

WU07

Notice of progress report in a winding-up by the court



Companies House

FRIDAY



A16 *A8DWDLPV* 13/09/2019 #47
COMPANIES HOUSE

1 Company details

Company number 01635605
Company name in full T.W. Frizell (Haulage & Plant Hire) Limited

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

2 Liquidator's name

Full forename(s) David
Surname Acland

3 Liquidator's address

Building name/number Derby House
Street 12 Winckley Square
Post town Preston
County/Region
Postcode PR13JJ
Country

4 Liquidator's name ①

Full forename(s) Lila
Surname Thomas

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

5 Liquidator's address ②

Building name/number Derby House
Street 12 Winckley Square
Post town Preston
County/Region
Postcode PR13JJ
Country

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

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6 Period of progress report

From date	^d 1	^d 8	^m 0	^m 7	^y 2	^y 0	^y 1	^y 8
To date	^d 1	^d 7	^m 0	^m 7	^y 2	^y 0	^y 1	^y 9

7 Progress report

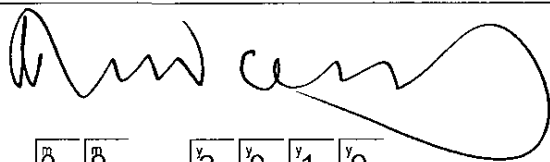
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 1	^d 0	^m 0	^m 9	^y 2	^y 0	^y 1	^y 9
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**Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Joe Allen**Company name **FRP Advisory LLP**Address **Derby House
12 Winckley Square**Post town **Preston**

County/Region

Postcode **P R 1 3 J J**

Country

DX

Telephone **01772 440700****Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.

**Important information**

All information on this form will appear on the public record.

**Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

**Further information**

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

T.W. Frizell (Haulage & Plant Hire) Limited (In Liquidation) ("the Company")

The Liquidators' Progress Report for the period 18 July 2018 – 17 July 2019 pursuant to section 104A of the Insolvency Act 1986 and the Insolvency (England and Wales) Rules 2016

11 September 2019

Contents and abbreviations



Section	Content
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- | | |
|----|---|
| 1. | Progress of the liquidation |
| 2. | Estimated outcome for the creditors |
| 3. | Liquidators' remuneration, disbursements and expenses |

Appendix	Content
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- | | |
|----|---|
| A. | Statutory information about the Company and the liquidation |
| B. | Liquidators' Receipts & Payments Account for the Period |
| C. | A schedule of work |
| D | Details of the Liquidators' disbursements for the Period |
| E. | Statement of expenses incurred in the Period |

The following abbreviations may be used in this report:

FRP FRP Advisory LLP

The Company T.W. Frizell (Haulage & Plant Hire) Limited (In Liquidation)

The Liquidators David Acland and Lila Thomas of FRP Advisory LLP

The Period The reporting period 18/7/18 – 17/7/19

WUC Winding up by the Court

SIP Statement of Insolvency Practice

QFCH Qualifying floating charge holder

HMRC HM Revenue & Customs

The Proposals The Administrators' proposals for achieving the purpose of the administration dated 13 April 2017

Secured Creditor /

Santander Santander (UK) PLC

Bond Dickinson Womble Bond Dickinson LLP

Frizell Tipping Frizell Tipping Limited (In Liquidation)

1. Progress of the liquidation

Work undertaken during the Period and work yet to be completed

We attach at **Appendix C** a schedule of work undertaken during the Period together with a summary of work still to be completed.

Receipts and payments account

Attached at **Appendix B** is a receipts and payments account detailing transactions for the Period.

Investigations

Part of our duties include carrying out proportionate investigations into what assets the Company has, including any potential claims that could be brought by the Company or by us in our capacity as Liquidators against any party which could result in a benefit to the estate. We have reviewed the Company's available books and records and accounting information, requested further information from the directors, and invited creditors to provide information on any concerns they have concerning the way in which the Company's business has been conducted.

We can confirm that no further investigations or actions are required.

2. Estimated outcome for the creditors

The estimated outcome for creditors was included in correspondence previously circulated by us and is further updated below.

Outcome for Secured Creditors

As creditors will recall, as at the date of Administrators appointment, the indebtedness to Secured Creditor amounted to £824,000 in respect of a confidential invoice discounting facility, secured by way of a fixed and floating charge created on 30 May 2014. Additional security is provided by way of a cross corporate guarantee provided by Frizell Tipping and personal joint and several guarantees provided by Trevor Frizell, Ann Frizell and Joseph Frizell, limited to £95,000.

During the Administration, fixed charge distributions of £495,355.49 were paid to the Secured Creditor and a further distribution of £100,000 was paid by Frizell Tipping under the terms of the cross guarantee on 12 July 2017.

On 24 July 2019 a final distribution of £232,265.20 was paid by Frizell Tipping under the terms of the cross guarantee, meaning the Secured Creditor has been repaid in full.

Preferential Creditors

There will not be sufficient funds available to pay a distribution to preferential creditors.

Unsecured creditors

There will not be sufficient funds available to pay a distribution to unsecured creditors.

The Prescribed Part

The Prescribed Part is a carve out of funds available to the holder of a floating charge which is set aside for the unsecured creditors in accordance with section 176A of the Insolvency Act 1986. The Prescribed Part only applies where the

floating charge was created after 15 September 2003 and the net property available to the floating charge holder exceeds £10,000.

As the value of the net property was £NIL, the value of the Prescribed Part fund is £NIL, therefore there are no funds available for the unsecured creditors.

3. Liquidators' remuneration, disbursements and expenses

Liquidators' remuneration

Following the circulation of the Administrators' Proposals, the Secured Creditor and preferential creditors passed a resolution that the Administrators' remuneration should be calculated on a fixed fee basis. Fees of £52,500 excluding VAT were drawn from by the Administrators, with the remaining balance of £7,500 to be drawn by the liquidators. To date this fee has not been drawn.

Liquidators' disbursements

The Liquidators' disbursements are a recharge of actual costs incurred by them in dealing with this matter. Mileage payments made for expenses relating to the use of private vehicles for business travel, which is directly attributable to the insolvency estate, are paid by FRP Advisory at the HMRC approved mileage rate prevailing at the time the mileage was incurred. Details of disbursements incurred during the Period are set out in **Appendix D**.

Expenses of the liquidation

We attach at **Appendix E** a statement of expenses that have been incurred during the Period. It is currently expected that the expenses incurred or anticipated to be incurred are not likely to exceed the details provided prior to the determination of the basis of the Liquidators' remuneration.

Creditors have a right to request further information from the Liquidators and further have a right to challenge the Liquidators' remuneration and other expenses, which are first disclosed in this report, under the Insolvency (England and Wales) Rules. (For ease of reference these are the expenses incurred in the Period as set out in **Appendix E** only). Further details of these rights can be found in the Creditors' Guide to Fees which you can access using the following link <https://creditors.frpadvisory.com/info.aspx> and select the one for liquidation. Alternatively, a hard copy of the relevant guide will be sent to you on request. Please note there is a time limit for requesting information being 21 days following the receipt of this progress report. There is a time limit of 8 weeks following the

receipt of this report for a Court application that the remuneration or expenses are excessive.

Appendix A

Statutory information about the Company and the liquidation



T.W. FRIZELL (HAULAGE & PLANT HIRE) LIMITED (IN LIQUIDATION)

COMPANY INFORMATION:

Other trading names:	N/A
Date of incorporation:	14 May 1982
Company number:	01635605
Registered office:	C/o FRP Advisory LLP, Derby House, 12 Winckley Square, Preston, PR1 3JJ
Previous registered office:	7-9 Macon Court, Crewe, Cheshire, CW1 6EA
Business address:	Greenbank Farm, 344 Gresty Road, Crewe, CW2 5AD

LIQUIDATION DETAILS:

Liquidators:	David Acland & Lila Thomas
Address of Liquidators:	FRP Advisory LLP, Derby House, 12 Winckley Square, Preston, PR1 3JJ
Date of appointment of Liquidators:	18 July 2018
Court in which Liquidation proceedings were brought:	The High Court of Justice, Manchester District Registry
Court reference number:	2161

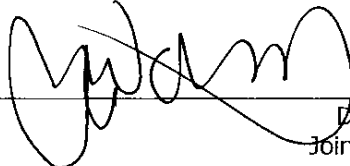
Appendix B

Liquidators' Receipts & Payments Account for the Period



T.W. Frizell (Haulage & Plant Hire) Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £	From 18/07/2018 To 17/07/2019 £	From 18/07/2018 To 17/07/2019 £
SECURED ASSETS		
Cash from Administration	14,055.37	14,055.37
VAT from Administration	6,501.77	6,501.77
Book Debts	663.44	663.44
	<u>21,220.58</u>	<u>21,220.58</u>
COSTS OF REALISATION		
Legal Fees	10,050.00	10,050.00
Agents Fees	50.00	50.00
Storage Costs	49.47	49.47
	<u>(10,149.47)</u>	<u>(10,149.47)</u>
ASSET REALISATIONS		
Cash from Administration	NIL	NIL
VAT from Administration	NIL	NIL
Insurance Refund	103.10	103.10
Sundry Refunds	698.63	698.63
Bank Interest Gross	11.62	11.62
	<u>813.35</u>	<u>813.35</u>
COST OF REALISATIONS		
O.R. Remuneration	5,000.00	5,000.00
DTI Cheque Fees	0.90	0.90
Sec of State Fees	6,000.00	6,000.00
Legal Fees & Disbursements	NIL	NIL
Corporation Tax	2.32	2.32
Storage Costs	50.06	50.06
Statutory Advertising	139.87	139.87
Bank Charges - Floating	88.00	88.00
	<u>(11,281.15)</u>	<u>(11,281.15)</u>
	<u>603.31</u>	<u>603.31</u>
REPRESENTED BY		
Vat Recoverable - Floating		47.89
ISA		(11,088.00)
ISA IB Fixed Charge		11,633.42
VAT Recoverable - Fixed		10.00
		<u>603.31</u>


David Acland
Joint Liquidator

Appendix C

A Schedule of Work



T.W. Frizell (Haulage & Plant Hire) Limited (in Liquidation)

Schedule of work

The table below sets out a detailed summary of the work undertaken by the office holders during the reporting period together with an outline of work still to complete.

Note	Category	
1	ADMINISTRATION AND PLANNING Work undertaken during the reporting period General Matters Regularly reviewing the conduct of the case, the case strategy and updating as required by the insolvency practitioners regulatory professional body to ensure all statutory matters are attended to and to ensure the case is progressing.	ADMINISTRATION AND PLANNING Future work to be undertaken Complete a pre-closure review to ensure all statutory matters have been attended to prior to closure.
	Regulatory Requirements Liaised with Bond Dickinson in relation to disclaiming the historic waste permit.	None currently anticipated.
	Case Management Requirements Setting up and administering insolvent estate bank accounts throughout the duration of the case.	Administer case bank account.
2	ASSET REALISATION Work undertaken during the reporting period Cash and VAT from Administration During the Period the combined sum of £20,557.14 has been received from the former Administrators of the Company.	ASSET REALISATION Future work to be undertaken No further asset realisations are anticipated.

T.W. Frizell (Haulage & Plant Hire) Limited (in Liquidation)

Schedule of work

	<p>Book Debts</p> <p>During the Period the sum of £663.44 has been received.</p> <p>Bank Interest Gross</p> <p>During the Period the sum of £11.62 has been received.</p> <p>Insurance/Sundry Refunds</p> <p>During the Period the combined sum of £801.73 has been received.</p>		
3	<p>CREDITORS</p> <p>Work undertaken during the reporting period</p> <p>Secured creditors:</p> <p>Liaising with Santander in respect of the current indebtedness and anticipated recoveries. As detailed in the body of the report, the Secured Creditor has been repaid in full.</p> <p>General</p> <p>Responded to general queries received.</p>	<p>CREDITORS</p> <p>Future work to be undertaken</p> <p>General</p> <p>Continue to respond to the general body of creditors.</p>	
4	<p>INVESTIGATIONS</p> <p>Work undertaken during the reporting period</p> <p>Concluded the initial investigations previously outlined and reported to the relevant authorities, where necessary.</p>	<p>INVESTIGATIONS</p> <p>Future work to be undertaken</p> <p>None.</p>	

T.W. Frizell (Haulage & Plant Hire) Limited (in Liquidation)

Schedule of work



5	<p>STATUTORY COMPLIANCE AND REPORTING Work undertaken during the reporting period</p> <p>Disclaimed the Company's interest in the environmental permit held for Buttertons Farm. Submission of post appointment VAT returns as required. The preparation of this report.</p>	<p>STATUTORY COMPLIANCE AND REPORTING Future work to be undertaken</p> <p>To deal with the statutory requirements in order to bring the case to a close and for the Liquidators to obtain their release from office; this includes preparing final reports for stakeholders and filing the relevant documentation with the Registrar.</p>
6	<p>TRADING (where applicable) Work undertaken during the reporting period</p> <p>None</p>	<p>TRADING (where applicable) Future work to be undertaken</p> <p>None</p>
7	<p>LEGAL AND LITIGATION Work undertaken during the reporting period</p> <p>Received advice from Bond Dickinson in respect of the environmental permit and subsequent disclaimer of the same. Received advice from Bond Dickinson in respect of correspondence received from the Environment Agency.</p>	<p>LEGAL AND LITIGATION Future work to be undertaken</p> <p>Seeking further ad hoc legal advice on an ongoing basis.</p>

Appendix D

Details of the Liquidators' disbursements for the Period

Disbursements for the period 18 July 2018 to 17 July 2019

	Value £
Category 1	
Prof. Services	49.93
Bonding	20.00
Grand Total	69.93

Mileage is charged at the HMRC rate
prevailing at the time the cost was incurred

Appendix E

Statement of expenses incurred in the Period

T.W. Frizell (Haulage & Plant Hire) Limited - In Liquidation Statement of expenses for the period ended 17 July 2019	
Expenses	Period to 17 July 2019 £
Office Holders' remuneration (Fixed Fee)	7,500
Office Holders' disbursements	70
Legal Fees	12,550
Agents Fees	50
Storage Costs	200
OR Remuneration	5,000
Sec of State Fees	6,000
DTI Cheque Fees	3
Corporation Tax	2
Statutory Advertising	140
Bank Charges - Floating	88
Total	31,603