

In accordance with
Rule 6.28 of the
Insolvency (England &
Wales) Rules 2016 and
Section 106(3) of the
Insolvency Act 1986.

LIQ14

Notice of final account prior to dissolution in
CVL



Companies House



1 Company details

Company number 0 1 3 5 6 3 2 2

Company name in full J.J. Berry & Co Limited

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename (s) Isobel

Surname Brett

3 Liquidator's address

Building name/number 21 Highfield Road

Street

Post town Dartford

County/Region Kent

Postcode D A 1 2 J S

Country

4 Liquidator's name ①

Full forename(s)

Surname

① Other Liquidator
Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

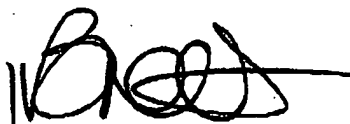
Post code

Country

② Other Liquidator
Use this section to tell us
about another liquidator.

LIQ14

Notice of final account prior to dissolution in CVL

6	Liquidator's release	
	<input type="checkbox"/> Tick if one of more creditors objected to liquidator's release.	
7	Final account	
	<input checked="" type="checkbox"/> I attach a copy of the final account	
8	Sign and date	
Liquidator's signature	Signature ×  ×	
Signature date	1 8 0 6 2 0 2 0	

Notice of final account prior to dissolution in CVL

☐ The company name and number match the information held on the public Register

☐ You have attached the required documents.

☐ You have signed the form.

**J.J. BERRY & CO LIMITED
IN CREDITORS' VOLUNTARY LIQUIDATION**

FINAL ACCOUNT

07 April 2020

**Bretts Business Recovery Ltd
21 Highfield Road
Dartford
Kent
DA1 2JS**

CONTENTS

- 1. Introduction**
- 2. Executive Summary**
- 3. Administration and Planning**
- 4. Receipts and Payments**
- 5. Enquiries and Investigations**
- 6. Realisation of Assets**
- 7. Creditors**
- 8. Fees and Expenses**
- 9. Creditors' Rights**
- 10. EC Regulations**
- 11. Conclusion**

APPENDICES

- 1. Statutory Information**
 - 2. Receipts and Payments account for the period 16 April 2019 to 07 April 2020 and for the period of the appointment**
 - 3. Detailed list of work undertaken in the period**
 - 4. Time cost information for period 16 April 2019 to 07 April 2020 and the total for the period of the appointment**
 - 5. Expenses summary**
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1. INTRODUCTION

I am now in a position to conclude my administration of this liquidation and this is my Final Account to Creditors.

2. EXECUTIVE SUMMARY

A summary of key information in this report is detailed below.

Assets

<u>Asset</u>	<u>Estimated as per Statement of Affairs</u>	<u>Realisations</u>
Book Debts	59,056.06	9,334.39
Cash at Bank	n/a	85.86
Total	59,056.06	9,420.25

Expenses

<u>Expense</u>	<u>Expenses Incurred</u>	<u>Expenses reimbursed</u>
Office Holders Fees	23,991.50	7,295.64
Statutory Advertising	224.88	224.88
Meeting Room Cost	118.70	118.70
Re-Direction of Mail	160.00	160.00
Specific Bond	81.00	81.00
Agents Fees	1,272.42	1,272.42
Licence Fees	155.00	155.00
Postage	4.68	4.68
Stationery	59.40	59.40
Storage Costs	14.27	14.27
Courier Charges	41.00	41.00

Dividend prospects

<u>Creditor class</u>	<u>Dividend</u>
Secured creditor	0p in the £
Preferential creditors	0p in the £
Unsecured creditors	0p in the £

Closure

All matters within the liquidation are concluded.

3. ADMINISTRATION AND PLANNING

Statutory Information

Statutory information may be found at Appendix 1.

I am required to meet a considerable number of statutory and regulatory obligations. Whilst many of these tasks do not have a direct benefit in enhancing realisations for the Insolvent estate, they assist in the efficient and compliant progressing of the administration of the

case, which ensures that work is carried out to high professional standards. A detailed list of these tasks may be found in Appendix 3.

I have met my statutory and regulatory duties to report to creditors, as listed below. In consideration of the need for transparency and engagement with creditors, care has been taken to ensure that reports and other communications with creditors have provided useful details of the strategies pursued and the outcomes anticipated.

During the Liquidation, the following key documents have been issued:

- Initial report upon appointment
- Progress reports issued for years ending 15 April 2016, 2017, 2018 and 2019
- This final account

Other administration tasks

During the Liquidation, the following material tasks in this category were carried out:

- Consulting with colleagues as regards aspects of the case to ensure efficient progress;
- Maintaining case files, which must include records to show and explain the administration and any decisions made by the Liquidator that materially affect the administration;
- Monitoring and maintaining an adequate statutory bond;
- Conducting periodic case reviews to ensure that the liquidation is progressing efficiently, effectively and in line with the statutory requirements;
- Maintaining and updating the estate cash book and bank accounts, including regular bank reconciliations and processing receipts and payments;
- Tax returns

4. RECEIPTS AND PAYMENTS ACCOUNT

The payments shown on the summary of Receipts and Payments account for the period at Appendix 2 are in the main self-explanatory.

Estate funds have been banked in a designated interest bearing client account with Lloyds Bank Plc.

During the period 16 April 2019 to 07 April 2020 no gross bank interest has been received. Total gross bank interest of £3.33 has been received in the liquidation.

Net bank interest of £3.41 has also been received in the liquidation.

5. ENQUIRES AND INVESTIGATIONS

I have carried out a review of the Company's affairs for the period prior to appointment. This included seeking information and explanations from the Director by means of a questionnaire; making enquiries of the Company's accountants; reviewing information received from creditors; and collecting and examining the Company's bank statements, accounts and other records.

The Director provided the books and records and a completed questionnaire as well as a Statement of Affairs.

The information gleaned from this process enabled me to meet my statutory duty to submit a confidential report on the conduct of the Director to the Insolvency Service.

This work was also carried out with the objective of making an initial assessment of whether there were any matters that may lead to any recoveries for the benefit of creditors. This would typically include any potential claims which may be brought against parties either connected to or who have past dealings with the Company.

This initial assessment did not identify any further assets or actions which might lead to a recovery for creditors.

Although this work did not generate any financial benefit to creditors, it was necessary to meet the statutory duties as well as conduct appropriate enquiries and investigations into potential rights of actions to enhance realisations.

6. REALISATION OF ASSETS

Detailed below is key information about asset realisation and strategy, however, more details about the work undertaken may be found at Appendix 3. I formulated and worked through a realisation strategy that sought to maximise realisations net of costs. The financial benefit of those efforts is described further below.

Book debts

The Statement of Affairs indicated the Company was owed circa £59,056 in respect of book debts.

I have realised the sum of £9,334 in respect of book debts owing to the Company in the Liquidation.

The largest debtor owed the Company £35,878. The debtor was the subject of a Solicitors Disciplinary Tribunal ("SDT"), having been accused of providing falsified bills and overcharging its clients. The debtor retained JJ Berry to help justify and explain their billing practices, however declined to pay the Company's invoices for services provided, citing negligence and potential counterclaim(s) against JJ Berry.

I subsequently instructed Edwards Duthie Solicitors on 14 May 2015 to commence investigation and recovery proceedings of the debt.

The debtor ceased to trade and in December 2016, the goodwill, assets and trading name of the debtor company were purchased by a Limited Liability Partnership; however, they did not take on the liabilities of the company.

It was therefore my intention to pursue the partners of the debtor company personally.

With the assistance of a debt recovery agent, I was able to locate an address for one of the partners. Despite attempted contact by my agent no reply was received. I became aware that the Partner no longer lived at the address identified and I have subsequently been unable to locate the partner.

I was also unable to locate the other partner in question and have been advised this partner may be deceased, although this has not been confirmed.

As I have been unable to locate the partners and in view of any potential agent/legal costs going forward and possible counterclaim(s) I believe that any realisation in the matter would not be for the benefit of creditors and would only cover the costs and expenses of the liquidation. As a result, I do not intend to continue with recovery of this debt any further.

A further book debt of £9,614 was deemed irrecoverable after it was established the company was placed into compulsory liquidation. Following communication with the appointed liquidator, there is no dividend to creditors in the liquidation; accordingly, there shall be no recovery in respect of this book debt.

The sum of £1,728, a combined sum owed by five debtors, has been written off. These sums were pursued but to no avail. I have deemed that the costs of any recovery action against these debts would outweigh the potential realisations.

Cash at Bank

The credit balance of £85.86 was realised from the Company bank account held with National Westminster Bank Plc.

7. CREDITORS

Irrespective of whether sufficient realisations are achieved to pay a dividend to creditors, I and my staff have had to carry out key tasks which are detailed in the list at Appendix 3. The following sections explain the anticipated outcomes to creditors.

Secured creditors

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company granted to National Westminster Bank Plc ("NatWest") a debenture dated 22 July 1997 giving a fixed & floating charge over the assets of the company. NatWest have submitted a claim of £39,810.92 in the Liquidation.

NatWest also have a personal guarantee from Mr Richards, a Director.

Preferential creditors

Employee claims

Three employees were made redundant on 31 March 2015. The relevant information for employees to submit claims was made to the Redundancy Payments Office ("RPO").

Employees were shown to be owed circa £35,700. A claim of £29,795 has been received from the RPO of which £1,058 is claimed preferentially.

Unsecured creditors

HMRC was shown to be owed £12,988.54. A claim of £16,868.83 has been received.

The trade and expense creditors as per the statement of affairs totalled £270. Claims of £2,100 have been received.

A Director Loan account and joint loan from one of the Director's and his wife totalled £83,626.02. Claims of this amount have been received.

Dividend prospects

No dividend shall be made to any class of creditor.

Where a floating charge is created after 15 September 2003 a prescribed part of the company's net property shall be made available to unsecured creditors.

The Company gave a floating charge to NatWest on 22 July 1997 and was registered at Companies House on 25 July 1997. Since this charge was given before 15 September 2003 the prescribed part provisions do not apply.

8. FEES AND EXPENSES

Pre-Appointment Costs

The Board of Directors previously authorised the payment of a fee of £4,000 plus VAT for assistance with preparing the statement of affairs and producing and circulating the notices for the meetings of members and creditors at the meeting held on 30 March 2014.

The fee for the statement of affairs and meetings was paid by John Berry, a Director, personally and is therefore not shown on the receipts and payments account.

The Liquidator's fees

It is the firm's practice to ensure that work is conducted by the appropriate staff member at the appropriate level of experience. Junior members of staff deal with the day to day administration on cases and a manager and Director then oversees the work undertaken. Where the issues are complex and litigious, the work will be closely supervised or undertaken by a Manager or Director.

The basis of my fees was approved by creditors on 16 April 2015 in accordance with the following resolution:

"That the Liquidator's remuneration be fixed by reference to time properly given by the Liquidator and her staff in attending to matters arising in the winding up, with authority to draw fees generally on account, as and when funds become available".

The time costs for the period 16 April 2019 to 07 April 2020 total £4,470, representing 23.9 hours at an average hourly rate of £187.03. The time costs for the period are detailed at Appendix 4.

The total time costs during the period of appointment amount to £23,991.50 representing 146.7 hours at an average hourly rate of £163.54. The time costs for the total period are also detailed at Appendix 4.

I have drawn remuneration totalling £5,942.70 in the liquidation; no remuneration has been drawn in the period 16 April 2019 to 07 April 2020. A VAT refund of £1,352.94 is anticipated and I intend to draw this sum as remuneration upon receipt.

Disbursements

The disbursements that have been incurred during the period since my last report and the liquidation as a whole are detailed at Appendix 5.

Information about this insolvency process may be found on the R3 website at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors' Guide to Fees' together with the firm's charge-out rate and disbursement policy may be found at www.brettsbr.co.uk/cglf. Creditors should refer to the version England and Wales – effective from 1st April 2017. A hard copy of both the Creditors' Guide and the firm's charge-out rate and disbursement policy may be obtained on request.

Other professional costs

Solicitors

Edwards Duthie Solicitors were instructed as legal advisors in relation to assisting in realising two complex book debts. The fee arrangement for their work was based on a conditional fee agreement, being payment in the event realisation was successful.

No realisation was made by Edwards Duthie and their services were terminated in early 2019.

Debt Collection

Debt Chaser Limited were instructed to assist in the recovery of the smaller, less complex book debts owing to the Company. The fees have been agreed at 20% plus VAT of all book debts collected. Their fees amounted to £1,272.42 and they were paid in full.

Professional Legal Collections Limited were instructed to assist in locating the partners of the debtor company I have previously referred too and assisting in the recovery action. Fees were agreed at 15% plus VAT of realisations. No fees were payable.

9. CREDITORS' RIGHTS

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

10. EC REGULATIONS (WHETHER PROCEEDINGS ARE MAIN PROCEEDINGS OR TERRITORIAL)

I confirm that the Company's centre of main interest is in the UK. Accordingly the Council Regulations (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings will apply which is replaced and superseded by Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings. The EU Insolvency Regulation (EC/1346/2000) will continue to govern insolvency proceedings that are opened in the EU before 26 June 2017.

11. CONCLUSION

The administration of the case is now complete.

As an Insolvency Practitioner, when carrying out all professional work relating to an insolvency appointment, I am bound by the Insolvency Code of Ethics, as well as by the regulations of my professional body. To comply with the Provision of Services Regulations, more details about these matters and general information about Bretts Business Recovery Limited that is of relevance to creditors can be found at <http://www.brettsbr.co.uk/insolvency-rules/servicesregulations/>

The General Data Protection Regulation requires that individuals whose data is being held be provided with information about their rights. A privacy notice is available at <http://www.brettsbr.co.uk/privacy-policy/>

If you require any further information, please contact this office.

A handwritten signature in black ink, appearing to read 'Isobel', with a stylized, looping flourish at the end.

Isobel Susan Brett
Liquidator

Appendix 1

Statutory Information

Company Name	J.J. Berry & Co Limited
Former Trading Name	n/a
Company Number	01356322
Registered Office	21 Highfield Road, Dartford, Kent, DA1 2JS
Former Registered Office	209-211 South Street, Romford, Essex, RM1 1QL; and 141 Parrock Street, Gravesend, Kent, DA12 1EY
Officeholder	Isobel Susan Brett
Officeholder's address	21 Highfield Road, Dartford, Kent, DA1 2JS
Date of appointment	16 April 2015
Changes to Officeholder	None

Appendix 2**J.J. Berry & Co Limited - In Creditors Voluntary Liquidation
Liquidator's Final Receipts & Payments Account****From 16 April 2015 to 7 April 2020**

S of A £		£
RECEIPTS		
59,056	Book Debts	9,334.39
NIL	Cash at Bank	85.86
NIL	Bank Interest Gross	3.33
NIL	Bank Interest Net of Tax	3.41
<u>59,056</u>		<u>9,426.99</u>
PAYMENTS		
NIL	Office Holders Fees	(7,295.64)
NIL	Agents/Valuers Fees (1)	(1,272.42)
NIL	Storage Costs	(14.27)
NIL	Re-Direction of Mail	(160.00)
NIL	Statutory Advertising	(224.88)
NIL	Meeting Room Cost	(118.70)
NIL	Courier Charges	(41.00)
NIL	Licence Fees	(155.00)
NIL	Specific Bond	(81.00)
NIL	Printing and Stationery	(59.40)
NIL	Postage	(4.68)
<u>0</u>		<u>(9,426.99)</u>
<u>59,056</u>	CASH IN HAND	<u>0.00</u>

Appendix 3

Detailed list of work undertaken for J.J. Berry & Co Limited In Creditors' Voluntary Liquidation.

Below is detailed information about the tasks undertaken by the Liquidator.

General Description	Includes
Statutory and General Administration	
Statutory/advertising	<ul style="list-style-type: none"> Filing of documents to meet statutory requirements including annual receipts and payments accounts Annual corporation tax returns VAT returns Advertising in accordance with statutory requirements Bonding the case for the value of the assets
Document maintenance/file review/checklist	<ul style="list-style-type: none"> Filing of documents Periodic file reviews documenting strategy Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards Maintenance of statutory and case progression task lists/diaries Updating checklists
Bank account administration	<ul style="list-style-type: none"> Preparing correspondence opening and closing accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Maintenance of the estate cash book Banking remittances and issuing BACS payments
Planning / Review	<ul style="list-style-type: none"> Discussions regarding strategies to be pursued Meetings with team members and independent advisers to consider practical, technical and legal aspects of the case
Books and records / storage	<ul style="list-style-type: none"> Dealing with records in storage Sending job files to storage
Pension scheme	<ul style="list-style-type: none"> Identifying whether there is a pension scheme
Reports	<ul style="list-style-type: none"> Circulating initial report to creditors upon appointment Preparing annual progress reports Circulating final report to creditors
Meeting of Creditors	<ul style="list-style-type: none"> Preparation of meeting notices, proxies/voting forms and advertisements notice of meeting to all known creditors Collate and examine proofs and proxies/votes to decide on resolutions Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisement of meeting and draft minutes of meeting. Responding to queries and questions following meeting Issuing notice of result of meeting.
Closure	<ul style="list-style-type: none"> Review case to ensure all matters have been finalised Draft final report Obtain clearance to close case from HMRC together with submitting final tax return File documents with Registrar of Companies

General Description	Includes
Investigations	
SIP 2 Review	<ul style="list-style-type: none"> ▪ Collection and making an inventory of company books and records ▪ Correspondence to request information on the company's dealings, making further enquiries of third parties ▪ Reviewing questionnaires submitted by creditors and directors ▪ Reconstruction of financial affairs of the company ▪ Reviewing company's books and records ▪ Preparation of deficiency statement ▪ Review of specific transactions and liaising with directors regarding certain transactions
Statutory reporting on conduct of director(s)	<ul style="list-style-type: none"> ▪ Preparing statutory investigation reports ▪ Liaising with Insolvency Service ▪ Submission of report with the Insolvency Service ▪ Preparation and submission of supplementary report if required ▪ Assisting the Insolvency Service with its investigations
Realisation of Assets	
Book Debts	<ul style="list-style-type: none"> ▪ Reviewing and assessing debtors' ledgers ▪ Collecting and reviewing supporting debtor documentation ▪ Correspondence with debtors via post, email and telephone ▪ Dealing with disputes ▪ Receipt of payments ▪ Instructing and liaising with solicitors and agents ▪ Investigating Partners of debtor company
Cash at Bank	<ul style="list-style-type: none"> ▪ Liaising with National Westminster Bank Plc via post, email and telephone ▪ Receipt of balance in account
Creditors and Distributions	
Creditor Communication	<ul style="list-style-type: none"> ▪ Receive and follow up creditor enquiries via telephone ▪ Review and prepare correspondence to creditors and their representatives via email and post ▪ Assisting employees to pursue claims via the RPO
Dealing with proofs of debt	<ul style="list-style-type: none"> ▪ Receipting and filing POD when not related to a dividend ▪ Corresponding with RPO regarding POD when not related to a dividend

Appendix 4

Time cost information for period 16 April 2019 to 07 April 2020

A general analysis of the time charged confirms that work has been undertaken in the following areas for the period 16 April 2019 to 07 April 2020:-

Classification of Work	HOURS					Time Costs Charged	Average Hourly Rate
	Director	Manager	Senior Admin	Support Staff	Total Hours	£	£
Administration and Planning	0.10	0.70	18.50	2.50	21.80	4,071.00	186.74
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.00	0.00	2.10	0.00	2.10	399.00	190.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.10	0.70	20.60	2.50	23.90	4,470.00	187.03

Time cost information for period 16 April 2015 to 07 April 2020

A general analysis of the time charged confirms that work has been undertaken in the following areas for the period 16 April 2015 to 07 April 2020:-

Classification of Work	HOURS					Time Costs Charged	Average Hourly Rate
	Director	Manager	Senior Admin	Support Staff	Total Hours	£	£
Administration and Planning	3.60	1.00	83.40	10.70	98.70	16,324.00	165.39
Investigations	0.30	0.00	25.10	3.50	28.90	3,547.50	122.75
Realisation of Assets	4.90	0.00	12.10	0.00	17.00	3,700.50	217.68
Creditors	0.30	0.00	1.80	0.00	2.10	419.50	199.76
Total	9.10	1.00	122.40	14.20	146.70	23,991.50	163.54

Appendix 5

Expenses summary for J.J. Berry & Co Limited In Creditors' Voluntary Liquidation

Below are details of the Liquidator's expenses for the period under review and the total to date.

Expenses	Actual expenses Incurred in the Review Period £	Actual expenses Incurred to date £	Actual Expenses reimbursed £
Insolvency Software	Nil	155.00	155.00
Storage	Nil	14.27	14.27
Post Re-direction	Nil	160.00	160.00
Specific Bond	Nil	81.00	81.00
Statutory Advertising	Nil	224.88	224.88
Meeting Room Cost	Nil	118.70	118.70
Postage	Nil	4.68	4.68
Stationery	Nil	59.40	59.40
Courier Charges	Nil	41.00	41.00