

# Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

00298792

Name of Company

Arthur Holgate & Son Limited

++We

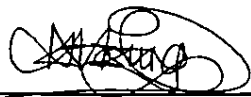
Andrew Hosking, First Floor, Vernon House, 23 Sicilian Avenue, London, WC1A 2QS

Simon James Bonney, First Floor, Vernon House, 23 Sicilian Avenue, London, WC1A 2QS

the liquidator(s) of the company attach a copy of my/our Progress Report  
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 04/09/2015 to 03/09/2016

Signed



Date 4 November 2016

Quantuma LLP  
81 Station Road  
Marlow  
Bucks  
SL7 1NS

Ref 6000730/ALH/SJB/RE/TXM

SATURDAY



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COMPANIES HOUSE



**Arthur Holgate & Son Limited**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**

Statement of Affairs	From 04/09/2015 To 03/09/2016	From 07/06/2013 To 03/09/2016
<b>ASSET REALISATIONS</b>		
Asset Realisations	8,650,000 00	8,650,000 00
Receipts From Funder	561,595 00	561,595 00
Monies received from former liquidator	15 44	15 44
Bank Interest Net of Tax	1,806 62	1,806 62
	<u>9,213,417 06</u>	<u>9,213,417 06</u>
<b>COST OF REALISATIONS</b>		
ATE Insurance Premiums	1,446,064 38	1,446,064 38
Litigation Funder Fee	1,672,703 08	1,672,703 08
Specific Bond	155 00	155 00
Office Holders Fees	628,514 50	628,514 50
Expert Witness Costs	127,015 00	127,015 00
Consultancy Costs	364,925 00	364,925 00
Litigation Funding Broker	25,000 00	25,000 00
Former Liquidator's fees and disbs	188,000 29	188,000 29
Legal Fees	1,582,874 21	1,582,874 21
Postage	556 30	556 30
Pierce Forensic	8,833 33	8,833 33
IT Services	18,063 40	18,063 40
Travel and Subsistence	1,503 32	1,503 32
Storage Costs	145 70	145 70
Statutory Advertising	229 00	229 00
Mediator's Fee	6,409 85	6,409 85
Accountant Costs	12,100 00	12,100 00
Funded disbursement payments	50,000 00	50,000 00
Pre Appointment Travel & Subsistence	640 71	640 71
	<u>(6,133,733 07)</u>	<u>(6,133,733 07)</u>
<b>UNSECURED CREDITORS</b>		
Trade & Expense Creditors	1,730,887 23	1,730,887 23
	<u>(1,730,887 23)</u>	<u>(1,730,887 23)</u>
	<u><b>1,348,796.76</b></u>	<u><b>1,348,796.76</b></u>
<b>REPRESENTED BY</b>		
Vat Receivable		522,125 07
Bank 1 Current		826,671 69
		<u><b>1,348,796 76</b></u>



Andrew Hosking  
Joint Liquidator



**Arthur Holgate & Son Limited – In Creditors' Voluntary  
Liquidation  
("the Company")**

**Joint Liquidators' First Progress Report  
for the Year from their Appointment on 4 September 2015 to 3  
September 2016**

**Issued on: 4 November 2016**



## **Arthur Holgate & Son Limited – In Creditors' Voluntary Liquidation ("the Company")**

### **JOINT LIQUIDATORS' FIRST PROGRESS REPORT AS AT 4 NOVEMBER 2016**

Andrew Hosking and Simon Bonney are the Joint Liquidators of the Company and this is their first progress report, to the creditors and members of the Company, showing how the Liquidation has been conducted. The report covers the period from 4 September 2015 to 3 September 2016.

#### **1 Statutory Information**

Statutory information relating to the Company is attached at **Appendix I**.

#### **2 Joint Liquidators' Receipts and Payments Account**

A summary of the Joint Liquidators' receipts and payments account relating to the Company from 4 September 2015 to 3 September 2016 is attached at **Appendix II**.

#### **3 Action taken by the Joint Liquidators since Appointment**

The Company entered into administration on 1 February 2012 and John Reid and William Dawson, of Deloitte LLP ("the Former Administrators"), were appointed Joint Administrators. On 7 June 2013 the Administration was concluded and Ian Rose of Silke & Co ("the Former Liquidator") was appointed Liquidator of the Company following an application to Court by the former Joint Administrators and a meeting of the Company's creditors. Subsequently on 4 September 2015 the Former Liquidator ceased to act and Andrew Hosking and Simon Bonney were appointed as Joint Liquidators at a meeting of the Company's creditors.

#### **Investigations and asset realisations**

A claim between Barclays Bank Plc and Arthur Holgate & Sons Limited – in creditors' voluntary liquidation has been discontinued upon terms which are confidential.

#### **Distribution**

As detailed below, the Joint Liquidators have made a distribution of 100p in the £ to the Company's ordinary unsecured creditors.

#### **Tax**

The Joint Liquidators are taking specialist advice in relation to monies realised in the Liquidation in order to assess the tax payable on those funds.

#### **4 Future Actions of the Joint Liquidators**

The Joint Liquidators continue to investigate the Company's affairs and assess whether there are any matters which may lead to future realisations. The exact nature of those investigations must remain confidential so that the outcome is not prejudiced.

The Joint Liquidators will continue to assist their tax advisors in relation to their ongoing assessment of the Company's liability and will make relevant payment to HMRC in due course to the extent that any tax is owing. Funds have been withheld in order to make any such payment.



It is anticipated that a further distribution will be made to the Company's creditors in respect of statutory interest. The exact timing and quantum is uncertain, and is dependent on the determination of monies owed to HMRC.

## **5 Liabilities and Dividends**

### **Secured creditors**

There are no secured creditors.

### **Preferential creditors**

There are no preferential creditors.

### **Prescribed Part**

There are provisions of the insolvency legislation that require a Liquidator to set aside a percentage of a company's assets for the benefit of the unsecured creditors in cases where that company gave a 'qualifying floating charge' over its assets to a lender on or after 15 September 2003. This is known as the 'prescribed part of the net property'. A company's net property is that left after paying the preferential creditors, but before paying the lender who holds a floating charge. A Liquidator has to set aside:

- 50% of the first £10,000 of the net property,
- 20% of the remaining net property up to a maximum of £600,000.

There is no qualifying floating charge in this case so the prescribed part provisions do not apply.

### **Ordinary unsecured creditors**

Claims have been received from unsecured creditors in the sum of £2,121,151.47. No further claims are anticipated to be received from creditors.

A distribution to unsecured creditors was declared on 13 June 2016 and this has subsequently been paid at the rate of 100 pence in the pound. The total of £1,730,887.23 was distributed in this respect. Some creditor claims have yet to be fully adjudicated, however funds have been set aside to pay any outstanding creditor claims. These creditors have been notified individually of the position.

It is anticipated that a further dividend will be paid to unsecured creditors in respect of statutory interest, however the quantum and timing of such a distribution is currently unknown.

## **6. Joint Liquidators' Remuneration, Disbursements and Expenses**

### **Basis of remuneration and disbursements**

At a meeting of creditors held on 30 June 2016 it was agreed that the Joint Liquidators be entitled to draw remuneration on the following basis:

- 5% of realisations in the Liquidation up to realisations of £10m,
- 10% of gross realisations in the Liquidation that exceed £10m,
- AND 75% of their time costs properly incurred during the course of the Liquidation at the prevailing rate.



### Remuneration charged and drawn in the period

The Joint Liquidators' time costs were charged (exc VAT) as follows

	Incurred	Paid
For this period 4 September 2015 to 3 September 2016	£249,286 25	£146,014 50

In addition, £482,500 has been drawn as a percentage of realisations

In accordance with Statement of Insolvency Practice 9, attached at Appendix III is a breakdown of these time costs

### Disbursements incurred and drawn

The Joint Liquidators' disbursements incurred and reimbursed are summarised below Details are in the attached Appendix III.

	Incurred	Paid
Category 1 disbursements for this period 4 September 2015 to 3 September 2016	£3,358 83	£3,230 03
<b>Total</b>	<b>£3,358.83</b>	<b>£3,230.03</b>

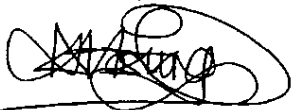
No category 2 disbursements have been charged to this matter

### Creditors' Guide to Fees and Statement of Creditors' Rights

Creditors have a right to request further information from the Joint Liquidators and additionally have a right to challenge the Joint Liquidators' remuneration and expenses time limits apply Details can be found in the document 'A Creditor's Guide to Liquidators' Fees' which can be accessed at the website of the Insolvency Practitioners' Association ([www.insolvency-practitioners.org.uk](http://www.insolvency-practitioners.org.uk) > Regulation and Guidance > Creditors Guides to Fees), or the Institute of Chartered Accountants in England & Wales ([www.icaew.com](http://www.icaew.com) > Technical Resources > Insolvency > Creditors' Guides) Alternatively a copy is available free of charge upon request from the address above

### 7. Conclusion of the Liquidation

As previously stated, the Joint Liquidators will complete their investigations, meet any outstanding payments and are likely to pay a further distribution to the Company's creditors In the event that there are surplus funds, the Liquidators will either vacate office and hand the Company back to its directors with the permission of the High Court following the issuing of an appropriate application, or make a distribution to the Company's shareholders and close the Liquidation with the Company being dissolved



**Andrew Hosking**  
**Joint Liquidator**

*Licensed in the United Kingdom to act as an insolvency practitioner by the Insolvency Practitioners Association*



## **Statutory Information**

## **Appendix I**

### **Company Information**

Company Name	Arthur Holgate & Son Limited
Previous Name	None
Company Number	00298792
Date of Incorporation	26 March 1935
Trading Address	The Park of Brandedleys, Crocketford, Dumfries, DG2 8RG
Current Registered Office	Quantuma LLP, First Floor, Vernon House, 23 Sicilian Avenue, London, WC1A 2QS
Former Registered Office	Silke & Co Ltd, 1st Floor, Consort House, Waterdale, Doncaster, DN1 3HR
Principal Trading Activity	Recreational vehicle parks, trailer parks and camping grounds

### **Appointment Details**

Joint Liquidators' names and addresses	Andrew Hosking Quantuma LLP, First Floor, Vernon House, 23 Sicilian Avenue, London, WC1A 2QS Simon Bonney Quantuma LLP, First Floor, Vernon House, 23 Sicilian Avenue, London, WC1A 2QS
Commencement of Liquidation	7 June 2013
Date of appointment	4 September 2015
Appointment made by	Creditors



**Arthur Holgate & Son Limited  
(In Liquidation)**

**Joint Liquidators' Summary of Receipts and Payments  
From 4 September 2015 to 03 September 2016**

<b>RECEIPTS</b>	<b>Statement of Affairs (£)</b>	<b>Total (£)</b>
Asset Realisation		8,650,000 00
Receipts From Funder		561,595 00
Monies received from former liquidator		15 44
Bank Interest Net of Tax		1,806 62
		<b>9,213,417 06</b>

**PAYMENTS**

ATE Insurance Premiums	1,446,064 38
Litigation Funder Fee	1,672,703 08
Specific Bond	155 00
Joint Liquidators' Fees	628,514 50
Expert Advisor Costs	135,848 33
Consultancy Costs	364,925 00
Litigation Funding Broker	25,000 00
Former Liquidator's Fees and Disbursements	188,000 29
Legal Fees	1,582,874 21
Postage	556 30
IT Services	18,063 40
Travel and Subsistence	2,144 03
Storage Costs	145 70
Statutory Advertising	229 00
Mediator's Fee	6,409 85
Accountant Costs	12,100 00
Funded disbursement payments	50,000 00
Trade & Expense Creditors	1,730,887 23
	<b>7,864,620 30</b>
Net Receipts/(Payments)	<b>1,348,796 76</b>

**MADE UP AS FOLLOWS**

Bank 1 Current	826,671 69
VAT Receivable / (Payable)	522,125 07
	<b>1,348,796 76</b>

**Notes**

- 1 The balance of cash shown is held in an interest bearing account at Metro Bank
- 2 This summary is to be read in conjunction with the Liquidator's report dated 4 November 2016

**Andrew Hosking and Simon Bonney  
Joint Liquidators  
4 November 2016**



## **Appendix III**

### **Information relating to the Joint Liquidators' Fees and Expenses**



**Arthur Holgate & Son Limited**

**Information relating to the Joint Liquidators' Fees and Expenses**

**1 Explanation of Liquidators' charging and disbursement recovery policies**

**1.1 Time recording**

Work undertaken on cases is recorded in 6 minute units in an electronic time recording system. Time properly incurred on cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. The current hourly charge-out rates can be reviewed and downloaded at [http://www.quantuma.com/uploads/1/6/1/1/16116268/quantuma\\_time\\_and\\_rates2.pdf](http://www.quantuma.com/uploads/1/6/1/1/16116268/quantuma_time_and_rates2.pdf)

**1.2. Disbursement recovery**

Disbursements are categorised as either Category 1 or Category 2

**Category 1 disbursements**

External supplies of incidental services specifically identifiable to the case. Where these have initially been paid by Quantuma LLP and then recharged to the estate, approval from creditors is not required.

Examples of category 1 disbursements include postage, case advertising, specific bond insurance, company search fees, external room hire, storage, case management software system, invoiced travel and properly reimbursed expenses incurred by personnel in connection with the case (including business mileage up to HMRC approved rate for cases commenced before 1 November 2011).

**Category 2 disbursements**

These include elements of shared or allocated costs incurred by Quantuma LLP and recharged to the estate, they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full, subject to the basis of the disbursement charge being approved by creditors in advance.

Category 2 disbursements charged by Quantuma LLP can be viewed and downloaded at the following website [http://www.quantuma.com/uploads/1/6/1/1/16116268/quantuma\\_time\\_and\\_rates2.pdf](http://www.quantuma.com/uploads/1/6/1/1/16116268/quantuma_time_and_rates2.pdf). Alternatively a printed version is available on request.

**2 Description of work carried out in the current period**

Section 3 of this appendix outlines the time costs to date in relation to activities undertaken during this period. These can be summarised as follows:



## **2.1. Administration and planning**

The following activities have been undertaken

- > Statutory duties associated with the appointment,
- > Notification of the appointment to creditors and other interested parties,
- > Setting up case files,
- > Reviewing available information to determine appropriate strategy,
- > Setting up and maintaining bank accounts,
- > Progress reviews of the case

Staff of different levels were involved in the above activities depending upon the experience required

## **2.2. Investigations**

The time spent includes

- > Corresponding with the former directors and management,
- > Review of questionnaires and comments provided by interested parties,
- > Review of company documentation
- > The Joint Liquidators have also carried out further investigations, the nature of which is confidential

## **2 3 Realisation of assets**

Please refer to the main body of the report for details of work done

## **2 4. Creditors and distributions**

The time spent includes the following matters

- > Recording and maintaining the list of creditors,
- > Recording creditor claims
- > Reporting to creditors,
- > Dealing with creditor queries,
- > Reviewing and evaluating creditor claims
- > Adjudicating creditor claims and distributing funds

## **3. Time and charge out summary**

For the period of this report from 4 September 2015 to 3 September 2016, a total of 800 30 hours have been spent at an average charge out rate of £311 49 bringing the total cost to date to £249,286 25

The attached table at the end of this appendix details the time costs incurred (exc VAT) in the current period



#### 4. Disbursements

Disbursements incurred and reimbursed during the period are detailed below

<b>Disbursements</b>	<b>Incurred £</b>	<b>Paid £</b>
<i>Category 1</i>		
Statutory advertising	229 00	229 00
Bond premium	155 00	155 00
Travel and Subsistence	2,144 03	2,144 03
Storage Costs	187 00	145 70
Postage & Couriers	643 80	556 30
<b>Total</b>	<b>3,358 83</b>	<b>3,230.03</b>

No category 2 disbursements have been charged to this matter



## Time Entry - SLP9 Time & Cost Summary

For the period 4 September 2015 to 3 September 2016

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	183 20	41 70	14 50	32 00	271 40	107,227 00	395 09
Case Specific Matters	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Cashiering	0 30	0 00	2 20	9 95	12 45	1,735 75	139 42
Closing Procedures	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	5 30	40 30	13 30	1 60	60 50	20,131 00	332 74
Investigations	27 10	142 95	257 50	0 00	427 55	107,790 00	252 11
Pre Appointment	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Realisation of Assets	20 00	4 90	0 00	0 00	24 90	11,177 50	448 90
Trading	3 50	0 00	0 00	0 00	3 50	1,225 00	350 00
Total Hours / Costs	239 40	229 85	287 50	43 55	800 30	249,286 25	311 49
Total Fees Claimed						628,514 50	
Total Disbursements Claimed						13,360 32	