



***Ross Asset Management Limited (In Liquidation)  
("RAM")***

***Bevis Marks Corporation Limited (In Liquidation)***

***McIntosh Asset Management Limited  
(In Liquidation)***

***Mercury Asset Management Limited (In Liquidation)***

***Dagger Nominees Limited (In Liquidation)***

***Ross Investment Management Limited  
(In Liquidation)***

***Ross Unit Trusts Management Limited  
(In Liquidation)***

***United Asset Management Limited (In Liquidation)***

***together "the Ross Group Companies" or "the Group  
Companies"***

***Liquidators' Seventeenth Six Monthly Report***

***For the Period 17 December 2020 to 16 June 2021***

***Company numbers:***455971

***372992***

***455890***

***377152***

***431870***

***652854***

***652855***

***647452***



## ***Introduction***

The Ross Group Companies were placed into liquidation on 17 December 2012 and John Howard Ross Fisk and David John Bridgman were appointed joint and several liquidators. The appointments are pursuant to sections 241(2)(a) and 241(2)(c) of the Companies Act 1993 (“the Act”). More specific details in relation to the appointments are contained in our previous reports to creditors. On 9 December 2020 David John Bridgman resigned as liquidator of the Ross Group Companies and was replaced by Marcus James McMillan.

This report covers the period 17 December 2020 to 16 June 2021.

Prior updates and reports are available on our website <https://www.pwc.co.nz/services/business-recovery/liquidations/ross-group.html>

## ***Restrictions***

This report has been prepared by us in accordance with and for the purpose of section 255 of the Act. It is prepared for the sole purpose of reporting on the state of affairs with respect to the Ross Group Companies in liquidation and the conduct of the liquidations.

This report is subject to the restrictions set out at Appendix A. In particular, all information contained in this report is provided in accordance with section 255 of the Act. Furthermore, in preparing this report we have relied upon and not independently verified or audited information or explanations provided to us.

## ***Conduct of the liquidation in the Preceding 6 Months***

We set out below a review of matters dealt with since our last report:-

### ***Unclaimed Distributions***

There remains approximately \$413,000 of unclaimed distributions from the first interim distribution and the final distribution, comprised of approximately 31 investors. Any investor who has not received their first interim or final distribution should contact us at [receiverships@nz.pwc.com](mailto:receiverships@nz.pwc.com) to arrange verification of their claim.

The liquidators are now able to pay any unclaimed distributions to the government unclaimed monies account, however, given the liquidations will remain ongoing pending resolution of the ANZ claim discussed below, the liquidators will retain the unclaimed distributions for the time being so that they can be returned to any claimants.

### ***Shares held***

There have been share realisations totalling \$323 within the period covered by this report. There are some further shares to be realised, although it remains uncertain whether they can be realised. We continue to examine options to progress share realisations in a cost effective manner to ensure all assets are appropriately dealt with. We would not anticipate sufficient further realisations to warrant the cost of a further distribution.



### ***ANZ Claim***

A class action is underway by a group of investors against the ANZ Bank on the basis they consider ANZ should have taken steps which would have potentially brought the Ponzi Scheme to an end sooner. We understand the opportunity to join the class action has now closed, however, any enquiries should be directed to [ram.admin@mc.co.nz](mailto:ram.admin@mc.co.nz). We do not intend to report on the progress of that claim via these reports.

The liquidations of the Ross Group Companies will remain ongoing until such time as this claim has been resolved in case the parties require the assistance of the Liquidators.

### ***Statement of Realisation and Distribution***

Attached as Appendix B are Statements of Realisations and Distributions for the period of the liquidations.

Excluding the unclaimed distributions referred to above the Liquidators held funds on hand as at 16 June 2021 of \$180,726.98. This was held in the liquidations as follows:

• Ross Asset Management Limited (in Liquidation)	\$ 178,458.34
• Bevis Marks Corporation Limited (in Liquidation)	\$ 2,268.64

### ***Liquidators' Fees***

Liquidators' fees paid to date for the entire liquidation cover the following areas;

- 50% - investigation and litigation regarding clawback
- 30% - reviewing investor and creditor claims and distribution model and paying distribution
- 20% - all other matters dealt with during the course of the liquidation.

Note this list is not exhaustive and based on approximations, rounded to the nearest 5%, as time spent on some areas overlaps with other areas.

The legal fees which have been incurred in this liquidation reflect the complexity of the matters which have needed to be dealt with, particularly where those matters are without precedent so have required significant legal advice and legal proceedings

Please note section 284 of the Act below which states:

### **284 Court supervision of liquidation**

- (1) On the application of the liquidator, a liquidation committee, or, with the leave of the Court, a creditor, shareholder, other entitled person, or director of a company in liquidation, the Court may—
  - (e) In respect of any period, review or fix the remuneration of the liquidator at a level which is reasonable in the circumstances:

In any event the Liquidators have been ordered to report to the Court at the conclusion of the liquidation to have the fees which have been paid reviewed and approved by the Court.



### ***Proposals for Completing the Liquidation***

As directed by the Court the liquidators will remain in office for a further 12 months following payment of the final distribution to allow any investors who have not yet recovered their distribution to do so, following which any unclaimed distributions will be paid to the Unclaimed Monies account managed by Inland Revenue. As discussed above we will hold any unclaimed distributions until the claim against ANZ has been resolved.

We will also take steps to ensure the ongoing storage and ultimate destruction of the physical records of the Ross Group Companies. There are significant records held and much of the funds currently held by the Liquidators will likely be required to meet the cost of ongoing storage and destruction. This can not occur until after the investor claim against ANZ has been resolved.

A further report will be issued in 6 months if the liquidations have not been completed before then.

### ***Contact Details***

If you have any other queries, please submit your enquiry through the on-line form via our website, by phone on (04) 462 7000, by writing to our mailing address or email [receiverships@nz.pwc.com](mailto:receiverships@nz.pwc.com). We will endeavour to respond to all enquiries as quickly as possible.

Dated: 15 July 2021

A handwritten signature in black ink, appearing to read 'John Howard Ross Fisk'.

John Howard Ross Fisk  
Liquidator



## ***Appendix A***

### ***Restrictions***

All information contained in this report is provided in accordance with section 255 of the Companies Act 1993.

The statements and opinions expressed herein have been made in good faith, and on the basis that all information relied upon is true and accurate in all material respects, and not misleading by reason of omission or otherwise.

We have not independently verified the accuracy of information provided to us, and have not conducted any form of audit in respect of the Group Companies. Accordingly, we express no opinion on the reliability, accuracy, or completeness of the information provided to us and upon which we have relied. Whilst all care and attention has been taken in compiling this report, we do not accept any liability whatsoever arising from this report.

The statements and opinions expressed in this report are based on information available as at the date of the report.

We reserve the right, but will be under no obligation, to review or amend our report, if any additional information, which was in existence on the date of this report was not brought to our attention, or subsequently comes to light.

We have relied on forecasts and assumptions prepared by the Group Companies about future events which, by their nature, are not able to be independently verified. Inevitably, some assumptions may not materialise and unanticipated events and circumstances are likely to occur. Therefore, actual results in the future will vary from the forecasts upon which we have relied. These variations may be material.

In addition the following should be noted:

- Certain numbers included in tables throughout this report have been rounded and therefore do not add exactly.
- Unless otherwise stated all amounts are stated in New Zealand dollars.



## ***Appendix B***

### ***Statement of Realisations and Distributions For the period 17 December 2012 to 16 June 2021***

#### ***Ross Asset Management Limited (In Liquidation)***

<b>Receipts</b>	<b>\$</b>	<b>\$</b>
Asset Sales	9,475.21	
Clawback Recovery	25,725,130.03	
Dividends	41,459.41	
Funds on Hand	31,947.25	
Interest Income	566,970.22	
Management Fees	27,117.49	
Other Income	621.60	
Pooling of Assets from Dagger Nominees Ltd (In Liquidation)	1,147,876.21	
Rental Income	6,404.52	
Reparations from David Ross	1,133,750.59	
Sale of Eastbourne Property	828,000.00	
Sale of Riversdale Property	85,000.00	
Security for Costs	22,509.12	
Share Sales	2,621,397.95	
Transfer from Receivers	40,378.06	
GST	197,394.60	
 Total Receipts		32,485,432.26

#### **Payments**

Advertising	4,127.72
Bank Charges	2,054.75
Brokerage Fees	43,188.66
Sale Commission	28,410.48
Distribution to Investors and Creditors	23,809,045.14
Document Management	48,687.46
DRG Ross Trust Legal Fees	8,533.04
DRG Ross Trust Receivers' Fees	14,055.00
DRG Ross Trust Receivers' Disbursements	4,158.99
Duress Payments	10,095.39
Employee Preferential Creditors	19,574.83



Insurance	3,956.04	
IT Support	9,469.53	
Legal Fees	3,833,013.47	
Liquidation Committee Expenses	4,708.74	
Liquidators' Fees	2,323,631.66	
Liquidators' Disbursements	175,517.89	
PAYE	11,142.61	
Petitioning Creditor Costs	1,302.80	
Property Expenses & Other Costs	34,716.24	
Receivers' Fees	172,185.53	
Receivers' Disbursements	12,098.48	
Withholding Tax	157,920.99	
Shares under Valid Proprietary Claim	479,326.57	
Wages	11,104.29	
GST	1,084,947.62	
Total Payments		32,306,973.92
Cash at Bank		178,458.34



***Statement of Realisations and Distributions  
For the period 17 December 2012 to 16 June 2021***

***Bevis Marks Corporation Limited (In Liquidation)***

<b>Receipts</b>	<b>\$</b>	<b>\$</b>
Dividends	12,214.31	
Interest	3,339.73	
Share Sales	218,484.64	
Transfer from Receivers	2,902.15	
ACC Refund	208.19	
GST Payable	0.00	
Total Receipts		237,149.02
<b>Payments</b>		
Bank Charges	90.78	
Brokerage Fees	3,285.36	
Distribution to David Ross' Receivers	217,208.44	
Document Charges	105.00	
Liquidators' Fees	8,874.74	
Liquidators' Disbursement	623.22	
Other Expenses	529.97	
Receivers' Fees	1,485.52	
Receivers' Disbursements	222.83	
Withholding Tax	756.04	
GST Receivable	1,696.70	
Total Payments		234,878.60
<b>Cash at Bank</b>		<b>2,269.33</b>





***Statement of Realisations and Distributions  
For the period 17 December 2012 to 16 June 2021***

***McIntosh Asset Management Limited (In Liquidation)***

<b>Receipts</b>	<b>\$</b>	<b>\$</b>
Funds on Hand	495.60	
Interest	924.70	
Share Sales	28,236.14	
GST Payable	0.00	
Total Receipts		29,656.44
<b>Payments</b>		
Brokerage Fees	444.01	
Distribution to David Ross' Receivers	22,926.88	
Liquidators' Fees	4,919.35	
Liquidators' Disbursements	327.75	
Withholding Tax	251.39	
GST Receivable	787.06	
Total Payments		29,656.44
<b>Cash at Bank</b>		<b>0.00</b>



***Statement of Realisations and Distributions  
For the period 17 December 2012 to 16 June 2021***

***Mercury Asset Management Limited (In Liquidation)***

<b>Receipts</b>	<b>\$</b>	<b>\$</b>
Dividends	1,207.06	
Funds on Hand	1,574.15	
Interest	1,494.13	
Share Sales	76,868.40	
GST Payable	0.00	
Total Receipts		81,143.74
<b>Payments</b>		
Bank Charges	30.00	
Brokerage Fees	1,478.36	
Distribution to David Ross' Receivers	71,645.48	
Liquidators' Fees	6,001.42	
Liquidators' Disbursements	388.68	
Other Expenses	273.12	
Withholding Tax	368.16	
GST Receivable	958.52	
Total Payments		81,143.74
<b>Cash at Bank</b>		<b>0.00</b>



***Statement of Realisations and Distributions  
For the period 17 December 2012 to 16 June 2021***

***Dagger Nominees Limited (In Liquidation)***

<b>Receipts</b>	<b>\$</b>	<b>\$</b>
Dividends	78,505.72	
Funds on Hand	7,355.59	
Interest	113,972.65	
Management Fees	186.43	
Share Sales	1,171,373.20	
Transfer from Receivers	4,922.65	
GST Payable	5,684.09	
Total Receipts		1,382,000.33
<b>Payments</b>		
Bank Charges	776.96	
Brokerage Fees	14,310.37	
Document Charges	2,248.64	
Liquidators' Fees	18,919.69	
Liquidators' Disbursements	3,951.47	
Pooling to Ross Asset Management Limited	1,147,876.21	
Proprietary Claims	157,766.79	
Withholding Tax	32,451.56	
GST Receivable	3,698.64	
Total Payments		1,382,000.33
<b>Cash at Bank</b>		<b>0.00</b>



***Statement of Realisations and Distributions  
For the period 17 December 2012 to 16 June 2021***

***United Asset Management Limited (In Liquidation)***

<b>Receipts</b>	<b>\$</b>	<b>\$</b>
Funds on Hand	17,574.66	
Interest	4,371.84	
Share Sales	132,725.13	
Transfer from Receivers	881.45	
GST Payable	0.00	
Total Receipts		155,553.08
<b>Payments</b>		
Bank Charges	34.20	
Brokerage Fees	2,629.81	
Distribution to David Ross' Receivers	114,025.19	
Document Charges	54.00	
Liquidators' Fees	8,133.55	
Liquidators' Disbursements	569.71	
Withholding Tax	1,185.43	
Unsecured Creditor Distribution	27,615.70	
GST Receivable	1,305.49	
Total Payments		155,553.08
<b>Cash at Bank</b>		<b>0.00</b>



***Statement of Realisations and Distributions  
For the period 17 December 2012 to 16 June 2021***

***Ross Investment Management Limited (In Liquidation)***

<b>Receipts</b>	<b>\$</b>	<b>\$</b>
Interest	188.15	
Share Sales	7,923.35	
GST Payable	0.00	
Total Receipts		8,111.50
<b>Payments</b>		
Brokerage Fees	115.71	
Distribution to David Ross' Receivers	4,980.14	
Liquidators' Fees	2,369.35	
Liquidators' Disbursements	207.45	
Withholding Tax	52.33	
GST Receivable	386.52	
Total Payments		8,111.50
<b>Cash at Bank</b>		<b>0.00</b>



***Statement of Realisations and Distributions  
For the period 17 December 2012 to 16 June 2021***

***Ross Unit Trusts Management Limited (In Liquidation)***

<b>Receipts</b>	<b>\$</b>	<b>\$</b>
Interest	206.73	
Share Sales	8,308.30	
GST Payable	0.00	
Total Receipts		8,515.03
<b>Payments</b>		
Bank Charges	34.00	
Brokerage Fees	255.09	
Distribution to David Ross' Receivers	6,180.91	
Liquidators' Fees	1,624.84	
Liquidators' Disbursements	166.50	
Withholding Tax	57.53	
GST Receivable	196.16	
Total Payments		8,515.03
<b>Cash at Bank</b>		<b>0.00</b>