



ACE FURNITURE FREIGHT 2012 LIMITED (IN LIQUIDATION)

Company number: 3918142

**Liquidators' First Report to Creditors and
Shareholders**

1. Introduction

Ace Furniture Freight 2012 Limited (In Liquidation) (“the Company”) was placed into liquidation by special resolution of the shareholders on the 28th day of April 2020 at 8:30am. Kenneth Peter Brown and Paul Thomas Manning, both Chartered Accountants and Accredited Insolvency Practitioners of Tauranga, were appointed as Joint and Several Liquidators of the company.

In accordance with section 255 of the Act we report on the Company's affairs together with our proposals for conducting the liquidation.

2. Restrictions

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 our written permission in each specific instance.

We do not assume any responsibility or liability for any losses occasioned to any party as a result of the circulation, publication, reproduction or use of this report contrary to the provisions of this paragraph.

We reserve the right (but will be under no obligation) to review this report and if we consider it necessary to revise the report in the light of any information existing at the date of this report which becomes known to us after that date.

3. Company information

Date of Incorporation:	13 July 2012	
Trading Address:	154 Taurikura Drive, Tauriko, Tauranga	
Type of business:	Transport/Freight operators	
Shareholder:	Christopher Patrick Dobbs	Number of Shares: 1,000
Director:	Christopher Patrick Dobbs	

4. Background and reasons for liquidation

The company traded from premises in Tauriko, Tauranga. After losing a significant customer last year, they became concerned about ongoing viability. Efforts were made to sell the business with a heads of agreement reached in March 2020. Subsequently, due to Covid-19 and the lockdown, the sale did not proceed, and so the decision was made to liquidate the Company.

Attached as **Appendix 1** is the Declaration of Independence, Relevant Relationships and Indemnities.

5. Statement of affairs

Attached at **Appendix 2** is the Statement of Affairs of the Company. This statement has been prepared based upon financial statements of the Company as at the date of our appointment and as such may be subject to change.

In preparing the statement we have relied on information provided by the Director & Management of the Company. We have not carried out an audit of the information which has been provided, nor have we subjected the information provided to detailed verification procedures. While we believe the statement, based on the information provided to us, reasonably



reflects the position of the Company, we cannot be held responsible for inaccuracies in the report arising from deficiencies in the information or explanations given to us.

6. Creditors

List of creditors

Attached as **Appendix 3** is a full list of the names and addresses of creditors in accordance with section 255(2)(c)(ii)(C) of the Act.

Unsecured creditor claims

We attach as **Appendix 4** our Public Notice which sets 12 June 2020 as the day on or before which the creditors of the Company are to make their claims, and to establish any priority their claims may have under section 312 of the Act or to be excluded from the benefit of any distribution made before the debts are claimed or from objecting to the distribution.

Please complete the Unsecured Creditor's Claim form attached as **Appendix 5** and return to us at the following address or by fax or email:

The Liquidators
Ace Furniture Freight 2012 Limited (In Liquidation)
C/- BDO Tauranga Limited
PO Box 15660
TAURANGA 3144
Email: denise.cooper@bdo.co.nz
Fax: (07) 571 6281

It is too early to reliably estimate what funds, if any, will be available for preferential and unsecured creditors.

Secured creditors notice

Creditors claiming a security interest (including retention of title or other claims) in the Company's assets who:

- have not advised the Liquidators of their security interest; or
- have not received correspondence from the Liquidators concerning their security interest,

Should contact the Liquidators immediately and should not file a claim as an unsecured creditor unless they wish to surrender their charge to the Liquidators.

This report constitutes notice under section 305 (8) of the Act to any secured creditor receiving it that pursuant to section 305 (8) of the Act, you as a secured creditor of the Company are required to (unless you have already advised the Liquidators in writing of such an election or have already received such a notice) elect and notify the Liquidators in writing within 20 working days after receipt of this notice, which of the following powers they wish to exercise:

- a. Realise the property subject to your charge, if entitled to do so; or
- b. Value the property subject to your charge and claim in the liquidation as an unsecured creditor for the balance due, if any; or

- c. Surrender the charge to the Liquidators for the general benefit of creditors and claim in the liquidation as an unsecured creditor for the whole debt.

Pursuant to section 305(9) of the Act, if a creditor fails to notify the Liquidators in compliance with this notice within 20 working days they will be taken as having surrendered their charge to the Liquidators for the general benefit of creditors and they may then claim in the liquidation as an unsecured creditor for the whole debt.

Creditors meeting

In accordance with section 245 of the Act, for the reasons given in the formal notice attached at **Appendix 6**, we have dispensed with the meeting of creditors.

7. Proposals for conducting the liquidation

The premises were also used as a storage facility and so the Liquidators will arrange for goods to be uplifted, deliver goods loaded and ready, sell available assets and collect debtors. In addition, they will review the Company's books and records to establish if there are any potentially voidable transactions, any potential shareholder current account issues and ensure the Director has complied with the duties and obligations imposed on him under the Companies Act 1993.

The Liquidators will then seek to have the Company removed from the register.

8. Estimated date of completion

It is not practical to estimate the date of the completion of the liquidation at this stage. Our subsequent six monthly reports to creditors will, when appropriate, advise of an estimated completion date.

9. Contact information

If you require any further information or if you have any information that will be of assistance to the Liquidators, please direct enquiries to:

Denise Cooper
Phone: 07 571 6280
Email: denise.cooper@bdo.co.nz

BDO Tauranga Limited
PO Box 15660
TAURANGA 3144

Level 1
525 Cameron Road
TAURANGA 3110

Dated this 4 May 2020



Kenneth Peter Brown
Joint and Several Liquidator



Paul Thomas Manning
Joint and Several Liquidator

APPENDICES

Appendix 1 -

Declaration of Independence, Relevant Relationships and Indemnities

ACE FURNITURE FREIGHT 2012 LIMITED (IN LIQUIDATION)
Reg No: 3918142
("COMPANY")

This document requires the Practitioners appointed to an insolvent entity to make declarations as to:

- A. their independence generally;
- B. relationships, including
 - i the circumstances of the appointment;
 - ii any relationships with the Company and others within the previous 24 months;
 - iii any prior professional services for the Company within the previous 24 months;
 - iv that there are no other relationships to declare; and
- C. any indemnities given, or up-front payments made, to the Practitioner.

This declaration is made in respect of ourselves, our co-directors and BDO Tauranga Limited.

A. Independence

We, Kenneth Peter Brown and Paul Thomas Manning, of BDO Tauranga Limited have undertaken a proper assessment of the risks to our independence prior to accepting the appointment as Joint Liquidators of the Company in accordance with the law, RITANZ Code of Conduct and applicable professional standards. This assessment identified no real or potential risks to our independence. We have evaluated the significance of any real or potential risk to Independence and taken such action as is necessary to preserve the Practitioner's Independence. In all cases, we are not otherwise aware of any reasons that would prevent us from accepting this appointment.

B. Declaration of Relationships

i Circumstances of appointment

The company approached us, due to our experience with insolvency, on 16 October 2019. They met with Kenneth Brown, who established that at that point they were not insolvent but due to the loss of a significant customer were concerned about the future. Following discussion, it was decided they would endeavour to sell the business. A heads of agreement was entered into on 3 March 2020 and on 12 March they met with Paul Manning to discuss liquidation of the company following a sale. It was decided to place the company into liquidation shortly after but unfortunately Covid -19 struck and the Level 4 lockdown commenced on 25 March. Following that the sale option dissolved and on 24 April the decision was made to appoint liquidators when Level 3 commenced on 28 April. A conflict check was undertaken for BDO New Zealand and appointment documents were prepared.

We believe that this referral does not result in a conflict of interest or duty because:

- It is recognised there is a need for practitioners to provide advice on an insolvency process and the options available for the Company. It is not considered that such advice results in a conflict or is an impediment to accepting the appointment;
- The nature of the advice provided during the first conversations is such that it would not be subject to review and challenge during the course of our appointment; and
- The pre-appointment advice will not influence our ability to be able to fully comply with the statutory and fiduciary obligations associated with our appointment in an objective and impartial manner.

ii Relevant Relationships (excluding Professional Services to the Insolvent)

Other than disclosed herein, neither we, nor our firm, have, or have had within the preceding 24 months, any relationships with the Company, an associate of the Company, a former insolvency practitioner appointed to the Company or any person or entity that has security over on the whole or substantially whole of the Company's property.

There are no other prior professional or personal relationships that should be disclosed.

iii Prior Professional Services to the Insolvent

Neither we, nor our Firm, have provided any professional services to the Company in the previous 24 months, other than those outlined herein.

iv No other relevant relationships to disclose

There are no other known relevant relationships, including personal, business and professional relationships, from the previous 24 months with the Company, an associate of the Company, a former insolvency practitioner appointed to Metagame Technologies Limited or any person or entity that has a valid and enforceable security interest on the whole or substantially the whole of the Company's property that should be disclosed.

C. Indemnities and up-front payments

We have not received any up-front payments in respect of our remuneration or disbursements or any indemnities.

Dated: 28 April 2020



PAUL THOMAS MANNING
Joint and Several Liquidator



KENNETH PETER BROWN
Joint and Several Liquidator

Appendix 2 - Statement of affairs

Statement of Affairs as at the date of the appointment of the Liquidators being 28 April 2020	
	Estimated to realise
Assets	\$
Bank - Funds on hand	80,481
Debtors	124,771
Work in progress	30,000
Vehicles	370,000
Office equipment	5,000
Fuel on hand	10,000
	620,252
Less Secured Creditors:	
Westpac New Zealand Limited	368,912
Flexigroup (New Zealand) Limited	<i>Unknown</i>
Technology Holdings Limited	203
McFall Fuel Limited	13,000
Gough Gough & Hamer Limited	<i>Discharged</i>
TR Group Limited	28,331
Crown Equipment Limited	2,300
Tauranga Ssangyong and LDV Limited	1,418
	412,746
Less Preferential Creditors	
WINZ - Employee subsidy	43,935
Employee claims	27,729
Inland Revenue PAYE/SL/KSE/KSR	83,566
	155,230
Surplus before unsecured creditors	52,276
Unsecured creditors:	
Inland Revenue Department - penalties and interest	16,260
Employee Claims	68,362
Trade Creditors	184,053
	268,675
Estimated deficit (subject to costs of Liquidation)	(216,399)
Disclaimer	
<p>report and BDO Tauranga Limited 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 the appointment of the Liquidators.</p>	

Appendix 3 - List of creditors

Name	Address 1	Address 2	Address 3
Adrian Lyttle			
Advantage Tyres BOP	8/10 Newton Street		Mount Maunganui 3116
Alex Dobbs			
Ankra NZ Ltd	11 Newton Street		Mount Maunganui 3116
Anything Auto Electrical Limited	32 Waihi Road	Judea	Tauranga 3110
Atlantis Bathroom Style	P O BOX 15226		Tauranga 3144
Bay Office Products	20 Christopher Street		Tauranga 3112
Baybat Batteries NZ Limited	28 15th Avenue		Tauranga 3112
BOP Devanning	7/74 Ohauiti Rd	Hairini	Tauranga 3112
Cal Isuzu	138 Totara Street		Mount Maunganui 3116
Cardlink	Private Bag 99918	Newmarket	Auckland 1149
Christopher Patrick Dobbs	272a Maungatapu Road	Maungatapu	Tauranga 3112
Collage Furniture	PO Box 11-527	Ellerslie	Auckland 1542
Conroy Removals Limited	PO Box 5079	Greenmeadows	Napier 4145
Container Works	53A Girven Road		Mount Maunganui 3116
Craig Kawiti			
Creanna Gallagher			
Crown Equipment Limited	PO Box 51475	Pakuranga	Auckland 2140
Eastlite Carriers Limited	PO Box 1397		Gisborne 4040
Efficient Moving & Storage	PO Box 562		Napier 4140
Elite Business Systems LP	PO BOX 1029		Hamilton 3240
Farmer Motor Group Limited	116 Hewletts Road		Mount Maunganui 3116
Fastway Couriers	Unit 9 & 10/4 Aerodrome Rd		Mount Maunganui 3116
Flexigroup (New Zealand) Limited	PO Box 90935	Victoria Street West	Auckland 1023
Glenn Schollum			
Ian Smart			
Icon	26 Elgin Street	Grey Lyn	Auckland 1021
JJ Richards	7 Whakakake Street	Tauriko	Tauranga 3110
Joshus Jonathan			
Kaspersky Lab Australia	Level 1, 82 Lorimer Street	Vic 3008	Australia
Le Courier Limited	17 Mohaka Place	Kelvin Grove	Palmerston North 4414
Leigh Severinsen			
McFall Fuel Limited	PO Box 2286		Tauranga 3140
Mike Gerrand			
Ministry of Primary Industries	PO Box 2526		Wellington 6140
Monument Premium Finance Limited	Private Bag 11007	Manawatu MC	Palmerston North 4442
New Zealand Police	PO Box 9147		Wellington 6141
Nicolson Furniture Movers Limited	PO Box 253		Silverdale 0944
North Harbour Rentals Limited	PO Box 302-211	North harbour	Auckland 0751
Nova Energy	PO Box 404		Whakatane 3158
Nutech Security Limited	PO Box 14052		Tauranga 3143
NZ Labour Hire BOP	488A Maunganui Road		Mount Maunganui 3116
Rockgas Tauranga	38 Triton Ave		Mount Maunganui 3116
Rowe Motors Limited	PO Box 9204	Greerton	Tauranga 3142
Royal Wolf Trading NZ Limited	30 Aviation Avenue		Mount Maunganui 3116
Saimone Misa			
Salamander Importers & Wholesalers	416 Maidstone Terrace		Upper Hutt 5018
Samuel Dobbs			
Sandra Redman			
Scott Gardiner			
Shape & Spray Automotive	PO Box 3127	Greerton	Tauranga 3142
Spark Business	Private Bag 4742		Christchurch 8140
Stephen Gedy			
Swift Freight Limited	39 Nielsen Gardens	Rototuna	Hamilton 3210
Tauranga Ssangyong and LDV Limited	PO Box 15502		Tauranga 3110
Technology Holdings Limited	PO Box 481		Dunedin
The Warehouse	483 Cameron Road		Tauranga 3110
TIL Freight - Hookers	24-30 Paraita Road	Bell Block	New Plymouth 4312
Timehub	PO Box 28050		Havelock North 4157
TR Group Limited	PO Box 12541	Penrose	Auckland 1061
Transparts	757 Oropi Road	RD 3	Tauranga 3173
Warehouse Stationery Limited	Cameron Road		Tauranga 3110
Westpac New Zealand Limited	Westpac Legal	16 Takutai Square	Auckland
Wisetech Global	Unit 2a, 1 Bishop Dunn Place	Flat Bush	Auckland 2013

Appendix 4 - Public notice of appointment

ACE FURNITURE FREIGHT 2012 LIMITED (IN LIQUIDATION)
COMPANY NUMBER 3918142
("the Company")

NOTICE OF APPOINTMENT OF LIQUIDATORS
AND
NOTICE TO CREDITORS TO CLAIM

Pursuant to Section 255(2)(a) and
Liquidation Regulation 12 of the Companies Act 1993

Kenneth Peter Brown and Paul Thomas Manning, both Chartered Accountants and Accredited Insolvency Practitioners of Tauranga, were appointed joint and several liquidators of the Company by special resolution of the shareholders on 28 April 2020 at 8:30am.

NOTICE is hereby given that as joint and several liquidators of the Company, we fix 12 June 2020 as the day on or before which the creditors of the Company are to make their claims, and to establish any priority their claims may have under section 312 of the Companies Act 1993 or to be excluded from the benefit of any distribution made before the debts are claimed, or as the case may be, from objecting to the distribution.

Creditors and shareholders may direct enquiries during normal business hours to:

Denise Cooper

Postal Address BDO Tauranga Limited
PO Box 15660
Tauranga 3144

Telephone (07) 571 6280

Facsimile (07) 571 6281

Email denise.cooper@bdo.co.nz <http://www.bdo.co.nz/>

Dated this 4 May 2020



Kenneth Peter Brown
Joint and Several Liquidator



Appendix 5

UNSECURED CREDITORS CLAIM FORM

Section 304(1) Companies Act 1993

NAME AND POSTAL ADDRESS OF CREDITOR IN FULL Principal Contact: E-mail Address: Telephone Number: My Reference is: (if applicable)	* Any personal information collected is for the purpose of administering the claims in accordance with the Companies Act 1993. The information will be used and retained by BDO Tauranga Limited and will be released to other parties only with your authorisation or in compliance with the Privacy Act 1993. Any claim by an unsecured creditor against a company in a 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 entity within the meaning of the Privacy Act 1993)
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NAME OF COMPANY: Ace Furniture Freight 2012 Limited (In Liquidation)

I, (Name).....
 (If claim is made on behalf of creditor, specify relationship to creditor and authority)
 claim that the company was at the date of liquidation indebted to the above named creditor for the sum of (Amount in words and figures):

 \$.....

STATUS OF CLAIM:

1. I hold no security for the claimed amount 2. I am surrendering the security I hold and I am claiming as an unsecured creditor 3. I am making a preferential claim (Refer details on reverse) 4. I am claiming reservation of title rights pursuant to rights held by me (Refer details on reverse)	TICK <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Full particulars of the claim are set out, and any supporting documents that substantiate the claim, are identified on the reverse of this form.
 (The liquidators may require the production of a document under Section 304(2) of the Companies Act 1993. You are **not required** to attach any supporting documents at this stage, but you may attach them now, if you think it would expedite the processing of the claim.)

SIGNED:	Date:
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Warning	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
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Received (Date Stamp)	<p>RESERVED FOR OFFICE USE: <u>Claim admitted/rejected for voting purposes:</u> Signed: Date (Delete one)</p> <p><u>CLAIM REJECTED FOR PAYMENT:</u> Preferential Claim for: Ordinary Claim for \$ \$</p> <p>or <u>CLAIM ADMITTED FOR PAYMENT:</u> Preferential Claim for: Ordinary Claim for \$ \$</p> <p>Signed Liquidator: Dated</p>
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PARTICULARS OF CLAIM

If the creditor owes money to the company, please give full details

Date	Details of Claim and Identification of Documents that Evidence or Substantiate the Claim	Amount \$
	<p><i>If applicable, less any purchase money security interests in relation to goods supplied by creditor to the company [Describe goods]</i></p> <p><i>If applicable, less debts owed by creditor to the company [Describe goods]</i></p> <p>RETENTION OF TITLE CLAIMANTS ONLY Please provide details of the basis of your retention of title claim and furnish a copy of the documentation showing that such reservation of title clause is a condition of contract.</p>	

PREFERENTIAL CLAIMANTS ONLY

The Seventh Schedule of the Companies Act 1993 sets out those claims which are regarded as preferential and shows their extent and order of priority.

1. Are you claiming the full amount of your claim as preferential? Yes / No
2. If no, what part of the claim is preferential? \$.....
3. Why do you believe you are a preferential creditor?
(eg. Employee, IRD, NZ Customs)
4. Details of your claim:

If applicable, please record here your GST Registration number:

And total GST included in your claim: \$.....

Return to: BDO Tauranga Limited
PO Box 15660, Tauranga 3144
Or email: denise.cooper@bdo.co.nz

Appendix 6

**ACE FURNITURE FREIGHT 2012 LIMITED (IN LIQUIDATION)
COMPANY NUMBER 3918142
("the Company")**

**Notice of Liquidators Decision to Dispense with Meetings of Creditors
(Pursuant to section 245 Companies Act 1993)**

Kenneth Peter Brown and Paul Thomas Manning, both Chartered Accountants and Accredited Insolvency Practitioners of Tauranga, were appointed joint and several liquidators of the Company by special resolution of the shareholders on 28 April 2020 at 8:30am.

We do not consider that a meeting of creditors should be held because there are insufficient assets to meet the cost of holding such a meeting and there are limited prospects of funds being available for payment of a dividend to creditors other than to those who hold specific security or have a preferential claim.

No meeting of creditors will be called unless we receive notice in writing from a creditor requiring us to hold a meeting of creditors pursuant to section 314 of the Companies Act 1993 within 10 working days of their receipt of this notice. However, the liquidators reserve the right to not hold a meeting if it is felt the request is frivolous or there are no available funds to cover the costs involved.

Notices should be forwarded to:

Postal Address	BDO Tauranga Limited PO Box 15660 Tauranga 3144
Telephone	(07) 571 6280
Facsimile	(07) 571 6281
Email	denise.cooper@bdo.co.nz http://www.bdo.co.nz/

Dated this 4 May 2020



Kenneth Peter Brown
Joint and Several Liquidator