

# Meltzer Mason Heath

Chartered Accountants practising as insolvency specialists

Refer to: Arron Heath

No. of Company: 1101331

## Liquidators' Further Report

### Blue Sky Holdings Limited (In Liquidation)

For the period 13 February 2012 to 12 August 2012

#### Introduction

Blue Sky Holdings Limited ("Blue Sky Holdings") was placed into voluntary liquidation in Auckland on 12 February 2008 when Jeff Meltzer, Arron Heath and Lloyd Hayward of Meltzer Mason Heath were appointed joint and several Liquidators.

Blue Sky Holdings was part of the Blue Chip Group and was involved in joint ventures with investors. Although not a Blue Chip subsidiary Blue Sky Holdings was dependent on the Blue Chip Group (and later, the New Zealand franchise group) for funding to meet its joint venture obligations.

In accordance with section 255 of the Companies Act 1993 the Liquidators are obliged to report to all creditors and shareholders on the conduct of the liquidation during the preceding six months. This report covers the period from 13 February 2012 to 12 August 2012.

#### Action to Date

Blue Sky Holdings is corporate trustee of The Auckland Residential Property Trust. As reported previously, settlement funds have been received on behalf of the Trust. Work to ascertain the Trust's liabilities, entitlements to the settlement proceeds and whether Blue Sky Holdings, in its capacity as corporate trustee has any claim on the funds, is continuing.

#### Receipts and Payments

A receipts and payments statement for the period 13 February 2012 to 12 August 2012 is attached.

#### Asset Realisations

No assets were realised during the period covered by this report.

Jeff Meltzer

Karen Mason

Arron Heath



## **Dividends**

No dividends have been paid during the period covered by this report. Payment of any future dividend to Blue Sky Holdings' creditors is dependent on the outcome of legal action(s) and whether the creditors will have any entitlement to settlement proceeds, if any, that may be received.

**The following sections of this report incorporate comments relating to all of the Blue Chip companies to which we have been appointed.**

As previously reported the Liquidators filed a statement of claim in the High Court at Auckland against former directors and auditors of Blue Chip related companies.

The Court ordered the claim to be deferred until matters arising from proceedings filed by a Blue Chip investor have been dealt with. Discussions regarding these matters are continuing. The Liquidators are hopeful that the matters can be settled prior to the next Court hearing early in September.

A timetable relating to the Liquidators' claim has not yet been issued by the Court. The Liquidators will be able to report further once a timetable has been agreed. Creditors are again reminded that not all Blue Chip companies are involved in the proceedings that have been issued.

The Supreme Court's decision regarding investors' appeals over the validity of sale and purchase agreements for units in three central Auckland apartment buildings has been released. The appeals were successful with the Supreme Court finding that Blue Chip's marketing of its products was in breach of the Securities Act 1978. The decision results in the sale and purchase agreement being unenforceable against the investors.

Please contact Arron Heath of this office should you require any further information.

Dated this 24<sup>th</sup> day of August 2012



A L Heath  
**Joint and Several Liquidator**

# Blue Sky Holdings Limited (In Liquidation)

## Receipts and Payments

For the period 13 February 2012 to 12 August 2012

	\$	\$
<b>Balance Brought Forward</b>		1,145.12
<b>Receipts</b>		
Settlement Proceeds	2,041.25	
GST Refunds	<u>1,653.83</u>	
		<u>3,695.08</u>
		4,840.20
<b>Payments</b>		
Liquidators' Remuneration	1,509.00	
Liquidators' Disbursements	30.18	
Legal Fees	1,775.00	
GST Paid	<u>497.13</u>	
		<u>(3,811.31)</u>
<b>Balance Carried Forward</b>		<u><u>1,028.89</u></u>

Note: The funds held are subject to further costs of winding up.