

**GERARD HULST & ASSOCIATES**  
*CHARTERED ACCOUNTANTS*

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**LIQUIDATOR'S FIRST REPORT**

*(pursuant to section 255 of the Companies Act 1993)*

**to the Creditors and Shareholders of**

**Jayem Decorators (1986) Limited (In Liquidation)**

Gerard Hulst, Chartered Accountant of Auckland, was appointed Liquidator of the above company by an order of the High Court at Auckland on the 6<sup>th</sup> September 2001 at 10.42am.

*The Liquidator takes no responsibility for any misinformation contained in this report that has been supplied by the company, its officers or other persons.*

**COMPANY INFORMATION**

**Date of Incorporation :** 29<sup>th</sup> September 1986

**Company Number :** AK 320233

**Trading Address :** 9 Sandspit Road  
Waiuku

**Type of Business :** Painting and Decorating Services

**Date trading ceased :** March 2001

**Share Capital :** 1000

**Shareholders :**

Brain David Freeman	900
Moira Louise Freeman	100

**Directors :** Brain David Freeman  
Moira Louise Freeman

**High Court Reference :** M.1011 – IM01

**Petitioning Creditor :** The company was placed in Liquidation on the petition of Inland Revenue Department for \$14,423.31 being GST, Employers ACC premium, PAYE, and penalties. Costs of \$1,820.00 plus disbursements of \$493.21 were awarded.

*A statement of the company's financial position (assets & liabilities) at the date of liquidation is included with this report.*

## OBSERVATIONS

The company provided Painting and Decorating Services.

There has been no formal interview with the directors of the company. Merv Baker, the company accountant contacted me and advised that David Freeman was ill with cancer and so unable to attend this office for the formal interview. Merv Baker provided background information on the company as well as the accounts and records of the company. Merv Baker stated that the liquidation was a result of a GST investigation and PAYE audit that found errors as a result of withholding tax. The accounts for the company show that it had assets of \$11,663 at 31<sup>st</sup> March 2001. I will investigate the whereabouts of these assets and what right the debenture holder may have to these assets.

## COMPANIES WITH WHICH THE DIRECTORS HAVE AN ASSOCIATION

An internet search of the companies office shows that Brian David Freeman and Moira Louise Freeman are not associated with any other companies.

## FINANCIAL INFORMATION

The last set of financial accounts for the company were for the year ended 31<sup>st</sup> March 2001 and were completed by Hareb & Baker Chartered Accountants.

Assets and Liabilities identified by the Liquidator are from the accounts to 31<sup>st</sup> March 2001 as follows:

	<b>Estimated Realisable Value</b>
<b><u>Assets</u></b>	
Fixed Assets – as per accounts	11,663
<b><u>Liabilities</u></b>	
Inland Revenue Department	
- petitioning creditor costs	2,313.21
- as per claim	14,423.31
Accounts Payable – as per accounts	<u>6,100.00</u>
	22,836.52

## PROPOSALS FOR CONDUCTING THE LIQUIDATION

### DISPOSAL OF ASSETS

The accounts of the company list non-current assets of \$11,663. These assets will be located and dealt with in an appropriate manner, allowing for any rights the debenture holder may have over them.

## **OTHER ACTIONS OF THE LIQUIDATOR**

I will conduct an investigation into the affairs of the company;

- a) To determine the date of insolvency
- b) To determine the conduct of the Directors
- c) To establish whether the directors owe any money to the company and to pursue recovery thereof.
- d) To determine if there are any voidable transactions and to pursue recovery thereof.

## **ESTIMATED COMPLETION DATE**

The administration is expected to be completed by 15<sup>th</sup> October 2002, subject to any court actions.

## **PROSPECT OF DIVIDEND**

I am unable to comment on the likelihood of a dividend, as this will depend on the results of my investigation.

## **NOTICE REGARDING MEETINGS**

Having regard to the assets and liabilities of the company, the likely result of the liquidation and other relevant matters, the Liquidator considers in accordance with section 245 of the Companies Act 1993 that no meeting of creditors should be held at this time.

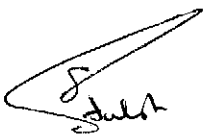
Consequently, a meeting of creditors will not be held unless within 14 days after receiving this notice a creditor gives notice in writing to the Liquidator requiring a meeting to be called.

## **LIQUIDATION COMMITTEE**

At any time during the liquidation, any creditor may in writing request the Liquidator to call a meeting of creditors to consider whether a Liquidation Committee should be appointed, and if so, to choose the members of the committee.

A Liquidation Committee has certain powers set out in s315 of the Companies Act 1993, including to assist the Liquidator as appropriate in the conduct of the liquidation.

In the absence of a liquidation committee, the Liquidator will work closely with the petitioning creditor.



**Gerard Hulst**  
**Liquidator**

**Dated this 15<sup>th</sup> day of October 2001.**

**UNSECURED CREDITOR'S CLAIM**

Section 304(1) Companies Act 1993

**Jayem Decorators (1986) Limited (In Liquidation)**

P.O Box 6901 Wellesley Street, Auckland 1

**Name and postal address of creditor in full:**

**Telephone Number:**

**Facsimile Number:**

**Amount Claimed:**

\$

I, \_\_\_\_\_

(title if claim is not on behalf of an individual) \_\_\_\_\_  
 claim that the company was at the date it was put into liquidation indebted to the above named creditor for the amount claimed. We hold no security for the amount claimed.

<b>PARTICULARS OF CLAIM</b>			
Invoice Date	Invoice Number	Brief Description of Goods or Services Provided	Invoice Amount
<i>Attach separate sheet if space is insufficient</i>			

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. The liquidator may require the production of all documents.

**WARNING:** It is an offence under the Companies Act 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.

Signed:

Date:

**RESERVED FOR LIQUIDATOR'S DECISION**

CLAIM ADMITTED FOR PAYMENT	OR	CLAIM REJECTED FOR PAYMENT
Preferential Claim	Ordinary Claim	Deferred Claim
\$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span>	\$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span>	\$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span>
Signed Liquidator:	Dated:	