

# Hart Auto Electrics Te Puke Limited (In Liquidation)

## Liquidators First Report

9 August 2007

### 1. Background

Hart Auto Electrics Te Puke Limited (“the company”) was placed into liquidation by way of a special shareholders resolution on the 3<sup>rd</sup> day of August 2007 at 9.06am. Robert James Neilson 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:	15 <sup>th</sup> May 2003
Trading Address:	No longer trading, formerly Commerce Lane, Te Puke
Type of business:	Automotive Electrician
Date trading ceased:	2 <sup>nd</sup> August 2007
Shareholders:	Dougan Hart (100)
Director:	Dougan Hart

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

The Director of the company has advised the reason for the failure of the company is due to bad debtors and a period where he was unable to work due to a leg injury. As a result the company fell behind with payments and a decision was made to place the company into voluntary liquidation.

#### **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. The assets have been valued by a professional valuer. The preferential amount shown for Exide Technologies Ltd is an indication only, the amount is to be confirmed.

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

The Liquidators intend to sell the company business and assets. A valuation has been obtained and advertising has commenced.

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 when the liquidation is complete.

#### **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 as soon as possible. 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.

Robert James Neilson  
*Joint Liquidator*

## Appendix 1

### Statement of Affairs of Hart Auto Electrics Te Puke Limited (In Liquidation) As at the date of the appointment of the Liquidators being 3<sup>rd</sup> August 2007.

	<i>Estimated to realise</i>
<b>Assets</b>	
Motor Vehicle	1,600
Debtors	4,000
Plant and equipment	<u>9,770</u>
	<b>15,370</b>
<b>Less Secured Claims</b>	
JBL Group	300
Constellation Finance Ltd	9,955
<b>Less Preferential Claims</b>	
Exide Technologies Ltd	3,250
Cory Kelly	1,001
IRD - PAYE & GST	<u>6,606</u>
<b>Deficit before Unsecured Creditors</b>	<b>(5,742)</b>
<b>Less Unsecured Creditors</b>	
IRD – GST, PAYE, SLE, INC	2,809
Trade Creditors	<u>61,800</u>
<b>Deficit (before costs of liquidation)</b>	<b>(70,081)</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*