

## **CRETECON LIMITED (IN LIQUIDATION)**

Company number: 6610998  
NZBN: 9429046516923

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

**5 November 2021**

## 1. Introduction

Cretecon Limited (In Liquidation) (“the Company”) was placed into liquidation by an order of the High Court of Hamilton pursuant to Section 241(2)(c)(iv) of the Companies Act 1993 (“the Act”) on the 12th day of April 2021 at 10:45am. Paul Thomas Manning and Kenneth Peter Brown, both Chartered Accountants and Licensed Insolvency Practitioners of BDO Tauranga, (Registration Numbers: IP39 and IP10 respectively) were appointed as Joint and Several Liquidators of the company.

In addition to our statutory obligations, we are also bound by the RITANZ Code of Professional Conduct (“Code”) when carrying out all professional work relating to our appointment as Liquidators.

In accordance with sections 257(1)(a)(i) and 257(1)(c) of the Act we are obliged to report to all creditors and shareholders that the liquidation has been completed. This report should be read in conjunction with our previous report pursuant to section 255 (2)(d) of the Act.

## 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. Background

BIC Code E322130 - Concreting Services. The company operated as a concrete laying operation based out of Hamilton. Due to an unpaid creditor account an application was made to the Court for a Court appointed liquidation.

## 4. Liquidators' Actions

The Liquidators have liaised with parties including Inland Revenue, the Companies Office, the New Zealand Gazette and the Accident Compensation Corporation, and completed a review of all information received.

The Liquidators advertised their appointment in the relevant publications and made a call for creditor claims. The Liquidators also directly contacted all known creditors and answered any queries they may have had. The Liquidators subsequently reviewed all completed creditor claim forms received.

The Liquidators reviewed the actions of the director with consideration as to whether there were any potential breaches of appropriate sections of the Companies Act 1993. The Liquidators' investigations included interviewing the director, examining the Company's bank transactions. No company financial records were completed. Nothing arose from these investigations that may be of benefit to creditors of the Company, however the Liquidators believe the director was in breach of his duties and as such they reported this matter to the Companies Office who may or may not take further action.

The liquidation was completed at the date and time that this report was filed with the Registrar.

#### 4.1 Schedule of Receipts and Payments

Attached as Appendix 1 is a schedule of receipts and payments for the duration of the liquidation.

Attached as Appendix 2 is a remuneration schedule covering the duration of the liquidation.

#### 4.2 Asset Realisations

##### *Plant & Equipment*

All plant and equipment that the Liquidators' were able to locate has been disposed of.

##### *Debtors*

Debtor funds that could be collected have been collected.

##### *Assets disclaimed or distributed without realisation*

The Liquidators obtained a vehicle which was realised and they located another vehicle whose ownership was in question, however the legal costs associated with determining the legal owner and the expected realisation caused the Liquidators to decide there was no benefit to the creditors to pursue the matter further.

#### 4.3 Creditor Claims

##### *Secured Creditors*

The petitioning creditor claim of \$4,460.66 was paid in full.

##### *Preferential Creditors*

The IRD preferential claim of \$9,254.32 was paid in full.

##### *Unsecured Creditors*

There was a total of \$7,783.51 owing for unsecured creditor claims. A dividend of 0.45c in the dollar was paid to unsecured creditors.

#### 4.4 Other Matters

The unsecured creditors' claims were unable to be satisfied in full due to a shortfall in the realisation of the Company's assets. The director was initially very cooperative, however he then declined to cooperate with Liquidators' queries regarding assets and debtor funds owed. There were no staff records available and it appeared to the Liquidators that the staff were paid on a "cash" basis with no PAYE being filed or paid. This was reported to the Inland Revenue Department.

The final remaining balance owed to creditors that filed a claim is outlined below:

Secured creditors - 0.00

Preferential creditors - 0.00

Unsecured creditors - \$4,280.93

## 5. Liquidators' Statement

All known assets have been disclaimed, realised or distributed without realisation.

All proceeds of realisation have been distributed.

The Company is ready to be removed from the New Zealand Register of Companies.

For the purposes of regulation 9(g) of the Companies (Reporting by Insolvency Practitioners) Regulations 2020, the liquidation of the Company is completed at the date and time the notice is provided to the Registrar of Companies.

## **6. Removal from New Zealand Register of Companies**

As Liquidators, we are obliged to give public notice of the intention to have the Company removed from the Register of Companies. A copy of our notice is attached as **Appendix 3**.

The attention of all creditors and shareholders is drawn to section 321 of the Act which provides that, where public notice is given of an intention to remove a company from the Register, any person may send or deliver to the Registrar, not later than the date specified in the notice, an objection to the removal on any one or more of the following grounds:

- (a) That the company is still carrying on business or there is other reason for it to continue in existence; or
- (b) That the company is party to legal proceedings; or
- (c) That the company is in Receivership, or Liquidation, or both; or
- (d) That the person is a creditor, or a shareholder, or a person who has an undischarged claim against the company; or
- (e) That the person believes that there exists, and intends to pursue, a right of action on behalf of the company under Part IX of this Act; or
- (f) That for any other reason, it would not be just and equitable to remove the company from the New Zealand register.

Creditors and shareholders should be aware of section 321(2)(b)(ii) of the Act which provides that a claim by a shareholder or any other person against a company is not an “undischarged claim” if a receiver or liquidator has notified the shareholder or that person that the company has no surplus assets.

## 7. Contact information


If you require any further information, please direct enquiries to:

Karen Ragg  
Phone: 07 571 6280  
Email: karen.ragg@bdo.co.nz

BDO Tauranga Limited  
PO Box 15660  
TAURANGA 3144

Level 1  
525 Cameron Road  
TAURANGA 3110

Dated this 5 November 2021



**Kenneth Peter Brown**  
*Joint Liquidator*

### **Appendices**

- Appendix 1 - Statement of Receipts and Payments
- Appendix 2 - Remuneration Schedule
- Appendix 3 - Notice of Intention to Remove

## APPENDICES

### Appendix 1 - Statement of Receipts and Payments

Cretecon Limited (In Liquidation)	
Liquidators' Summary of Receipts and Payments	
To 5 November 2021	
RECEIPTS	Total (NZD)
Funds on hand pre liquidation	4,059.80
GST on Income	8,699.12
Motor Vehicle	19,826.09
Plant & Equipment	1,000.00
Pre Appointment Debtors	37,168.05
	<b>70,753.06</b>
PAYMENTS	
Advertising	368.29
Auction Fees & Expenses	297.83
Commission on Sale of Assets	1,221.74
GST on Expenses	3,725.03
GST Paid/Refunded	5,695.71
Insurance	483.45
Legal Fees	1,998.75
Liquidators Fees	18,581.72
PAYE	3,606.29
Petitioning Creditor Costs	4,460.66
Preferential Employee Entitlements	15,674.89
Preferential Payment - IRD	9,254.32
Printing & Stationery	154.00
Storage	200.00
Telephone & Tolls	100.00
Travel & Mileage	377.72
Unsecured Creditor Dividend	3,502.59
Vehicle Expenses	1,050.07
	<b>70,753.06</b>
Balances in Hand	-



## Appendix 2 - Remuneration Schedule

Erecon Limited (in Liquidation)  
Remuneration Schedule - Period 12 April 2021 to 5 November 2021

Time Costs (by position and work type)	Hourly Rate		Asset, Stock Work		On Site Work		Administration		Creditors		IRD/GST/PAYE		Debtors		Legal		Reporting		Sale of Assets		Set Up		Staff Claims/Wages		Voidable Preference		Finalisation		Total		
	Rate	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost		
Liquidators	400	9.40	3,760.00	4.50	882.08	3.00	1,200.00	1.63	653.33	0.90	360.01	3.17	1,266.66	0.60	240.00	0.10	40.00	2.60	940.00	2.12	846.69	0.32	126.67	1.25	217.50	29.82	10,686.30				
Senior Manager	185	0.33	63.33	-	-	-	-	-	-	0.17	31.67	-	157.07	0.17	31.67	-	-	-	-	-	0.17	31.67	-	-	-	0.84	315.41				
Support Staff	105-145	4.08	592.06	6.08	1,800.00	12.58	1,767.36	1.92	277.91	1.92	263.35	1.08	108.74	1.92	277.91	-	-	6.25	706.24	7.00	1,014.96	0.92	132.92	1.50	698.56	46.00	7,640.01				
Less Write offs		13.81	4,415.42	10.58	2,682.08	15.58	2,967.36	3.55	931.24	2.99	655.03	0.98	202.07	4.25	1,423.73	2.69	549.58	0.10	40.00	8.85	1,646.24	9.29	1,893.32	1.24	259.59	2.75	916.06	76.66	18,581.72		
<b>Disbursements</b>																															
Disbursement			Cost																												
Advertising			368.29																												
General Expenses			831.72																												
<b>Total</b>			<b>1,200.01</b>																												

**Appendix 3 - Notice of Intention to Remove**

**Cretecon Limited (In Liquidation)  
Company Number 6610998  
("the Company")**

**Notice of Intention to Remove Company from Register  
(Pursuant to Section 320 of the Companies Act 1993)**

Paul Thomas Manning and Kenneth Peter Brown, joint and several liquidators of the Company whose registered office is situated at:

BDO Tauranga Limited  
Level 1, The Hub  
525 Cameron Road  
PO Box 15660  
TAURANGA 3144

Hereby give notice that pursuant to section 318(1)(e) of the Companies Act 1993 and having filed with the Registrar our final report on the liquidation, it is intended to remove the Company from the New Zealand register.

Any objection to the removal pursuant to section 321 of the Companies Act 1993 must be delivered to the Registrar no later than 3 December 2021.

DATED this 5<sup>th</sup> day of November 2021.



**Kenneth Peter Brown**  
*Joint Liquidator*