to P O Box 15660, Tauranga. If you believe that you are a secured creditor please contact our Tauranga 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 Adam Jolly at our Tauranga Office.



Robert James Neilson  
*Joint Liquidator*

## *Appendix I*

Black With A Fern Limited (In Liquidation)  
Statement of Affairs  
as at the date of the appointment of the  
Liquidators being 13 October 2009

	<i>Estimated to realise</i>
<b>Assets</b>	
Fit Out & Equipment	Unknown
Stock	500
Cash On Hand	2060
<b>Less Secured Claims</b>	<b>Nil</b>
<b>Less Preferential Claims</b>	
IRD - GST & PAYE	37,580
<b>Deficit before Unsecured Creditors</b>	<b>Unknown</b>
<b>Less Unsecured Creditors</b>	
ASB Bank	230,000
IRD - Penalties & Interest	23,060
Trade Creditors	35,378
<b>Deficit (before costs of liquidation)</b>	<b>Unknown</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*

*Appendix II*  
**Black With A Fern Limited (In Liquidation)**  
**Schedule of Creditors as at 13 October 2009**

Accident Compensation Corporation	PO Box 3248	WELLINGTON
Bidvest Logistics	P O Box 300 096	AUCKLAND
Bluebird Foods Ltd	Private Bag 76903	MANUKAU
BNZ Merchant Services	P O Box 2842	WELLINGTON
BOC	Private Bag 93300	AUCKLAND
Cerebos Greggs	P O Box 58095	MANUKAU
Coca-Cola Amatil (NZ) Limited	Private Bag 14-916	AUCKLAND
Electronic Transaction Services Limited	P O Box 799	AUCKLAND
Fonterra Brands (NZ) Ltd	Private bag 3001	HAMILTON
Great Goods	P O Box 798	PUKEKOHE
GSF NZ Ltd	P O Box 97-507	MANUKAU
Inland Revenue Department	PO Box 39010	LOWER HUTT
JMP	PO Box 3339	AUCKLAND
Just Water	Private Bag 92-811	AUCKLAND
Mercury Energy	Private Bag 92008	AUCKLAND
Methodist Church of NZ Investment Board	PO Box 62587	AUCKLAND
OCS Ltd	PO Box 8122	AUCKLAND
Provenco Cadmus	PO Box 68281	AUCKLAND
Rentokil Limited	Private Bag 92-905	AUCKLAND
Subway International BV	Prinsengracht 13	THE NETHERLANDS
Warehouse Stationery	PO Box 9429	AUCKLAND
Waste Management	Private Bag 14919	AUCKLAND
Rush Munro's of New Zealand Ltd	PO Box 2438	HASTINGS
Equipment Finance Limited	Private Bag 94013	MANUKAU

# UNSECURED CREDITOR'S CLAIM

## Section 304 (1) Companies Act 1993

<p>Name and postal address of creditor in full                  .....                  .....                  .....                  .....                  Telephone number: .....</p> <p>My reference is: .....                  (if applicable)</p> <p>E-mail address: .....  <input type="checkbox"/> I consent to receiving future information about the company by email</p>	<p>*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 Hart Brown Limited and will be released to other parties only with your authorisation 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.)</p>																	
<p>Name of company in Liquidation:  <div style="text-align: center; padding: 5px;"><b>Black With a Fern Limited (In Liquidation)</b></div></p>																		
<p>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 abovenamed creditor for the sum of [amount in words and figures]:</p> <p style="text-align: right;">\$</p>																		
<p>Either: I hold no security for the amount claimed; or                  I am surrendering my security and I am claiming as an unsecured creditor                  (omit whichever does not apply)</p>																		
<p>Full particulars of the claim are set out, and any supporting documents that substantiate the claim are identified on the reverse of the form. <i>(Please include copies of all unpaid invoices)</i></p>																		
<p>Signed: _____</p>	<p>Date: _____</p>																	
<p><b>WARNING:-</b></p>	<p>It is an offence under section 304(6) of the Companies Act 1993 to:-                  Make, or authorise the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or                  Omit, or authorise the omission, from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular.</p>																	
<p>Received (Date Stamp)</p>	<p>Reserved for Office Use:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Claim admitted for voting purposes:</td> <td style="width: 33%;">Signed:</td> <td style="width: 33%;">Date:</td> </tr> <tr> <td>Claim rejected for voting purposes:</td> <td>Signed:</td> <td>Date:</td> </tr> <tr> <td>Claim rejected for payment:</td> <td>Signed:</td> <td>Date:</td> </tr> <tr> <td>Preferential claim for: \$</td> <td>Ordinary Claim for: \$</td> <td>Deferred Claim for: \$</td> </tr> <tr> <td colspan="2">Signed Liquidator:</td> <td>Dated:</td> </tr> </table> <p>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.</p>			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 Liquidator:		Dated:
Claim admitted for voting purposes:	Signed:	Date:																
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Signed Liquidator:		Dated:																

