

LIQ03

Notice of progress report in voluntary winding up



Companies House

THURSDAY



A19 *A77LXX4G* 07/06/2018 #255
COMPANIES HOUSE

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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

Full forename(s)

Surname

Other liquidator

Use this section to tell us about another liquidator.

5 Liquidator's address

Building name/number

Street

Post town

County/Region

Postcode

Country

Other liquidator

Use this section to tell us about another liquidator.

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

From date	1	6	0	4	2	0	1	7
To date	1	5	0	4	2	0	1	8

7 Progress report

☐ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

d 06

m 06

y 2018

Content

1. Introduction
2. Executive Summary
3. Administration and Planning
4. Receipts & Payments
5. Realisation of Assets
6. Trading
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 2017 to 15 April 2018
3. Detailed list of work undertaken in the period
4. Time cost information for period 16 April 2017 to 15 April 2018 and Time cost information for period 16 April 2015 to 15 April 2018
5. Notice of Opting Out
6. Notice of Use of Website

1. INTRODUCTION

In accordance with the Insolvency Rules 1986, I am required to provide Members and Creditors with an annual progress report. The purpose of this report is to detail my acts and dealings as a Liquidator of the year ended 15 April 2018 and it should be read in conjunction with my previous correspondence to Members and Creditors.

2. EXECUTIVE SUMMARY

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

Assets

<u>Asset</u>	<u>Estimated to realise per Statement of Affairs</u>	<u>Realisations to date</u>	<u>Anticipated future realisations</u>	<u>Total anticipated realisations</u>
Book Debts	59,056.06	9,334.39	TBD	TBD
Bank Interest Gross	n/a	3.17	Unknown	Unknown
Bank Interest Net of Tax	n/a	3.41	Nil	3.41
Total	59,056.06	9,304.97	51,241.99	TBD

Expenses

<u>Expense</u>	<u>Expense incurred to date</u>	<u>Anticipated further expense to closure</u>	<u>Total anticipated expense</u>
Office Holders Fees	5,406.47	Uncertain	Uncertain
Statutory Advertising	224.88	Nil	224.88
Meeting Room Cost	118.70	Nil	118.70
Re-Direction of Mail	160.00	Nil	160.00
Specific Bond	81.00	Nil	81.00
Agents Fees	1,272.42	Uncertain	Uncertain
Licence Fees	155.00	Nil	155.00
Postage	4.68	Nil	4.68
Stationery	59.40	Nil	59.40
Storage Costs	14.27	Nil	14.27
Courier Charges	41.00	Nil	41.00

Dividend prospects

<u>Creditor class</u>	<u>Dividend paid to date</u>	<u>Anticipated dividend based upon the above</u>
Secured creditor	0p in the £	Uncertain
Preferential creditors	0p in the £	Uncertain
Unsecured creditors	0p in the £	Uncertain

Summary of key issues outstanding

- Recovery of outstanding book debt

Closure

Due to the issues outstanding as listed above, it is difficult to estimate the timing of any dividend to creditors or indeed the closure of the liquidation.

3. ADMINISTRATION AND PLANNING

Statutory information

Statutory information may be found at Appendix 1.

The Liquidator is 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.

The Liquidator has met her 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 Review Period, the following key documents have been issued:

- Progress report for the year ending 15 April 2017
- This progress report;

Other administration tasks

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

- Case reviews
- 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 covered by this report gross bank interest of £0.18 has been received.

5. 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. The Liquidator 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

As previously reported, the Liquidator instructed Edwards Duthie Solicitors to investigate and seek potential recovery from the Company's largest debtor, owing circa £35,878.

The Debtor Company has been the subject of a Solicitors Disciplinary Tribunal ("SDT") and has subsequently ceased to trade. The outcome of the tribunal has not been disclosed to the Liquidator by the Solicitors Regulation Authority.

In December 2016, the goodwill, assets and trading name of the Debtor Company were purchased by a Limited Liability Partnership.

It is the Liquidators intention to pursue the partners of the Debtor Company personally. It is uncertain whether the £35,878 shall be recoverable.

Another book debt of £9,614 was deemed irrecoverable in the Liquidator's previous reports on the basis the company could not be traced. The Liquidator has further investigated this debtor and established they have been placed in to voluntary liquidation. The Liquidator is currently in communication with the appointed Liquidator of the debtor Company to ascertain whether submitting a claim in the liquidation proceedings would be viable and whether any return may be expected.

The sum of £1,727.76, a combined sum owed by five debtors, has been written off by the Liquidator. These sums were pursued by the Liquidator but to no avail. The Liquidator deemed that the costs of any recovery action against these debts would outweigh the potential realisations.

The Liquidator has previously received £9,334.39 in respect of book debts owing to the Company in the Liquidation. No realisations have been made in the period covered by this report.

6. CREDITORS

Irrespective of whether sufficient realisations are achieved to pay a dividend to creditors, the Liquidator has had to carry out key tasks which are detailed in the list at Appendix 3. The following sections explain the anticipated outcomes to creditors and any distributions paid.

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.

No funds have been distributed to secured creditors

Preferential creditors

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

Employees were shown to be owed circa £35,700. Claims of £29,795.01 have been received of which £1,057.89 is claimed preferentially.

It is uncertain whether a dividend shall be declared to preferential creditors.

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 a Director and his wife totalled £83,626.02. Claims of this amount have been received.

Dividend prospects

It is uncertain whether any dividend to unsecured creditors shall be feasible.

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.

7. 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 prior to my appointment at a 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 the Liquidator's 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 2017 to 15 April 2018 total £1,734.50, representing 7.3 hours at an average hourly rate of £237.60. No fees have been drawn on account of time costs incurred. The time costs for the period are detailed at Appendix 4.

The total time costs during the period of appointment amount to £16,657.00 representing 108.3 hours at an average hourly rate of £153.80. The time costs for the total period are also detailed at Appendix 4.

The Liquidator has drawn remuneration totalling £5,406.47 in the liquidation to date.

Disbursements

The disbursements that have been incurred and paid during the period are detailed below.

The category 1 disbursements incurred and paid for in the period 16 April 2015 to 15 April 2018 total £799.53 and represent the simple reimbursement of actual out of pocket payments made in relation to the assignment.

The category 2 disbursements for the period 16 April 2015 to 15 April 2018 total £59.40 and these may include an element of overhead charges in accordance with the resolution passed by creditors at a meeting held on 16 April 2015.

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. 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

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

No realisation was made by Edwards Duthie and their services are no longer being utilised.

Debt collectors

Debt Chaser Limited were instructed by the Liquidator 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 for the period 16 April 2017 to 15 April 2018 amount to £NIL. Their fees from the date of appointment amount to £1,272.42 and they have been paid in full.

8. 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.

9. 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.

10. CONCLUSION

The administration of the case will be continuing to finalise the following outstanding matters that are preventing this case from being closed:

- Outstanding Book Debts

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. 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/>

Finally, to comply with the Provision of Services Regulations, some general information about Bretts Business Recovery Limited can be found at <http://www.brettsbr.co.uk/insolvency-rules/servicesregulations/>.

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



Isobel Susan Brett
Liquidator

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, United Kingdom
Former Registered Office	209-211 South Street, Romford, Essex, RM1 1QL; and 141 Parrock Street, Gravesend, Kent, DA12 1EY
Officeholders	Isobel Susan Brett
Officeholders address	21 Highfield Road, Dartford, Kent, DA1 2JS
Date of appointment	16/04/2015

**Liquidators' Receipts and Payments account
for the period 16 April 2017 to 15 April 2018 and
for the Liquidation Period 16 April 2015 to 15 April 2018**

S. of A.	As previously reported	16/04/17 to 15/04/18	16/04/15 to 15/04/18
FIXED CHARGE CREDITORS			
(39,752.92) The RBS Group Plc Corporate	NIL NIL	NIL NIL	NIL NIL
ASSET REALISATIONS			
NIL Plant & Machinery	NIL	NIL	NIL
59,056.06 Book Debts	9,334.39	NIL	9,334.39
Bank Interest Gross	2.99	0.18	3.17
Bank Interest Net of Tax	3.41	NIL	3.41
	9,340.79	0.18	9,304.97
COST OF REALISATIONS			
Office Holders Fees	(5,406.47)	NIL	(5,406.47)
Statutory Advertising	(224.88)	NIL	(224.88)
Meeting Room Cost	(118.70)	NIL	(118.70)
Re-Direction of Mail	(160.00)	NIL	(160.00)
Specific Bond	(81.00)	NIL	(81.00)
Agents Fees	(1,272.42)	NIL	(1,272.42)
Licence Fees	(155.00)	NIL	(155.00)
Postage	(4.68)	NIL	(4.68)
Stationery	(59.40)	NIL	(59.40)
Storage Costs	(14.27)	NIL	(14.27)
Courier Charges	(41.00)	NIL	(41.00)
	(7,537.82)	NIL	(7,537.82)
FLOATING CHARGE CREDITORS			
(39,752.92) The RBS Group Plc Corporate	NIL NIL	NIL NIL	NIL NIL
UNSECURED CREDITORS			
(189.00) Accountants	NIL	NIL	NIL
(58,826.02) Directors Loan Account	NIL	NIL	NIL
(1,964.35) Employee	NIL	NIL	NIL
(24,800.00) Loan from	NIL	NIL	NIL
(10,831.29) HM Revenue & Customs	NIL	NIL	NIL
(270.00) Trade Creditor	NIL	NIL	NIL
(2,157.25) VAT	NIL	NIL	NIL
	NIL	NIL	NIL
	1,802.97	0.18	1,803.15

REPRESENTED BY

Vat Receivable	1,496.15
Vat Control Account	(229.09)
J.J. Berry & Co Ltd	536.09
	1,803.15


Isobel Susan Brett
Liquidator

Detailed list of work undertaken for J.J. Berry & Co Limited in Creditors' Voluntary Liquidation for the review period 16 April 2017 to 15 April 2018

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

General Description	Includes
Statutory and General Administration	
Statutory/advertising	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
Document maintenance/file review/checklist	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	Bank account reconciliations Maintenance of the estate cash book
Planning / Review	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	Dealing with records in storage Records exchanging with Edwards Duthie Solicitors
Reports	Preparing annual progress report to creditors
Realisation of Assets	
Debtors	Collecting supporting documentation Correspondence with debtors Reviewing and assessing debtors' ledgers Liaising with debt collectors and solicitors Agreeing debt collection agency agreements Dealing with disputes Receipt of Book Debts
Creditors and Distributions	
Creditor Communication	Receive and follow up creditor enquiries via telephone Review and prepare correspondence to creditors

Staff Charge-Out Rates

Unless they are otherwise fixed in accordance with the Insolvency Act 1986, an Offices Holders fees are charged by reference to time costs, as incurred, charged at the firms usual rates applicable at the time the work is carried out. Rates may be varied from time to time, at the sole discretion of Bretts Business Recovery Ltd and such changes will be notified in retrospect with each report to Creditors. Staff time is charged in units of six minutes and as from 1st January 2017 the maximum rates applicable are:

GRADE	Hourly Rate From 1st December 2012	Hourly Rate From 1st January 2016	Hourly Rate From 1st January 2017
	£	£	£
Partner	300	325	345
Senior Manager	250	275	295
Manager	225	250	265
Senior Administrator (Grade 1)	200	220	235
Senior Administrator (Grade 2)	175	190	200
Administrator (Grade 1)	150	175	190
Administrator (Grade 2)	125	140	150
Administrator (Grade 3)	90	110	120

**Liquidator's Remuneration Schedule
J.J. Berry & Co Limited
Between 16 April 2017 and 15 April 2018**

Classification of work function	Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average Hourly Rate
Administration & Planning	0.30	0.30	3.60	0.80	5.00	972.00	194.40
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	1.80	0.00	0.20	0.00	2.00	659.00	329.50
Creditors	0.30	0.00	0.00	0.00	0.30	103.50	345.00
Total	2.40	0.30	3.80	0.80	7.30	1,734.50	237.60

Summary of Fees

Time spent in administering the Assignment	Hours	7.30
Total value of time spent to 15 April 2018	£	1,734.50
Total Liquidator's fees charged to in Period 2018	£	0.00

**Liquidator's Remuneration Schedule
J.J. Berry & Co Limited
Between 16 April 2015 and 15 April 2018**

Classification of work function	Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average Hourly Rate
Administration & Planning	2.60	0.30	58.40	5.80	67.10	10,421.00	155.31
Investigations	0.30	0.00	25.10	3.50	28.90	3,547.50	122.75
Realisation of Assets	4.00	0.00	7.20	0.00	11.20	2,459.00	219.55
Creditors	0.30	0.00	0.80	0.00	1.10	229.50	208.64
Total	7.20	0.30	91.50	9.30	108.30	16,657.00	153.80

Summary of Fees

Time spent in administering the Assignment	Hours	108.30
Total value of time spent to 15 April 2018	£	16,657.00
Total Liquidator's fees charged to 15 April 2018	£	5,406.47

OPTING OUT OF RECEIVING DOCUMENTS

The consequences of opting-out

As previously advised, most future documents will not be sent to creditors by post. Nevertheless, the Liquidator is required to inform creditors of their rights to opt out of receiving documents.

Creditors have the right to elect to opt out of receiving further documents about the Liquidation unless:

- (i) the Insolvency Act 1986 requires a document to be delivered to all creditors without expressly excluding opted-out creditors;
- (ii) it is a notice relating to a change in the office-holder or the office-holder's contact details; or
- (iii) it is a notice of a dividend or proposed dividend or a notice which the court orders to be sent to all creditors or all creditors of a particular category to which the creditor belongs.

Opting-out will not affect the creditor's entitlement to receive dividends should any be paid to creditors.

Unless the Insolvency (England & Wales) Rules 2016 provide to the contrary, opting-out will not affect any right the creditor may have to vote in a decision procedure or to participate in a deemed consent procedure in the proceedings although the creditor will not receive notice of it.

A creditor who opts out will be treated as having opted out in respect of any consecutive insolvency proceedings of a different kind in respect of the same company.

How to opt out

A creditor may at any time elect to be an opted-out creditor.

The creditor's election to opt out must be by a notice in writing authenticated and dated by the creditor.

The creditor must deliver the notice to the Liquidator (details below).

How to opt back in

The creditor may at any time revoke the election to opt out by a further notice in writing, authenticated and dated by the creditor and delivered to the Liquidator (details below).

Contact details

The Liquidator's contact details are as follows:

Names of Liquidator(s):
Address of Liquidator(s):
Email Address
Telephone Number

Isobel Susan Brett
21 Highfield Road, Dartford, Kent, DA1 2JS
leighwaters@brettsbr.co.uk
01474 532862

NOTICE OF GENERAL USE OF WEBSITE

Company Name: J.J. Berry & Co Limited in Liquidation ("the Company")
Company Number: 01356322

This Notice is given under Rule 1.50 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by Isobel Susan Brett the Liquidator of the Company, of 21 Highfield Road, Dartford, Kent, DA1 2JS (telephone number 01474 532862).

Accessing documents

The Liquidator has chosen to deliver all future documents (other than those listed below) to members and creditors by making them available for viewing and downloading on the website set out below:

Website: www.brettsbr.co.uk/client-pages
Username: Case #Z2513
Password: JJBC15415

Documents will be uploaded to this website without further notice to members and creditors and the Liquidator will not be obliged to deliver any such documents to any recipient of this notice unless it is requested.

Requesting hard copies

Recipients of this notice may at any time request a hard copy of any or all of the following:

- (i) documents currently available for viewing on the website; or
- (ii) future documents that may be made available there.

To request one or more hard copies, contact Leigh Waters by one of the following methods:

Telephone: 01474 532862
Email: leighwaters@brettsbr.co.uk
By post: 21 Highfield Road, Dartford, Kent, DA1 2JS

Documents that will not be uploaded to the website

The following documents will not be uploaded to the website, but instead will be delivered by post or by email as required:

- (i) a document for which personal delivery is required;
- (ii) a notice under rule 14.29 of the Insolvency (England & Wales) Rules 2016 of intention to declare a dividend; and
- (iii) a document which is not delivered generally.

Documents that are likely to be uploaded to the website

In Liquidation, the following reports and notices are generally issued:

Document	Approximate timescale (from commencement of Liquidation)
Annual Progress Report	Every 14 months
Final Account	Unknown