

2002 01T 0352
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

IN THE MATTER OF the Receivership of
Hickman Equipment (1985) Limited
("Hickman Equipment" or "HEL") pursuant to Rule 25 of the
Rules of the Supreme Court, 1986 under the
Judicature Act, R.S.N. 1990, c. J-4, as amended

AND IN THE MATTER OF the *Bankruptcy and
Insolvency Act*, Chapter B-3 of the Revised
Statutes of Canada, 1985, as amended

THIRTY-SECOND REPORT OF THE RECEIVER

This quarterly report deals with matters as of January 31, 2008. PricewaterhouseCoopers Inc. ("PwC" or "the Receiver") in its capacity as Receiver of Hickman Equipment, previously filed reports to the Court for the period from our appointment date to October 31, 2007.

THIRTY-SECOND REPORT OF RECEIVER

IMPLEMENTATION OF COURT APPROVED PLANS

COST ALLOCATION PLAN

There has been no change since our last report.

DISTRIBUTIONS

Distributions this Quarter	Date	Gross Amount	Deduction for Cost Allocation	Distributions to Creditors
		\$	\$	\$
Culease Financial				
	11/21/07	1,530,600	(229,590)	1,301,010
Total November 1, 2007 to January 31, 2008				
		1,530,600	(229,590)	1,301,010

The gross amount of distributions to January 31, 2008 is \$21,208,204, less Court ordered holdbacks of \$3,167,753, for net distributions paid of \$18,040,451.

In July 2007, the Court approved a distribution of interest to secured creditors who had received distributions to April 30, 2007. The total issued for the pro rata distribution was \$922,691. In November, 2007 the Court approved additional distributions of interest to creditors who received distributions of asset proceeds after July 2007. The total of the subsequent interest distribution is \$281,700 bringing the total interest distribution to January 31, 2008 to \$1,204,391. A schedule of distributions made to January 31, 2008 is attached as Appendix "A".

THIRTY-SECOND REPORT OF RECEIVER

Attached as Appendix "B" to this Report is a schedule of assets with gross proceeds remaining for distribution as at January 31, 2008. The amount of gross sales proceeds received by the Receiver and remaining for distribution at January 31, 2008 is \$807,675. Assuming that all future distributions will be subject to the 15% holdback for cost allocation, the net amount to be distributed after January 31, 2008 is \$686,524.

In addition to the sale proceeds remaining, there is \$77,970 approved by the Court in the pro rata distribution of interest that is retained for secured creditors who will receive the remaining asset proceeds. For the distributions made since April 30, 2007 the Receiver has calculated the amount of interest to apportion to each as follows:

Interest Apportioned from July 2007	%	Proceeds for distribution (net of 15%)	Interest Retained (apportioned)	%
July 13, 2007 application	100.0%	\$ 3,175,374	\$ 360,635	100%
Distribution:				
Royal Bank - July	-0.3%	(8,500)	(965)	-0.3%
11422 Newfoundland Ltd - October	-37.1%	(1,179,340)	(133,941)	-37.1%
Culease - November	-41.0%	(1,301,010)	(147,759)	-41.0%
	-78.4%	(2,488,850)	(282,665)	-78.4%
Remaining at January 31, 2008	21.6%	686,524	77,970	21.6%
Note: Royal Bank has not applied for interest of \$965. Interest has been paid to 11422 NL and Culease as calculated.				

THIRTY-SECOND REPORT OF RECEIVER

COURT PROCEEDINGS AND ORDERS

Activity to report for this quarter:

Concentra Financial (formerly known as Culease Financial Services, "Culease", subfile 7:39) – Culease application for proceeds. A consent order of Justice Hall dated October 12, 2007 and filed November 15, 2007 was granted directing the Receiver to pay Culease \$1,530,600 less 15% on account of costs pursuant to the Cost Allocation Plan making the net amount to be paid \$1,301,010, representing the proceeds of certain equipment.

11422 Newfoundland Limited, application for interest. An application was heard on December 19, 2007 and an order was issued, directing payment of \$133,941 by the Receiver as interest earned in respect of the proceeds paid to 11422 Newfoundland Limited for an order dated September 28, 2007 with proceeds paid out in October, 2007.

Culease, subfile 7:39 - application for interest. An application was heard on December 19, 2007 and an order was issued, directing payment of \$147,759 by the Receiver as interest earned in respect of the proceeds paid to Culease for an order dated October 12, 2007 with proceeds paid out in November, 2007.

Culease, subfile 7:39 – application for proceeds. Culease is claiming proceeds for sale of equipment, comprising all sale proceeds not distributed by the Receiver at January 31, 2008. (see Appendix B). Proceeds from the John Deere 160LC excavator, serial number P00160X041361 are also claimed by Daimler Finance. A Court hearing is set for April 23, 2008. For the other equipment proceeds, Culease and other secured creditors are considering a consent order similar to the November Court order (see above).

Relevant documents and submissions can be found on the PwC website www.pwc.com/ca/eng/about/svcs/brs/hel.html relating to past proceedings.

THIRTY-SECOND REPORT OF RECEIVER

STATEMENT OF RECEIPTS AND DISBURSEMENTS

Attached as Appendix "C" is the Statement of Receipts and Disbursements by PwC for the period from March 13, 2002, the date of the Receiver's appointment, to January 31, 2008.

Funds held in trust by the Receiver at January 31, 2008 total \$980,859.

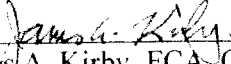
FEEES OF THE RECEIVER AND LEGAL COUNSEL

Attached as Appendix "D" is a summary of the fees of the Receiver and Receiver's Counsel to January 31, 2008.

The above respectfully submitted as of the 26th day of February, 2008.

PricewaterhouseCoopers Inc.
Receiver and Manager –
Hickman Equipment (1985) Limited

Per: _____


James A. Kirby, FCA, CIRP
Senior Vice-President

APPENDIX “A”

SCHEDULE OF DISTRIBUTIONS

MARCH 13, 2002 TO JANUARY 31, 2008

PRICEWATERHOUSECOOPERS 

Atlantic Place, Box 75
215 Water Street, Suite 802
St. John's, NL
A1C 6C9

Hickman Equipment (1986) Limited
 STATEMENT OF DISTRIBUTIONS BY PRICEWATERHOUSECOOPERS INC., as
 RECEIVER OF HICKMAN EQUIPMENT (1986) LIMITED
 FOR THE PERIOD FROM MARCH 13, 2002 TO JANUARY 31, 2008

Appendix "A"

Creditor	DATE	Gross Amount \$	Deduction for Cost Allocation \$	Distributions to Creditors \$	Pro Rata Interest Payout per Court Order	
					Days from 7/31/2002	Interest Earned at 2.3907%
11422 Newfoundland Limited						
	12/13/2005	1,053,750	(158,063)	895,688	1231	72,217
	12/13/2005	1,053,750	(158,063)	895,688	1231	72,217
	4/13/2006	44,500	(6,675)	37,825	1352	3,349
	4/13/2006	409,145	(61,372)	347,773	1352	30,796
	4/13/2006	72,186	(10,828)	61,358	1352	5,433
						184,012
	4/26/2006	506,125	(75,919)	430,206	1365	38,462
	5/12/2006	407,257	(61,089)	346,169	1381	31,312
	9/20/2006	950,000	(142,500)	807,500	1512	79,968
	11/7/2006	566,163	(84,924)	481,239	1560	49,171
	3/14/2007	62,000	(9,300)	52,700	1687	5,823
						204,736
	10/10/2007	1,387,459	(208,119)	1,179,340		133,941
		6,512,335	(976,850)	5,535,485		522,689
ABN-AMRO Leasing						
	4/6/2006	166,000	(24,900)	141,100	1345	12,430
Bombardier Capital						
	5/12/2006	204,000	(30,600)	173,400	1381	15,684
Cat Finance						
	9/22/2003	47,500	(7,125)	40,375	418	1,105
Contract Funding Group (CFG)						
	4/24/2006	145,000	(21,750)	123,250	1363	11,003
CIBC						
	2/12/2003	393,000	(48,950)	344,050	196	4,417
	3/31/2003	2,607,000	(391,050)	2,215,950	243	35,269
	3/31/2003	904,514	(135,677)	768,837	243	12,237
	4/3/2003	-	(10,000)	(10,000)	246	(161)
	9/22/2003	23,750	(3,563)	20,188	418	553
	10/9/2003	63,454	(9,518)	53,936	435	1,537
	11/14/2003	26,445	(3,967)	22,478	471	693
	1/20/2004	7,190	(1,078)	6,111	538	215
		4,025,353	(603,803)	3,421,550		54,760
CIT						
	10/17/2003	572,162	(85,824)	486,338	443	14,111
CIBC Equipment Finance CIT	5/12/2006	1,017,743	(152,661)	865,081	1381	78,248
		1,589,905	(238,486)	1,351,419		92,359
CI LEASE						
	11/21/2007	1,530,600	(229,590)	1,301,010		147,759

Hickman Equipment (1985) Limited
 STATEMENT OF DISTRIBUTIONS BY PRICEWATERHOUSECOOPERS INC., as
 RECEIVER OF HICKMAN EQUIPMENT (1985) LIMITED
 FOR THE PERIOD FROM MARCH 13, 2002 TO JANUARY 31, 2008

Appendix "A"

Creditor	DATE	Gross Amount \$	Deduction for Cost Allocation \$	Distributions to Creditors \$	Pro Rata Interest Payout per Court Order	
					Days from 7/31/2002	Interest Earned at 2.3907%
GMAC						
	11/27/2002	526,100	(78,915)	447,185	119	3,256
	11/24/2003	280,444	(42,067)	238,377	481	7,510
	9/18/2004		10,517	10,517	780	538
		806,544	(110,465)	696,079		11,304
GMAC & CIBC						
	9/24/2003	24,800	(3,720)	21,080	420	580
	10/3/2003	54,150	(8,123)	46,028	429	1,293
	9/18/2004		2,961	2,961	780	151
		78,950	(8,882)	70,068		2,024
John Deere Credit Inc.						
	9/22/2003	23,750	(3,562)	20,188	418	553
	1/24/2005	3,074,425	(461,164)	2,613,261	908	155,416
	10/18/2005	747,500	(112,125)	635,375	1175	48,898
	2/7/2006	214,500	(32,175)	182,325	1287	15,369
		4,060,175	(609,026)	3,451,149		220,236
John Deere Limited						
	2/16/2003	750,806	(112,621)	638,185	194	8,109
	10/9/2003	55,852	(8,378)	47,475	435	1,353
	1/20/2004	4,984	(748)	4,236	538	149
	11/2/2005	265,500	(39,825)	225,675	1190	17,590
		1,077,142	(161,571)	915,571		27,201
National Leasing						
	8/15/2003	70,200	(10,530)	59,670	380	1,485
Royal Bank						
	4/9/2007	884,500	(132,675)	751,825	1713	84,352
	6/11/2007	10,000	(1,500)	8,500		
		894,500	(134,175)	760,325		
Total		21,208,204	(3,167,753)	18,040,451		1,204,391

APPENDIX “B”

SCHEDULE OF ASSETS WITH GROSS PROCEEDS REMAINING FOR DISTRIBUTION

AS AT JANUARY 31, 2008

PRICEWATERHOUSECOOPERS 

Atlantic Place, Box 75
215 Water Street, Suite 802
St. John's, NL
A1C 6C9

Hickman Equipment (1985) Limited
**SCHEDULE OF ASSETS WITH GROSS PROCEEDS REMAINING
FOR DISTRIBUTION BY PRICEWATERHOUSECOOPERS INC, as
RECEIVER OF HICKMAN EQUIPMENT (1985) LIMITED
as of JANUARY 31, 2008**

Appendix "B"

TOTAL of Proceeds from Sale Remaining	807,675
Holdback of Cost Allocation at 15%	(121,151)
Forecast Net Distributions remaining	<u>686,524</u>
Funds Balance per R&D at January 31, 2008	<u>980,859</u>

**Schedule of Assets with Gross Proceeds Remaining for Distribution
Net of Distributions to January 31, 2008**

Serial Number	Stock#	Model	Remaining
			\$
172821	C001229	I/R XP825 COMPRESSOR	9,656
06CR04706	C001339	CAT 320B EXCAVATOR	135,000
06CR05244	C001340	CAT 320B EXCAVATOR	140,000
06CR05245	C001341	CAT 320B EXCAVATOR	135,000
51J02858	C001226	CAT D8N DOZER	165,149
74TDC7364	C001227	TEREX ARTICULATED TRUCK	800
E1992EX007040	C001295	JOHN DEERE 992E EXCAVATOR	100,000
P00160X041361	N-C001512	JOHN DEERE 160LC EXCAVATOR	110,000
R10031	C001228	I/R EXM350 AIR TRACK	12,070
			<u>807,675</u>

APPENDIX “C”

STATEMENT OF RECEIPTS AND DISBURSEMENTS

FOR THE PERIOD
MARCH 13, 2002 TO JANUARY 31, 2008

PRICEWATERHOUSECOOPERS 

Atlantic Place, Box 75
215 Water Street, Suite 802
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A1C 6C9

HICKMAN EQUIPMENT (1985) LTD
STATEMENT OF RECEIPTS AND DISBURSEMENTS BY PRICEWATERHOUSECOOPERS INC.
AS RECEIVER OF HICKMAN EQUIPMENT (1985) LTD
FOR THE PERIOD FROM MARCH 13, 2002 TO JANUARY 31, 2008

Appendix "C"

	March 13/02 - Oct 31/07	Nov 1/07 - Jan 31/08	March 13/02 - Jan 31/08
RECEIPTS	\$	\$	\$
Accounts receivable	908,434	-	908,434
Auction commission	1,193,473	-	1,193,473
Auction of equipment and attachment inventory	14,594,020	-	14,594,020
Cash on hand	4,087	-	4,087
Corporate income tax recovered	409,145	-	409,145
Cost allocation	181,165	-	181,165
Creditor contribution to cost	2,431	-	2,431
HST collected	2,977,924	-	2,977,924
HST refund	158,992	-	158,992
Interest	1,665,319	28,812	1,694,131
Recovery of freight	20,000	-	20,000
Rental income - sublet to RCMP	11,100	-	11,100
Redemption of share - Credit Bureau	3,833	-	3,833
Sale of assets by tender - Show Tech and Celebration	769,665	-	769,665
Sale of equipment inventory	3,285,015	-	3,285,015
Sale of parts inventory	1,487,676	-	1,487,676
Sale of vehicles	373,400	-	373,400
Third party auction proceeds	407,840	-	407,840
Trust funds from Monitor	165,200	-	165,200
US Exchange	6,193	-	6,193
TOTAL RECEIPTS	28,624,912	28,812	28,653,724
DISBURSEMENTS			
Advances to Trustee	31,370	-	31,370
Auction commission to LVG	1,193,473	-	1,193,473
Auction - other expense	18,774	-	18,774
Commission on sale of vehicles	13,180	-	13,180
Equipment storage costs	115,798	-	115,798
HST paid and remitted	3,141,410	976	3,142,386
Legal fees	1,063,561	1,307	1,064,867
Monitor's fees	123,204	-	123,204
Monitor's legal fees	35,188	-	35,188
Other expenses (see schedule)	275,823	1,068	276,891
Receiver's fee	2,000,350	4,700	2,005,050
Reimbursement of third party auction proceeds	407,840	-	407,840
TOTAL DISBURSEMENTS	8,419,972	8,051	8,428,023
EXCESS OF RECEIPTS OVER DISBURSEMENTS	20,204,940	20,761	20,225,701
DISTRIBUTIONS - Schedule attached			
Distributions	19,677,604	1,530,600	21,208,204
Less: Deduction for cost allocation	(2,938,163)	(229,590)	(3,167,753)
	16,739,441	1,301,010	18,040,451
Pro rata interest payout	922,691	281,700	1,204,391
DISTRIBUTIONS - NET OF COST ALLOCATION	17,662,132	1,582,710	19,244,842
TOTAL FUNDS ON HAND	2,542,808	(1,561,949)	980,859
Funds on Hand are comprised of the following:			
Funds on Hand - General	2,207,936	(1,449,972)	757,964
GICs and demand account	334,872	(111,977)	222,895
TOTAL FUNDS ON HAND	2,542,808	(1,561,949)	980,859
ACCOUNTING FOR THIRD PARTY RECOVERY			
Proceeds from recovery of management bonuses	1,125,000	-	1,125,000
Distribution of recovery to creditor and Trustee's fees	(1,125,000)	-	(1,125,000)
	-	-	-

HICKMAN EQUIPMENT (1985) LTD
 STATEMENT OF EXCESS OF RECEIPTS NET OF ACCRUALS BY PRICEWATERHOUSECOOPERS INC.
 AS RECEIVER OF HICKMAN EQUIPMENT (1985) LTD
 FOR THE PERIOD FROM MARCH 13, 2002 TO JANUARY 31, 2008

Appendix "C"

	March 13/02 - Oct 31/07	Nov 1/07 - Jan 31/08	March 13/02 - Jan 31/08
	\$	\$	\$
TOTAL FUNDS ON HAND	2,542,808	(1,561,949)	980,859
Receiver's Accruals			
HST receivable	(4,495)	(976)	(5,471)
Receivership - General	7,719	(3,019)	4,700
Legal fees - General	11,122	(10,122)	1,000
TOTAL RECEIVER'S ACCRUALS	14,346	(14,117)	229
EXCESS OF RECEIPTS NET OF ACCRUALS	2,528,462	(1,547,832)	980,630

STATEMENT OF INVESTED FUNDS SUMMARY BY PRICEWATERHOUSECOOPERS INC.
 AS RECEIVER OF HICKMAN EQUIPMENT (1985) LTD.
 AT JANUARY 31, 2008

Investments	Due Date	Type	Date Invested	Effective Yield	Investment at Cost
Funds on Hand - General		demand account		Prime-1.90%	757,964
Funds on hand - GIC		GIC	10/3/2007	3.45%	147,250
Funds on hand - GIC		GIC	9/10/2007	3.30%	53,909
Total Investments at Cost					980,859

SCHEDULE "OTHER EXPENSES" TO STATEMENT OF RECEIPTS AND DISBURSEMENTS
 BY PRICEWATERHOUSECOOPERS INC.
 AS RECEIVER OF HICKMAN EQUIPMENT (1985) LTD
 FOR THE PERIOD FROM MARCH 13, 2002 TO JANUARY 31, 2008

	March 13/02 - Oct 31/07	Nov 1/07 - Jan 31/08	March 13/02 - Jan 31/08
	\$	\$	\$
OTHER EXPENSES			
Appraisal fee	35,701	-	35,701
Computer file maintenance and training	17,099	450	17,549
Court costs	1,745	-	1,745
HST consultant's fee	28,222	-	28,222
Insurance	37,228	-	37,228
Miscellaneous expenses	27,299	18	27,317
Office expenses	14,902	-	14,902
Rent and occupancy costs	56,997	600	57,597
Repairs and maintenance	9,471	-	9,471
Salaries and benefits	24,978	-	24,978
Security	11,412	-	11,412
Tender advertising	8,117	-	8,117
Travel expenses	2,652	-	2,652
Total other expense	275,823	1,068	276,891

APPENDIX “D”

STATEMENT OF FEES

FOR THE PERIOD FROM

MARCH 13, 2002 TO JANUARY 31, 2008

PRICEWATERHOUSECOOPERS 

Atlantic Place, Box 75
215 Water Street, Suite 802
St. John's, NL
A1C 6C9

Hickman Equipment (1985) Limited
**STATEMENT OF FEES OF PRICEWATERHOUSECOOPERS INC. as
 RECEIVER OF HICKMAN EQUIPMENT (1985) LIMITED AND RECEIVER'S COUNSEL
 FOR THE PERIOD FROM MARCH 13, 2002 TO JANUARY 31, 2008**

Appendix "D"

Receiver's fees	Total	Receivership General	Receivership Realization	Receivership Claims	Investigation	Disbursements
PricewaterhouseCoopers						
<i>Approved by Court to October 2004</i>	\$ 1,881,306	\$ 875,556	\$ 700,290	\$ 68,139	\$ 175,000	\$ 62,322
<i>Approved by Court Nov 2004 to June 30, 2007</i>	107,881	82,742	21,991	-	-	3,149
Subtotal approved by Court to June 30, 2007	1,989,187	958,297	722,280	68,139	175,000	65,471
September 2007	11,163	11,163				
December, 2007	4,700	4,361				339
	15,863	15,524				339
Total PwC	\$ 2,005,050	\$ 973,821	\$ 722,280	\$ 68,139	\$ 175,000	\$ 65,810

Legal fees

**STATEMENT OF LEGAL FEES PAID BY PRICEWATERHOUSECOOPERS INC. AS RECEIVER OF HICKMAN EQUIPMENT (1985) LTD
 FOR THE PERIOD FROM MARCH 13, 2002 TO JANUARY 31, 2008**

Patterson Palmer						
<i>Approved by Court to October 2004</i>	\$ 557,204	\$ 406,887	\$ 11,848	\$ 129,660	\$ 3,958	\$ 4,851
<i>Approved by Court Nov 2004 to June 30, 2007</i>	27,149	21,261	3,840	-	388	1,660
Subtotal approved by Court to June 30, 2007	584,352	428,148	15,688	129,660	4,346	6,511
July 2007	1,587	1,587				
Total Patterson Palmer	\$ 585,939	\$ 429,735	\$ 15,688	\$ 129,660	\$ 4,346	\$ 6,511

Merrick Holm						
<i>Approved by Court to October 2004</i>	\$ 448,782	\$ 287,688	\$ 36,513	\$ 97,858	\$ 3,983	\$ 22,742
<i>- Wickwire Holm</i>						
July 2007	\$ 12,368	\$ 10,146				\$ 2,222
November, 2007	712	712				
January, 2008	595	595				
	13,675	11,453				2,222
Total Merrick Holm / Wickwire Holm	\$ 462,457	\$ 299,141	\$ 36,513	\$ 97,858	\$ 3,983	\$ 24,964

White Ottenheimer & Baker (WOB)						
<i>Paid to May 31, 2002</i>	16,471	16,471				
Total WOB	\$ 16,471	\$ 16,471				
TOTAL LEGAL FEES	\$ 1,064,867	\$ 745,347	\$ 52,201	\$ 227,517	\$ 8,328	\$ 31,475