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**LIQUIDATOR'S FIRST REPORT**

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

to the **Creditors and Shareholders of**

**MALIBU HOLDINGS Limited (In Liquidation)**

Gerard Hulst, Chartered Accountant of Auckland, was appointed Liquidator of the above company pursuant to an order of the High Court at Auckland on 27 March 2003. The order was timed at 11.33 am.

*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**

**Company Number :** 648457  
**Date of Incorporation :** 1 June 1995  
**Trading Address :** non specified  
**Type of Business :** education - performing arts  
**Date trading ceased :** unknown

**Share parcels** **Shares held**

**Parcel 1** Destination Education Pty Limited 100

**Directors :** Eric William COPE  
Stephen Joseph RONEY

**High Court Reference :** M41-IM03

**Petitioning Creditor :** The company was placed in Liquidation on the petition of The Commissioner of Inland Revenue for \$ 75,711.61 being unpaid GST, Income Tax, PAYE, Student Loan Employer Deductions and accrued penalties. Costs of \$ 1,820.00 plus disbursements of \$ 1,294.67 were awarded.

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

## OBSERVATIONS

Correspondence sent to Eric Cope at his Australian address has been returned "left address"

Correspondence sent to Stephen Roney at his Australian address has been ignored.

The shareholder is an Australian registered company. I am informed that the company is in liquidation.

I have met with the company's accountant and he has advised that the company put on large-scale demonstrations of themes for schools. The two major themes were Dinosaurs and Volcanoes. The school paid a few dollars per pupil to view the demonstration.

The accountant has advised that the company failed because there was a falling out among the management.

The accountant advised that Stephen Roney purchased the assets and goodwill of the business from the Liquidator of the parent company.

## COMPANIES WITH WHICH THE DIRECTORS HAVE AN ASSOCIATION

A search of the Companies Office web site [www.companies.govt.nz](http://www.companies.govt.nz) shows that:

- Eric William COPE is not associated with any other New Zealand Company.
- Stephen Joseph RONEY is a Director of Educate Me NZ Limited.

## FINANCIAL INFORMATION

The last set of financial accounts for the company are draft accounts for the year ended 30 June 1999. The accounts were subject to audit by Seal BKR. No finalised audited accounts have been provided to me. No accounts have been filed with the Registrar of Companies.

Assets and Liabilities identified by the Liquidator are :

	<b>Estimated Realisable Value</b>
<b><u>Assets</u></b>	
unknown	unknown
<b><u>Liabilities</u></b>	
IRD – as creditor claim form	86,348.71

## PROPOSALS FOR CONDUCTING THE LIQUIDATION

### DISPOSAL OF ASSETS

there are no known assets to dispose.

## **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 27 March 2004, subject to any court actions.

## ***PROSPECT OF DIVIDEND***

It is unlikely that there will be a dividend to the unsecured creditors.

## ***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 10 working 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*

**Gerard Hulst**

**Liquidator**

**Dated this 23<sup>rd</sup> day of April 2003.**

**UNSECURED CREDITOR'S CLAIM**

Section 304(1) Companies Act 1993

**Malibu Holdings Limited (In Liquidation)**  
P.O Box 6901 Wellesley Street, Auckland 1

**Creditor details**

<b>The name of your business</b>		
<b>The postal address of your business</b>		
<b>Telephone number</b>	<b>Facsimile number</b>	<b>e-mail address</b>

**Amount Claimed:**

\$

Name of person completing the form, \_\_\_\_\_

(your title in the firm you represent) \_\_\_\_\_

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

*Attach separate sheet if space is insufficient*

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
\$	\$	\$
Signed Liquidator:	Dated:	