

# Meltzer Mason Heath

Chartered Accountants practising as insolvency specialists

**Refer to: Rachel Mason**

**No. of Company: 607312**

## **Liquidators' Further Report**

### **Apex Transport Limited (In Liquidation)**

**For the period 28 December 2007 to 27 June 2008**

#### **Introduction**

Apex Transport Limited was placed into voluntary liquidation in Auckland on 28 December 2007 and Arron Leslie Heath and Rachel Karen Mason were appointed joint and several Liquidators.

In accordance with section 255 of the Companies Act 1993 the Liquidators are obliged to report to all creditors and shareholders on the conduct of the liquidation during the preceding six months. This report covers the period 28 December 2007 to 27 June 2008.

#### **Schedule of Receipts and Payments**

A schedule of receipts and payments for this period is attached.

#### **Asset Realisations**

The company was in possession of several vehicles at the date of liquidation. The majority of these were subject to lease or financing agreements, and these vehicles were returned to the lessees and financiers in accordance with those agreements. The remaining vehicles, owned by the company, were sold by auction and the proceeds received in the liquidation.

The company's other assets consisted of miscellaneous plant and equipment. These assets were sold by auction for market value.

The Liquidators have received payments from pre-liquidation debtors, on behalf of the Secured Creditor. These amounts have been paid to that creditor in terms of their General Security Agreement.

#### *Other Realisations*

The Liquidators have received the proceeds of two insurance payments, which related to pre-liquidation incidents.

A pre-liquidation GST refund has also been received, as has interest on deposits.



## **Distributions**

The Secured Creditor has received a 50% distribution in terms of their General Security Agreement over all of the company's assets from the above realisations and from the remaining pre-liquidation debtor proceeds.

It is not anticipated that there will be any further funds available for distribution, from asset realisations.

## **Summary of the Liquidation to Date**

- The Liquidators have received claims from 80 trade creditors, totalling \$1,600,000.
- Claims from 12 employees have been received. The amount of these claims has not been determined at this time, due to incomplete or unknown information.
- The company's premises in Auckland have been cleared, and were vacated at the end of January. The premises in Rotorua were vacated prior to liquidation. A site visit confirmed that some assets remained at those premises, and these were removed for sale.
- The Liquidator dealt with several creditors on site in Auckland throughout January. These included parties whose products were in transit with the company, and the Liquidators assisted in locating and returning those products owned by those parties, where possible.
- An issue arose with a creditor, who took it upon himself to take company assets from the Auckland premises. With the assistance of the Police, these assets were located and returned to the Liquidators.
- Several creditors claimed liens over vehicles, and these issues have been settled by the Liquidators.

## **Liquidators' Investigations**

The Liquidators are currently undertaking an initial investigation into the company's affairs, for the six month period prior to liquidation. This investigation will consider any insolvent transactions, the conduct of the company's officers, and whether any liability exists in relation to reckless or insolvent trading.

## **Outstanding Matters**

Once the above investigation is complete, it will be determined whether any viable causes of action exist. At that point, the matter will be put to the company's creditors, as any actions will require funding which is not available from the liquidation.

Please contact Rachel Mason of this office should you require any further information.

Dated this 3<sup>rd</sup> day of July 2008

R K Mason  
**Liquidator**

## Apex Transport Limited (In Liquidation)

### Receipts and Payments

For the period 28 December 2007 to 27 June 2008

	\$
<b>Receipts</b>	
Debtors (received on behalf of Secured Creditor)	5,173.80
Insurance Claim Payment	19,115.43
Pre Liquidation GST Refund	75,338.56
Motor Vehicle Realisation	26,755.56
Sale of Assets	7,117.90
IBD Interest	200.33
GST Income	6,670.36
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	140,371.94
<b>Payments</b>	
Liquidator's Remuneration	76,805.50
Liquidator's Disbursements	1,998.92
Auctioneer's Commission	4,079.64
Auctioneer's Expenses	720.14
Mail Redirection	111.11
Distributions to Secured Creditor	32,986.06
GST Expense	11,161.24
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	127,862.61
<b>Funds on Hand</b>	<hr/> <hr/>
	12,509.33

Notes: The funds held are subject to further costs of winding up.