

Rule 1.29/1.54

## The Insolvency Act 1986

Notice to Registrar of Companies of  
Completion or Termination of  
Voluntary ArrangementPursuant to Rule 1.29 or Rule 1.54 of the  
Insolvency Rules 1986**R.1.29/  
R.1.54**

To the Registrar of Companies

For Official Use

--	--	--

Company Number

01549005

(a) Insert full name of  
Company

Name of Company

Erdington Welded Fabrications Limited

(b) Insert full name and  
Address

I, David Olprey  
Chantrey Vellacott DFK  
First Floor  
16/17 Boundary Road  
Hove  
East Sussex  
BN3 4AN

(c) Insert date

(d) Delete as applicable

the supervisor of a voluntary arrangement which took effect on 5 June 2009 enclose a copy of my notice to the creditors and members of the above-named company that the voluntary arrangement has terminated, (d) together with a report of my receipts and payments

Signed

Date

*David Olprey*  
14/10/10

Presenter's name,  
address and reference

(if any)

ER0010  
Erdington Welded Fabrications  
Limited

Richard Toone  
Chantrey Vellacott DFK  
First Floor  
16/17 Boundary Road  
Hove  
East Sussex  
BN3 4AN

For Official Use

Liquidation Section

Post Room

FRIDAY



QIQ

28/09/2012  
COMPANIES HOUSE

#1

RHT ECP JD ER0010 Q

14 October 2010

TO ALL KNOWN CREDITORS AND MEMBERS

FRIDAY

A59

28/09/2012  
COMPANIES HOUSE

#352

Dear Sir or Madam

**Erdington Welded Fabrications Limited ("the Company") – Company Voluntary Arrangement ("the Arrangement")  
Birmingham District Registry CVA No. 8324 of 2009**

I refer to my appointment as Joint Supervisor of the above Arrangement on 5 June 2009 and write to report in relation to this matter

A statement of Receipts and Payments is enclosed for your information, summarising all transactions

**Failure of the Arrangement**

Creditors will recall that at the juncture of my annual report to creditors, dated 2 August 2010, the Company had been experiencing difficulties in maintaining consistent contributions into the Arrangements and had fallen into arrears

In line with the Arrangement, I consulted creditors for their wishes on whether to issue a Certificate of Default against the Company, and therefore fail the Arrangement, or otherwise allow the Company two months in which to bring the arrears up to date

I enclose a schedule of the result of the postal vote from which creditors will note that 93% of voting creditors voted in favour of Proposal 1, which was to issue a Certificate of Default against the Company

It is with regret that I therefore must advise you that the Arrangement of the above Company has been deemed to be in default. The default is as a result of the above vote, as well as the Company's failure to keep up to date with its post-Arrangement taxes, which is in contravention to the agreed Terms of the Arrangement. A Certificate of Default is enclosed

I can advise creditors that HM Revenue & Customs have been informed that the directors will place the Company into Creditors' Voluntary Liquidation, rather than the Joint Supervisors petitioning for the Company to be wound up. This will result in the minimising of costs

1st Floor 16/17 Boundary Road Hove East Sussex BN3 4AN  
Telephone 01273 421200 Fax 01273 417330 [www.cvdflk.com](http://www.cvdflk.com)

London Birmingham Brighton & Hove Colchester Croydon Leicester Northampton Reading Stevenage  
Chantrey Vellacott DFK LLP is a limited liability partnership registered in England and Wales (No. OC313147)  
whose registered office is at Russell Square House 10-12 Russell Square London WC1B 5LF

The term Partner denotes a member of a limited liability partnership. A list of members of Chantrey Vellacott DFK LLP is available at our registered office.  
Registered to carry on audit work and regulated for a range of investment business activities by the Institute of Chartered Accountants in England and Wales  
Chantrey Vellacott DFK LLP is an independent member firm of **DFK** International an association of independent accounting firms and business advisors



INVESTOR IN PEOPLE

Formal notice convening a meeting of creditors will shortly be sent to the relevant parties under separate cover

### **Dividend Prospects**

As creditors will note, I am currently holding the sum of £9,626 in the Arrangement estate. This sum is formed from contributions made by the Company into the Arrangement.

Due to the inconsistent nature of the Company's contributions, my office has been highly involved in working with the Company to try to ensure that it can continue to trade within the Arrangement's requirements.

This has resulted in an increase in the time my firm has applied to this matter and I should advise creditors that the funds held in the estate will not be sufficient to defray the costs of this matter. Regrettably, I therefore do not anticipate being in a position to make a distribution to unsecured creditors from funds held in the Arrangement.

### **Joint Supervisors' Remuneration**

Creditors provided agreement with regard to the Joint Supervisors' remuneration at the meeting of creditors held on 5 June 2009.

This agreement allowed for remuneration to be paid by reference to the time properly given by the Joint Supervisors, and their staff, in attending to matters arising in the Arrangement.

The work that we have carried out as Joint Supervisors is derived from the responsibilities placed upon us by the underlying legal and regulatory framework for work of this nature. It has been performed by the Joint Supervisor and by the assignment manager and administrator. Their work has been supported by secretarial staff and the cashiers. All personnel were charged directly to the assignment for all of the time relating to the case.

I enclose a schedule detailing my costs to date. In accordance with the Statement of Insolvency Practice 9 issued by the Association of Business Recovery Professionals and adopted by my professional licensing body, I advise that the overall time spent to 14 October 2010 and the charge out value of that time is 86.10 hours and £19,571 respectively. This equates to an average hourly charge out rate of £227.32. These figures do not include VAT.

I have drawn fees to date as Joint Supervisor in the sum of £2,500 plus VAT.

### **Future Fees**

I would anticipate that I will incur further time costs of approximately £500, in carrying out my obligations as Supervisor, in relation to completing the process of failing and closing this matter. This time will not be recoverable from the funds held in the case and will therefore have the effect of increasing the already substantial write off of time brought about by the failure of the Arrangement.

**Rates**

In common with other professional firms, our charge out rates increase from time to time over the period of the administration of the case. I enclose an explanation of office holders' charging and disbursement recovery policies for your reference.

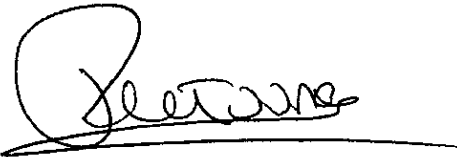
A 'Creditors' Guide to Supervisor's Fees' can be supplied on request, or may be accessed at the Association of Business Recovery Professionals' website <http://www.r3.org.uk/publications>

**Conclusion**

As stated, the Company is now at the preliminary stages of commencing a Creditors Voluntary Liquidation. Those creditors who are relevant parties to this procedure will be notified of the forthcoming creditors meeting.

If you have any queries in the meantime, please do not hesitate to contact my colleague, Jonathan Draper.

Yours faithfully

A handwritten signature in black ink, appearing to read 'RH Toone', with a long horizontal line extending from the end of the signature.

RH TOONE

Joint Supervisor

Licensed to Act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

Enc

IN THE MATTER OF  
ERDINGTON WELDED FABRICATIONS LIMITED - 10  
COMPANY VOLUNTARY ARRANGEMENT

RESULT OF THE CREDITORS' POSTAL VOTE

**Creditors by Proxy**

Whiting & Partners  
James F Probert  
Cox Hire Limited  
W. Brighton (Handrails)  
HM Revenue & Customs


**Voting Instructions**

Creditor Name	Admitted For	Proposals	
		1	2
Whiting & Partners	£1,475 50	No	Yes
James F Probert	£750 00	No	Yes
Cox Hire Limited	£149 33	No	Yes
W Brighton (Handrails)	£578 00	No	Yes
HM Revenue & Customs	£41,875 55	Yes	No
Total	£44,828.38	93%	7%

The following proposal was approved.

Proposal 1

To issue a certificate of default against the Company

Signed   
RH TOONE  
Joint Supervisor

Dated 26 August 2010

**BIRMINGHAM DISTRICT REGISTRY  
CVA NO. 8324 OF 2009**

**RE: ERDINGTON WELDED FABRICATIONS LIMITED**

---

**CERTIFICATE OF NON-COMPLIANCE**

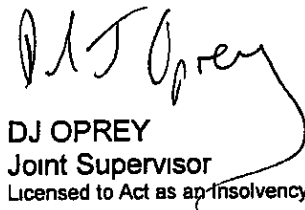
---

**Reasons for non-compliance**

The Joint Supervisors are of the opinion that the Arrangement has failed due to

- 1) Arrears of contributions into the Arrangement,
- 2) Failure to maintain post-CVA tax returns and payment of taxes

**Date of non-compliance 26 August 2010**



**DJ OPREY  
Joint Supervisor**

Licensed to Act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

**Dated this 14<sup>th</sup> day of October 2010**

**Receipts and Payments as at 14 October 2010****Erdington Welded Fabrications Limited - Company Voluntary Arrangement**

	£	£
ASSET REALISATIONS		
Bank Interest Gross	1 74	
Contributions	<u>12,500 00</u>	
		12,501 74
COST OF REALISATIONS		
Supervisor's Fees	<u>(2,500 00)</u>	
		<u>(2,500 00)</u>
		<u>10,001 74</u>
REPRESENTED BY		
Bank Current Account	9,626 74	
Non-recoverable VAT	<u>375 00</u>	
		9,626 74
		<u>9,626 74</u>

**ERDINGTON WELDED FABRICATIONS LIMITED - COMPANY VOLUNTARY ARRANGEMENT**

**Schedule of Supervisors' Time Costs as at 14 October 2010.**

Classification of Work Function	Partner	Senior Manager	Manager	Assistants & Support Staff (3)	Assistants & Support Staff (2)	Assistants & Support Staff (1)	Total Hours	Time Cost £	Average Hourly rate £
RATE	290-430	241-289	205-240	161-204	96-160	75-95			
Administration & Planning	16 50	5 20	35 40	0 00	9 50	0 00	66 60	16,601 50	249 27
Asset Recovery	0 00	0 10	0 00	0 00	3 00	0 00	3 10	450 50	145 32
Cashiering	0 00	0 00	0 00	0 00	3 70	0 00	3 70	479 50	129 59
Creditors	0 80	1 70	0 00	0 00	7 70	0 00	10 20	1,805 00	176 96
Employees	0 00	0 70	0 00	0 00	0 70	0 00	1 40	235 40	168 14
Investigations	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Accounting	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Statutory Filing and Bordereau	0 20	0 00	0 00	0 00	0 90	0 00	1 10	0 00	0 00
<b>Total</b>	<b>17 50</b>	<b>7 70</b>	<b>35 40</b>	<b>0 00</b>	<b>25 50</b>	<b>0 00</b>	<b>86 10</b>	<b>19,571 90</b>	<b>227 32</b>

**Disbursements**

Postage & Copy	400 22
Court fees	30 00
Bonding	158 00
Room hire	120 00
<b>Total</b>	<b>708 22</b>