

G & K Fowler Limited (In Liquidation)

Liquidators First Report

13 August 2009

1. Background

G & K Fowler Limited ("the company") trading as 1st Panel & Paint was placed into liquidation by special resolution of the shareholders on the 4th day of August 2009 at 1.04pm. Kenneth Peter Brown and Thomas Lee Rodewald, Chartered Accountants of Tauranga were appointed as Joint and Several Liquidators 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: 14 August 2003

Trading Address: 65 Mirrelees Road, Tauranga

Type of business: Panel and Paint Shop

Date trading ceased: Still trading

Shareholders: Gary Maxwell Fowler
Karen Leslie Fowler
Neal Street Trustees Company Limited

Directors: Gary Maxwell Fowler
Karen Leslie Fowler

4. Events leading to appointment of Liquidators

The Directors of the company have advised the reason for the failure of the company is due to the downturn in trade resulting in less turnover and also the inability to service outstanding loans due.

5. Statement of Affairs

As explained below, the Liquidators are endeavouring to sell the business as a going concern. The Liquidators consider that the statement of position will contain commercially sensitive information, particularly regarding fixed asset book values and estimated realisable asset values, and that making this information available could be prejudicial to subsequent sale of business negotiations and ultimately to the distribution available to creditors.

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 are in the process of trying to sell the business and have had several parties showing interest to date, even though no firm offers have yet been made.

In addition the Liquidators will account for all assets. Discussions will be held with the registered security holders with respect to the disposal of their assets. An investigation will be conducted 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 directors have complied with the duties and obligations imposed on them under the Companies Act 1993. Debtors of the company will be collected.

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. Further reports will be issued at six monthly intervals from appointment with a final report when the liquidation is completed.

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.

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

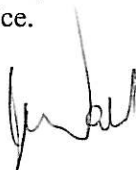
If your terms of trade with the company include reservation of title of goods supplied please contact Steph Harborne on 07 571 6280.

Please complete and return the enclosed Unsecured Creditors Claim form by 15th September 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 Steph Harborne email stephh@rhb.co.nz or at our Tauranga Office.



Thomas Lee Rodewald
Joint Liquidator

Appendix I

G & K Fowler Limited (In Liquidation) Statement of Affairs as at the date of the appointment of the Liquidators being 4th August 2009

	<i>Estimated to realise</i>
Assets	
Tools, Plant & Equipment	Unknown
Debtors	41,587.66
Cash in Bank	Nil
Less Secured Claims	
National Bank	357,189.01
Less Preferential Claims	
Employee Claims	16,225.13
IRD - GST	12,872.63
IRD – PAYE	12,056.51
IRD – Kiwisaver Employee Deductions	84.00
IRD – Kiwisaver Employer Deductions	16.66
Deficit before Unsecured Creditors	(Unknown)
Less Unsecured Creditors	
IRD (Penalties & interest)	3,083.43
Trade Creditors	\$ 68,629.37
Deficit (before costs of liquidation)	(Unknown)

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

G & K Fowler Limited (In Liquidation) Schedule of Creditors as at 4th August 2009

Name	Address 1	Address 2	City
Auto Repair Company	P O Box 45		Tauranga
Bay City Motor Company Limited	P O Box 877		Tauranga
Bay Engineers Supplies	P O Box 4247	Mt Maunganui South	Mt Maunganui
Bay Nisan	B O Box 118		Tauranga
Bay of Plenty Windscreens	2 Sharyn Place	Brookfield	Tauranga
Bay Office Products	2 Glasgow Street		Tauranga
California Car Valet	90 Second Avenue		Tauranga
Capes Medical	18 Tukorako Drive	Mt Maunganui	Mt Maunganui
Carparts Bay of Plenty	P O Box 354		Tauranga
Catherine Audas			Tauranga
Clean It Services	P O Box 15284		Tauranga
Craig Twistleton			Tauranga
Dion Annan			Tauranga
Dodson Auto Spares	P O Box 40267	Glenfield	North Shore City
Ebbett Tauranga	P O Box 510		Tauranga
e-gas Limited	P O Box 2577		Wellington
EMAC Electrical Limited	P O Box 905	Seventh Avenue	Tauranga
G & M Auto Spares Limited	P O Box 283		Te Awamutu
Graham Brown & Co Limited	P O Box 204		Putaruru
Just Water	Private Bag 92811	Penrose	Auckland
Linkup Paint Supplies Limited	P O Box 578		Tauranga
Martin Dennis			Tauranga
Mount Commercial Wreckers	26 Aerodrome Road		Mt Maunganui
Mount Wrecking Co Limited	Aerodrome Road		Mt Maunganui
MYOB NZ Limited	P O Box 12 940	Penrose	Auckland
Neil Spencer			Te Puke
New Zealand Carparts	22 Ormiston Road	East Tamaki	Auckland
Pacific Dent Removal	278 Youngson Road	RD 6	Tauranga
R.A. Johnstone & Co Limited	P O Box 897948	Manukau City	Auckland
Repcos Auto Parts	P O Box 1144	Second Avenue	Tauranga
Scottish Pacific Business Limited	P O Box 106047	Auckland City	Auckland
Seetal Spraybooths	20 Huia Road	Otahuhu	Auckland
Sigh Shack	P O Box 10268	Bayfair	Mt Maunganui
Signs & Autographics	7 Tui Street		Mt Maunganui
SMAC Electrical & Auto Air	24 Koromiko Street	Judea	Tauranga
Steve Callaghan			Tauranga
Tauranga Auto Electric	109 Third Avenue West		Tauranga
Tauranga Laundry Services	76 Second Avenue		Tauranga
Tauranga Office Equipment	48A Argyll Road		Tauranga
Tauranga Peugeot	PO Box 2127		Tauranga
Telecom New Zealand Limited	Private Bag 4742	Christchurch Mail Centre	Christchurch
Thames Partsworld	P O Box 555		Thames

Name	Address 1	Address 2	City
Tony Hill Signs	11 Burrows Street	Tauranga South	Tauranga
Toyota Pacific Toyota	P O Box 681		Tauranga
Trinie Jackson Lewis			Tauranga
Trustpower Limited	Private Bag 39820	Wellington Mail Centre	Lower Hutt
Tyremaster Limited	P O Box 14044	Tauranga Mail Centre	Tauranga
Ultimate Motor Group	P O Box 2342		Tauranga
Versatile Products (BOP) Limited	61 Fourth Avenue		Tauranga
Wayne Jones			Tauranga
Wurth New Zealand Limited	P O Box 97079	South Auckland	Auckland
Wyatt Machine Tools	P O Box 12421	Penrose	Auckland
Yellow Pages	P O Box 17345	Greenlane	Auckland
Zanden Mount Lock & Key Services	75 Newton Street		Mt Maunganui

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; font-weight: bold;">G & K Fowler Limited (In Liquidation)</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]: <div style="text-align: right; margin-right: 100px;">\$</div></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>																	
Signed:	Date:																
<p>WARNING:-</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> </table> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Preferential claim for:</td> <td style="width: 33%;">Ordinary Claim for:</td> <td style="width: 33%;">Deferred Claim for:</td> </tr> <tr> <td>\$</td> <td>\$</td> <td>\$</td> </tr> </table> <p>Signed Liquidator: _____ Dated: _____</p> <p><small>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.</small></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:	\$	\$	\$
Claim admitted for voting purposes:	Signed:	Date:															
Claim rejected for voting purposes:	Signed:	Date:															
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Preferential claim for:	Ordinary Claim for:	Deferred Claim for:															
\$	\$	\$															

