

# Durham Mews Limited (In Liquidation)

## Liquidators First Report

29 October 2007

### 1. Background

Durham Mews Limited (“the company”) was placed into liquidation by order of the High Court at New Plymouth on the 24<sup>th</sup> of September 2007, at 10.25am. 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

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### 3. Company Information

|                        |   |
|------------------------|---|
| Date of Incorporation: | 7 May 2004  |
| Trading Address:       | No longer trading, formerly New Plymouth  |
| Type of business:      | Property Development  |
| Date trading ceased:   | 2006  |
| Shareholders:          | Target Trust Properties Ltd<br>Suman Kumar Modgill<br>Seema Modgill<br>Rajan Rai<br>Catherine Louise Harding<br>Peter Joseph Young<br>Shashikant Anandkumar Patel |
| Directors:             | Suman Kumar Modgill<br>Pauline Ruth Sutton  |

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

As we have had no contact with the director, all we are able to report from information received is that the last property developed has been sold or finalised toward the end of last year. At this stage we have been unable to verify details of this transaction. As far as we are aware, there is nothing left in the company, no assets left and the directors were not going to defend the liquidation proceedings.

#### **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 the limited information provided by the Inland Revenue Department and the Liquidators are not yet able to express an opinion on the validity of that information.

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

The Liquidators will 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.

The Liquidators give notice under section 255(5) of the Companies Act 1993 that no further reports will be issued, except for a final report 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.

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 Marilyn Thorne on 07 571 6280.

Please complete and return the enclosed Unsecured Creditors Claim form before 9th of November 2007. 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 Marilyn Thorne at our Tauranga Office.

Thomas Lee Rodewald  
*Joint Liquidator*

Statement of Affairs of  
Durham Mews Limited (In Liquidation)  
As at the date of the appointment of the Liquidators  
being 24<sup>th</sup> September 2007.

|  | <i>Estimated<br/>to realise<br/>\$</i> |
|--|--|
| <b>Assets</b>                                | Nil                                    |
| <b>Less Secured Claims</b>                   | Nil                                    |
| <b>Less Preferential Claims</b>              |  |
| IRD - GST                                    | 99,000                                 |
| IRD - GST                                    | <u>36,000</u>                          |
|  | 135,000                                |
| <b>Deficit before Unsecured Creditors</b>    | <b>(135,000)</b>                       |
| <b>Less Unsecured Creditors</b>              |  |
| Nil  |  |
| <b>Deficit (before costs of liquidation)</b> | <b>(135,000)</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*