8564

CASE NO. of 2012

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

BEFORE REGISTRAR

DATED NOVEMBER 2012

IN THE MATTER OF SCHREIBER FURNITURE LIMITED (IN MEMBERS VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF PHILIP ROWLANDS (IN BANKRUPTCY)

AND IN THE MATTER OF PHILIP ROWLANDS ASSOCIATES (IN COMPULSORY LIQUIDATION)

AND IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

B E T W E E N:-

ROGER SMITH

Applicant

-and-

JEREMY SIMON SPRATT

Respondent

CONSENT ORDER

**UPON THE APPLICATION** of Roger Smith ("the Applicant")

**AND UPON READING** the witness statements filed in support of the application

**AND UPON** the parties agreeing that the Court should dispose of this application without a hearing

**AND BY CONSENT**

**IT IS ORDERED THAT:**

1. The cases listed in Schedules A to C attached to this Order, in so far as they are currently proceedings in a County Court or in a District Registry of the High Court, be transferred to

order in terms
of consent order.
Registrar [illegible]

the High Court at the Royal Courts of Justice for the purpose of making the orders listed below.

2. The Applicant be removed from the office of liquidator of each of the companies listed in Schedule A to this Order with immediate effect.

3. John David Thomas Milsom of KPMG LLP, Salisbury Square House, 8 Salisbury Square, London, EC4Y 8BB ("the First Successor Practitioner") be appointed as the liquidator of the company listed at item 1 in Schedule A to this Order in place of the Applicant with immediate effect.

4. For the avoidance of doubt, the Respondent will remain in office as the liquidator of the company listed at item 1 in Schedule A to this Order and will hold office jointly together with the First Successor Practitioner (such appointment to be joint and several).

5. The First Successor Practitioner and David John Standish of KPMG LLP, Salisbury Square House, 8 Salisbury Square, London, EC4Y 8BB ("the Second Successor Practitioner") be appointed as the joint liquidators (such appointment to be joint and several) of the companies listed at items 2 and 3 in Schedule A to this Order in place of the Applicant with immediate effect.

6. The Applicant be removed from the office of trustee in bankruptcy of the individual listed in Schedule B to this Order with immediate effect.

7. The Second Successor Practitioner and Wendy Jane Wardell of KPMG LLP, Dukes Keep, Marsh Lane, Southampton, SO14 3EX ("the Third Successor Practitioner") be appointed as the joint trustees in bankruptcy (such appointment to be joint and several) of the individual listed in Schedule B to this Order in place of the Applicant with immediate effect.

8. The Applicant be removed from the office of liquidator of the partnership listed in Schedule C to this Order with immediate effect.

9. The Second Successor Practitioner and the Third Successor Practitioner be appointed as the joint liquidators (such appointment to be joint and several) of the partnership listed in Schedule C to this Order in place of the Applicant with immediate effect.

10. Notwithstanding the removal of the Applicant and the appointment of the First Successor Practitioner and the Second Successor Practitioner as the joint liquidators of the companies listed in Schedule A to this Order any progress reports that are filed in relation

to each of these companies will continue to cover the period specified in Rule 4.49C-CVL(2) of the Insolvency Rules 1986.

11. Notwithstanding the removal of the Applicant and the appointment of the Second Successor Practitioner and the Third Successor Practitioner as the joint trustees in bankruptcy of the individual listed in Schedule B to this Order any progress reports that are filed in relation to this individual will continue to cover the period specified in Rule 6.78A(3) of the Insolvency Rules 1986

12. Notwithstanding the removal of the Applicant and the appointment of the Second Successor Practitioner and the Third Successor Practitioner as the joint liquidators of the partnership listed in Schedule C to this Order any progress reports that are filed in relation to this partnership will continue to cover the period specified in Rule 4 49B(4) of the Insolvency Rules 1986.

13. The First Successor Practitioner, the Second Successor Practitioner and the Third Successor Practitioner do give notice of their appointment to all creditors of the estates listed in Schedules A to C to this Order within 28 days of the date of this Order by way of advertisement in the London Gazette.

14. All creditors of the estates listed in Schedules A to C to this Order do have permission to apply to the Court, on notice to the Applicant, within 28 days of the advertisement referred to in paragraph 13 of this Order for the purposes of applying to vary or discharge the Order in so far as it affects the estate or estates of which they are a creditor.

15 The time for service of the Application Notice upon the Respondent be abridged.

16. There be no Order as to costs save that the Applicant's costs of this application be charged as a cost or expense of the estates listed in Schedules A to C to this Order (each estate to bear an equal share, but with no estate having to bear an amount exceeding 10 per cent of the available funds in that estate).

17. Permission to apply.

Signed .....

Roger Smith
Salisbury Square House
8 Salisbury Square
London
EC4Y 8BB

Signed .....

Jeremy Simon Spratt
Salisbury Square House
8 Salisbury Square
London
EC4Y 8BB

## Schedule A

## Members Voluntary Liquidations

| No. | Name | Appointed on | Case Reference |
|---|---|---|---|
| 1. | Schreiber Furniture Limited | 27.02.2002 | |
| 2. | Firth Brown Tools Limited | 23.09.1994 | |
| 3. | Scott Lithgow Limited | 23.09.1994 | |

## Schedule B

## Bankruptcies

| No. | Name | Appointed on | Case Reference |
|---|---|---|---|
| 1. | Philip Rowlands | 04.11.1992 | 181 of 1992 |

## Schedule C

## Compulsory Liquidations

| No. | Name | Appointed on | Case Reference |
|---|---|---|---|
| 1. | Philip Rowlands Associates | 15.07.1993 | 116 of 1993 |