



RCT Haulage Limited (In Liquidation)

Company Number: 5890121

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

1. Introduction

Iain Bruce Shephard and Jessica Jane Kellow, RITANZ-accredited insolvency practitioners of BDO Wellington, were appointed joint and several liquidators (“Liquidators”) of RCT Haulage Limited (In Liquidation) (“the Company”) by order of the High Court at Christchurch on 19 September 2019 in accordance with section 241(2)(c) of the Companies Act 1993 (“the Act”).

In accordance with section 257 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 reports pursuant to section 255(2)(c) 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

RCT Haulage Limited (In Liquidation) (“the Company”) was incorporated in February 2016 and traded as a contractor for PBT providing bulk haulage services in the wider Christchurch region. The Company primarily transported shipping containers to and from the Lyttelton Port.

Following non-payment of a trade account, a creditor issued a statutory demand and subsequently applied to the High Court to place the Company into liquidation. On 19 September 2019 the High Court ordered accordingly, and the Company was placed into liquidation.

4. Liquidators' Actions

Following appointment, the Liquidators' staff met with the director and shareholders of the Company in Christchurch to discuss the affairs and the events prior to liquidation. The Liquidators arranged for the vehicles to be transported to a secure location pending sale. Further details regarding the sale of the vehicles are indicated below.

The Liquidators liaised with PBT regarding the payment of two outstanding invoices. Further details are listed below.

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 have liaised with many 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 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 examining the Company's financial statements and considering the

Company's bank transactions. Nothing arose from these investigations that may be of benefit to creditors of the Company.

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, in accordance with the RITANZ Code of Conduct, covering the duration of the liquidation.

Plant & Equipment

The Company's assets consisted of the following vehicles:

- 2012 Dodge Nitro;
- 1996 Holden Maloo;
- 1999 Mitsubishi FV 395H truck;
- 2002 Mack CX688 truck; and
- 2006 Patchell Trailer.

All the vehicles (with the exception of the Mitsubishi truck) were subject to security interests in favour of Spiers Finance and Truck Stops Limited. The Liquidators arranged for the vehicles to be relocated to a secure facility pending sale.

After several weeks of attempting to sell the vehicles, it became apparent the initial valuations provided to the Liquidators were significantly in excess of the going market rates. As a result, the vehicles were relisted a number of times and reserves lowered accordingly. Significant time and expenses were incurred in the realisation of these vehicles.

The Liquidators received \$73,257.29 from the sale of these vehicles, which was subject to auctioneer costs and commission. The net proceeds from the sale of the encumbered vehicles were distributed to the secured creditors.

Accounts Receivable

The August and September 2019 invoices were unpaid as at the date of liquidation. The Liquidators liaised with the debtor and have arranged payment of these, totalling \$27,701.28.

Shareholder Current Account

The Liquidators reviewed the financial statements and the bank accounts and determined that the shareholders' current account was overdrawn as at the date of liquidation. The shareholders were impecunious and the Liquidators deemed it uneconomic to pursue recovery of this account.

4.3 Creditors Claims

Secured Creditors

Truck Stops and Spiers Finance held security over all except one of the Company's vehicles and were owed \$20,661.57 and \$26,819.03, respectively.

Following the sale of the vehicles, the Liquidators made a full distribution to both Truck Stops and Spiers in respect of their secured claims after confirming that all security documentation was in order.

Preferential Creditors

The Liquidators received a preferential claim from the petitioning creditor relating to its costs in bringing the liquidation application, totalling \$4,258.96. The Liquidators made a full distribution in respect of this claim.

The Liquidators received a preferential claim from Inland Revenue relating to unpaid GST for \$18,567.25.

Unsecured Creditors

The Liquidators have received eight unsecured claims totalling \$173,247.27. Of this amount, \$131,272.03 relates to a single creditor who held security over assets that fall outside the scope of the liquidation. We understand that this creditor has taken steps to realise this property but have not filed an amended claim in the liquidation.

There were insufficient funds to allow a distribution to unsecured creditors.

5. Liquidators' Statement

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

All proceeds of realisation have been distributed. Please find as **Appendix 1** a schedule of the liquidators' Receipts and Payments during the course of the liquidation.

Attached as **Appendix 2** is a remuneration schedule, in accordance with the RITANZ Code of Conduct, covering the duration of the liquidation.

The Company is ready to be removed from the New Zealand Register 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:

Brad Burness
DDI: (+64 4) 555 0728
Email: brad.burness@bdo.co.nz

BDO Wellington
PO Box 10340
Level 1, Chartered Accountants House,
50 Customhouse Quay,
Wellington 6143

Dated this 25th day of May 2020

A handwritten signature in blue ink, appearing to read 'Kellow'.

JESSICA KELLOW
Liquidator



APPENDICES

Appendix 1 - Summary of Receipts & Payments

As at: 20 May 2020

Receipts	
ACC Refund	2,476.57
Pre - Liquidation Debtors	27,701.28
Inland Revenue - GST Refunds	1,360.84
Interest	5.39
GST Refund yet to be received	675.00
Sale of Assets	73,257.29
Utilities Refund	983.56
	<hr/>
	106,459.93
 Less Payments	
Auctioneer Costs and Commission	4,960.01
Inland Revenue - GST	2,098.97
Insurance	491.99
Liquidators' Costs and Disbursements	54,239.04
Preferential Distribution - Petitioning Creditor Costs	4,258.96
RWT	1.78
Secured Creditor Distributions	40,409.18
	<hr/>
	106,459.93
 Liquidators' Bank Account	<hr/>
	-



Appendix 2 - Remuneration Schedule

RCT Haulage Limited (In Liquidation)

Remuneration Report - Period: 19 September 2019 - 20 May 2020

	Hourly Rate	Assets		Company Records		Creditors		Day One/Initial Tasks		Debtors		Employees		Financial	
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
Partners	395 - 445	29.50	12,752.50	-	-	0.75	321.25	2.00	840.00	1.25	568.75	-	-	3.88	1,603.08
Managers	195 - 295	0.25	48.75	-	-	1.00	195.00	0.50	97.50	0.50	97.50	-	-	7.00	1,365.00
Analysts	145 - 295	41.00	12,057.50	0.50	122.50	7.25	2,126.25	8.75	2,543.75	12.00	3,540.00	-	-	3.75	1,093.75
Support Staff	100	-	-	-	-	2.00	200.00	-	-	-	-	-	-	-	-

	Hourly Rate	Admin/General		Litigation		On-Going Trading		Planning/Review		Secured Creditors		Reporting		Total	
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
Partners	395 - 445	1.00	432.50	0.75	371.25	-	-	3.25	1,358.75	1.00	420.00	0.25	98.75	43.63	18,766.83
Managers	195-295	8.00	1,560.00	-	-	-	-	0.25	48.75	-	-	-	-	17.50	3,412.50
Analysts	145 - 295	5.00	1,450.00	-	-	-	-	8.50	2,507.50	7.50	2,212.50	3.75	1,106.25	98.00	28,760.00
Support Staff	100	4.25	425.00	-	-	-	-	-	-	0.75	75.00	-	100.00	7.00	800.00
														166.13	51,739.33

Disbursements	Cost
Advertising	69.30
Miscellaneous	85.26
Overheads	100.00
Travel Costs	524.71
Total	779.27

Note: The hours and costs shown in the table above are the actual WIP totals to date. **All totals are exclusive of GST.**
Payment of \$46,577.42 (excl. GST) has been received on account for both fees and disbursements.



Appendix 3 - Notice of Intention to Remove

**RCT HAULAGE LIMITED (IN LIQUIDATION)
("the Company")**

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

We, Iain Shephard and Jessica Kellow, joint and several liquidators of the Company whose registered office is situated at:

BDO Wellington
Level 1, Chartered Accountants House
50 Customhouse Quay
Wellington 6011

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 30 June 2020.

DATED this 25th day of May 2020.

JESSICA KELLOW
Liquidator