

Liquidators' First Report

C AND A HOSPITALITY LIMITED (IN LIQUIDATION) Trading as Estuary and Co.

Introduction

On 6 March 2017 at 11.22am, Iain Shephard and Jessica Kellow were appointed liquidators jointly and severally of C and A Hospitality Limited by special resolution signed by the shareholders.

We have made the appropriate enquiries and are of the opinion that we are not barred from acting as liquidators under Section 280 of the Companies Act 1993.

Restrictions

The liquidators take no responsibility for any misinformation contained in this report that has been supplied by the Company, its officers or other persons. The report is based upon information available at this date, the liquidators reserve the right to renew, and if necessary, amend the report.

Company Information

Company Number:	5274790
Date of incorporation:	11 June 2015
Date ceased trading:	11 February 2017
Current Registered address:	Level 2, Zephyr House, 82 Willis St, Wellington
Previous Registered address:	89 Major Hornbrook Rd, Mount Pleasant, Christchurch
Trading address:	Unit 2, 1091 Ferry Road, Ferrymead, Christchurch
Type of business:	Restaurant / Bar
Director:	Calvin Stuart Twigg
Shareholders:	Calvin Stuart Twigg Andrew Grant Smith

Background

Established and opened in June 2015, C and A Hospitality Limited T/A Estuary and Co (now In Liquidation) (the “Company”) did not reach expected turnover within the planned timeframe. A shareholder invested heavily in an attempt to rescue the position, however was no longer willing to continue funding. The relationship between shareholders appears to have broken down and a decision was reached to close the business a month ago.

The Company’s accountants recommended liquidation and the shareholders subsequently resolved to place the Company into liquidation.

Proposals for conducting the liquidation

The Company has limited assets, some of which may be subject to security agreements. The liquidators have requested security documentation from the secured creditors. The liquidators will review all documentation before agreeing to the release of any assets. The liquidators intend to sell any unencumbered assets for the general benefit of the Company’s creditors.

The liquidators will conduct an investigation of the Company’s books and records to further establish if there are any potentially voidable transactions that require investigation, and further to ensure that the directors have complied with the duties and obligations imposed on them under the Companies Act 1993.

In the event that there are funds available for a distribution, the liquidators will admit creditor claims and make a distribution.

The liquidators will then complete a final report and request that the Registrar of Companies remove the Company from the register.

Statement of Position

The liquidators have prepared an Estimated Statement of Position of the Company as at the date of liquidation (attached).

Meeting of Creditors

After having regard to the assets and liabilities of the Company, the likely result of the liquidation and other relevant matters, the liquidators, in accordance with Section 245 of the Companies Act 1993, have decided to dispense with a meeting of creditors.

A creditor may request, by way of a notice in writing, a meeting of creditors within 10 working days after receiving this notice.

In accordance with Section 314 of the Companies Act 1993 a creditor or shareholder may request the liquidator 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 liquidator. This request must be in writing.

The liquidator may decline a request by a creditor or a shareholder to call a meeting on the ground 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.

Creditor's Claim Form

Please find enclosed a creditor's claim form. Creditors should complete and return this form to the above address on or before 17 April 2017.

Creditors who do not make a claim within this period may be excluded from any distribution that may be made.

Should you be of the opinion that you hold a security interest this should be noted where appropriate on the form and advised to us immediately, along with the appropriate supporting documentation.

Estimated Date of Completion

It is not practicable to estimate the date of completion of the liquidation at this stage.

Should you have any information that you believe would lead to realisations for the benefit of creditors, please set it out in writing, attaching copies of all documentary evidence, and send it to the liquidators. Please note that the liquidators can only act on written information as telephone, or other, conversations will be regarded as hearsay by any court.

Contact Details

Contact Person	Mandi Carmine
Telephone	04 473 6747
Email	mandi@sd.co.nz
Postal Address	PO Box 11793, Wellington



IAIN SHEPHARD
Liquidator

Dated 13 March 2017

C AND A HOSPITALITY LIMITED (IN LIQUIDATION)

Estimated Statement of Financial Position as at 6 March 2017

	Book value	Estimated to realise
	\$	\$
Assets		
Fixed Assets	26,878	Unknown
Stock		500
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Estimated Funds Available (Subject to the costs of liquidation)		500
Secured Creditors (to be confirmed)		
PPSR specific asset (subject to realisation of security)		Unknown
Preferential Creditors (to be confirmed)		
Inland Revenue		5,000
Unsecured Creditors (to be confirmed)		
ASB Bank Limited		10,029
Shareholders Loan		79,500
Invested Funds		17,099
Trade Creditors		24,316
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		<u>(135,444)</u>
(Subject to the costs of liquidation)		

The information contained in the Estimated Statement of Position has been supplied by the Company. We have not verified the information supplied. The Estimated Statement of Financial Position has been prepared for the purpose of liquidation and we do not accept any responsibility on any grounds whatsoever, including liability in negligence, to any party.

C AND A HOSPITALITY LIMITED (IN LIQUIDATION)

Schedule of Creditors

Name	Address 1	Address 2	Address 3
Accident Compensation Corporation	Debt Management Unit	P O Box 3248	Wellington
Inland Revenue Department	PO Box 39010	Wellington	
Air Liquide	19 Maurice Road	Auckland 1642	
Blackboard Wines	81 Port Road	Seaview	Lower Hutt
Cassels and Sons	3 Garlands Road	Woolston	Christchurch
Celcius Coffee	info@celciuscoffee.co.nz		
Contact Energy	PO Box 10742	The Terrace	Wellington
Good Honest Products	9a Michelle Road	Christchurch	
Karmacola	info@karmacola.co.nz		
Langham Signs	langhamsigns@xtra.co.nz		
Noble and Savage	rupert@nobleandsavage.co		
Peter Rabbit's Patch	5 Elgin Street	Sydenham	Christchurch
Service Foods	220 Cumnor Terrace	Woolston	Christchurch
Stephenson Estate	323 Georges Road, RD2	Amberley	North Canterbury
The Wine Hub			
Three Boys Brewery	office@threeboysbrewery.co.nz		
Tikki			
Vodafone NZ Limited	Fin.Recoveries@vodafone.com		
Waste Management	PO Box 11337	Sockburn	Christchurch
Westmeat Christchurch	PO Box 6714	Christchurch 8442	
What A Catch	119 Wordsworth Street	Christchurch 8023	
Wolfstrike Finance	PO Box 331263	Takapuna	Auckland 0720

<p>Name and postal address of creditor in full</p> <p>Telephone Number: ()</p> <p>My Reference is: _____ (if applicable)</p> <p>My bank account name is: _____</p> <p>My bank account number is: _____</p>	<p>* Any personal information collected is for the purpose of administering the liquidation in accordance with the Companies Act 1993.</p> <p>The information will be used and retained by Shephard Dunphy Ltd and will be released to other parties only with your authorisation or in compliance with the Privacy Act 1993.</p> <p>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—</p> <p>(a) Contain full particulars of the claim; and (b) Identify any documents that evidence or substantiate the claim.</p> <p>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>
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<p>Name of company in liquidation</p> <p>_____</p>	<p>(In liquidation)</p>
<p>I _____</p> <p>(If claim is made on behalf of creditor, specify relationship to creditor and authority)</p> <p>claim that the company was at the date it was put into liquidation indebted to the above named creditor for the sum of (Amount in words and figures): _____</p>	

<p>Status of claim:</p> <ol style="list-style-type: none"> 1. I am an unsecured creditor 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 have a security interest (Refer details on reverse) <p>Full particulars of the claim are set out, and any supporting documents that substantiate the claim, are identified on the reverse of this form. Please attach any supporting documents</p>	<p>Tick</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
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<p>Signed: _____</p>	<p>Date: / /</p>
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<p>Warning</p>	<p>It is an offence under Section 304(6) of the Companies Act 1993 to —</p> <ul style="list-style-type: none"> • 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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<p>Reserved for office use:</p>
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<p>Received (Date Stamp)</p>	<p>Claim admitted/rejected for voting purposes: _____ Signed: _____ Date: / /</p> <p>(Please tick one)</p> <p><input type="checkbox"/> Claim rejected for payment: _____ Signed: _____ Date: / /</p> <p>or</p> <p><input type="checkbox"/> Claim admitted for payment:</p> <p>Preferential Claim for: Ordinary Claim for: Deferred Claim for:</p> <p>\$ _____ \$ _____ \$ _____</p> <p style="text-align: right;">Date: / /</p> <p>Note: If the decision to admit or reject a claim is amended, the Companies Act 1993 Liquidation Regulations 1994 requires that it be recorded in writing.</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 \$

Security interest claimants only

Please provide details of the basis of your security interest and furnish a copy of the security documentation.

Preferential claimants only

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? (e.g. employee, GST etc)

4. Details of your claim: _____

If applicable please record here your GST Registration number: _____
and total GST included in your claim: **\$** _____