

Kitchen Things NZ Limited (in receivership and administrators appointed) ("the Company")

Customers - Frequently Asked Questions

1. Why have some customers been able to collect items they had ordered before the Receivership?

The Receivers are required to deal with property held by the Company in accordance with the law and the rights that the law provides to different people. Some stakeholders, such as suppliers who have not yet been paid and the Company's lenders, are entitled to recover property or be paid first when the Company's property is sold.

Customers with legal rights to specific items may also be entitled to receive those items. This can occur where the item has been legally sold before the Receivership and has become the customer's property, such as when (1) the customer has paid for their order in full and (2) a specific item of stock has been allocated to the customer's order by the Company. In that case, the specific item no longer belongs to the Company – it belongs to the customer, so they are entitled to collect it.

The Receivers have had to rely on the Company's records to assess whether this has happened for each customer's order. Kitchen Things has a computerised stock management system which allocates a unique serial number to each item of stock.

Where the available records do not show an allocation of a specific item to a customer's order, the Receivers are not able to treat any particular item(s) as having been sold to that customer. Even if there are items in stock, if they have not been allocated to a customer order, they cannot be treated as having been sold to any particular customer, so no customer is entitled to take that item or have money they paid before the Receivership applied towards purchasing that item.

2. I have paid for an item but have been told that I do not have stock allocated to me. Why is this?

The item(s) that you had requested in your sales order and paid for had not been allocated to you before the Receivership, meaning, for example, the specific serial numbered good was not assigned to your sales order or the goods labelled with your order number. In many cases the items requested in your sales order are not held by the Company and will instead have been ordered from the Company's suppliers but not yet arrived.

As described at question 1 above, the Receivers are reliant on the Company's stock management records. Where a customer's order does not have specific items allocated to it in the Company's stock management system, the Receivers are not able to treat that order as being completed before the Receivership, even if the customer has paid part or all of the purchase price. This is because there is not a specific item of stock that has been identified and sold to the customer.

3. I was told that my item was in stock when I bought it / I have seen my item in stock at a Kitchen Things site. Why do I not have that stock allocated to me?

In this case, an item may have been in-store (as a display unit) or in stock with a supplier and Kitchen Things would have sent a purchase order to them when you made payment. However, the stock hadn't arrived at the time of the Receivership and display stock is not usually allocated to customer orders (i.e. the specific serial numbered good was not assigned to your sales order). Because of this, no specific item had been sold to you in the way described at question 1 above.

In some circumstances more orders have been placed for an item, than items that are in stock (which is standard retail practice).

4. How do you know which items are allocated to which customers?

Kitchen Things has a computerised stock management system which allocates a unique serial number to each item of stock receipted into Kitchen Things' possession. These serial numbers identify whether the individual stock items are allocated to a customer's order or were treated by the Company as still available for allocation to customer orders in the stock system.

5. Why do I have to pay for stock I've already paid for?

If a specific item of stock was not allocated to your order pre-Receivership (with a specific serial number assigned), this means that the sale has not completed. The result of this is that you do not have a claim to a specific item of stock and any payments made towards that order become an unsecured claim against the Company and cannot be applied to any orders.

After Receivership, the Receivers conducted a review of the stock that had not already been sold to customers and sought to identify products that matched outstanding customer orders. The rationale for this was to achieve a better outcome for the impacted customer. These items have been offered at a heavily discounted price to affected customers first.

6. Can I complete my original fully paid transaction with the Receiver?

If there has been a pre-Receivership allocation of a serial numbered item(s) to your sales order and you have paid in-full, the item(s) have been sold to you already and you should have received confirmation to collect your item(s).

If you have made full payment against your sales order, but no item(s) were allocated to your order pre-receivership, the Receivers have tried to identify in-stock items that are available and match your requirements. Where items are available, this will have resulted in you receiving a letter of offer to buy those items item(s) at a price outlined in question 7 (as a new transaction). However, payments made before Receivership for orders that were not completed sales cannot be applied towards new transactions.

If you paid in full against a sales order and we are not in possession and control of the item(s) requested, unfortunately we cannot complete this transaction, and you have an unsecured claim against the Company.

7. How was the price owing to complete a purchase an item calculated?

The price offered to complete a sale has been calculated as the remaining balance owed by the customer (for partially paid orders) or 50% of the sales price (for fully paid orders) per item.

Deposits have been apportioned evenly across each item.

8. Can the Receivers re-allocate stock (e.g. display stock) to my fully paid order?

Yes, display stock (where the specific serial numbered good is not already allocated) was included in the stock review process mentioned at question 5 above.

9. What stock is being sold to the public?

We have started reopening stores and selling stock. However, before this took place, we undertook an exercise identify stock that could be offered to customers with unfulfilled orders, and to give those customers the opportunity to purchase before making this stock available to the public for sale.

10. Will you be receiving more stock from suppliers to fulfil orders?

Certain shipments are currently on the water and due to arrive in the coming days and weeks. No further orders have been made by the Receivers (at this time).

This stock has not been allocated to specific customer orders, and we do not anticipate undertaking a further allocation process to offer this stock to specific customers.

11. If I purchase an item offered by the Receivers, will it be wrapped?

No, your item will not be wrapped and may be a display unit. You will need to come prepared to wrap the item yourself.

12. Can I reallocate deposits to other items?

No, unfortunately we are unable to reallocate deposits, and they will form part of any unsecured claim you may have.

13. Can I have a refund?

No, unfortunately we are unable to issue refunds, and deposits will form part of any unsecured claim you may have.

14. How do I make a claim for deposits paid pre-Receivership?

All deposits paid that do not result in a completed transaction can be claimed as unsecured creditors in the administration of the Company. Claims can be directed to: bri.akl@bdo.co.nz.

15. Can I collect my goods from another store than the one offered in my letter?

No, we are unable to transport goods between stores and collection will need to occur from the location outlined in your letter.

16. I haven't received a letter but am awaiting an update on my order. When can I expect a letter?

All retail customers should now have received a letter relating to their orders. If you have not received a letter but are expecting one, please contact kitchenthings@nz.gt.com.

All correspondence will have been sent to the email address recorded in your customer account. If your details require updating, please contact kitchenthings@nz.gt.com.

17. Any further queries or questions

Should you have any queries please contact us via email at kitchenthings@nz.gt.com so we can come back to you in due course with answers.