

**Liquidator's Progress Report****Pursuant to Sections 92A, 104A and 192 of the  
Insolvency Act 1986****S.192**

To the Registrar of Companies

Company Number

01795962

Name of Company

(a) Insert full name  
of company

(a) Agricullo Limited

Limited

(b) Insert full name(s)  
and address(es)

We (b)

William Duncan

RSM Restructuring Advisory LLP

4th Floor

Springfield House

76 Wellington Street

Leeds LS1 2AY

and Adrian Allen

RSM Restructuring Advisory LLP

4th Floor

Springfield House

76 Wellington Street

Leeds LS1 2AY

The Joint Liquidators of the company attach a copy of their Progress  
Report under section 192 of the Insolvency Act 1986The Progress Report covers the period from 29 October 2015  
to 28 October 2016

Signed

Date 20/12/16Presenter's name,  
address and  
reference  
(if any)RSM Restructuring Advisory LLP, 4th Floor, Springfield House, 76  
Wellington Street, Leeds LS1 2AY  
Ref WDISKJWW/1067427

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COMPANIES HOUSE

**In the matter of**

**Agricullo Limited in Liquidation  
(‘the Company’)**

**Joint Liquidators’ progress report**

**20 December 2016**

**William Duncan and Adrian Allen  
Joint Liquidators**

**RSM Restructuring Advisory LLP  
4th Floor  
Springfield House  
76 Wellington Street  
Leeds LS1 2AY**

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## **1 Purpose of report**

This report has been prepared in accordance with insolvency legislation to provide creditors, members and the registrar of companies with information relating to the progress of the liquidation in the period from 29 October 2015 to 28 October 2016

This report has been prepared solely to comply with the statutory requirements of Section 104A of the Insolvency Act 1986 and Rule 4.49C of the Insolvency Rules 1986 (as amended). It has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the Company. Any estimated outcomes for creditors are illustrative and may be subject to significant change.

RSM Restructuring Advisory LLP was previously named Baker Tilly Restructuring and Recovery LLP until 26 October 2015.

Neither the Liquidators nor RSM Restructuring Advisory LLP accept any liability whatsoever arising as a result of any decision or action taken or refrained from as a result of information contained in this report.

## **2 Progress of the liquidation in the previous twelve months**

### **2.1 Realisation of assets**

#### **Freehold Property**

As detailed previously, the Company's freehold property situated at 29-33 Westgate, Ripon, was sold on 12 June 2015 for £250,000. After payment of costs associated with the sale, Allied Irish Bank ("the Bank") was paid £222,503 in settlement of its mortgage liability.

The Bank was owed £262,859 at the date of Liquidation and continues to have an unsecured claim of c£40,356 for its shortfall on the Property.

#### **Director's Loan Account**

As reported previously, steps were being taken to recover the Company's principal asset, Mr Welbourn's overdrawn loan account, valued at £622,577 in the director's statement of affairs.

On 7 March 2016 a Bankruptcy Order was made against Mr Welbourn on the petition of Harrogate Borough Council presented on 10 December 2015.

The Official Receiver's report indicated that Mr Welbourn had total assets of £1.2 million and liabilities of £0.7 million with Mr Welbourn's main creditor being the Company in Liquidation.

On 21 March 2016 the Secretary of State appointed Mr Warwick and Mr Kienlen of Armstrong Watson as Joint Trustees in Bankruptcy.

The Joint Liquidators have continued to liaise with the Joint Trustees to understand the prospects of a return to the Liquidation estate which will in turn allow the Joint Liquidators to agree a dividend to creditors.

The Joint Liquidators hope to be in a position to provide a comprehensive update once the Joint Trustees have reported in April 2017 following the anniversary of their appointment over Mr Welbourn's affairs.

#### **Other Assets**

As detailed in the previous report the other assets shown on the director's statement of affairs are not expected to be realised.

### **2.2 Investigations**

In accordance with their statutory obligations, the Joint Liquidators have filed the appropriate documentation with the Department for Business, Innovation and Skills in relation to the conduct of the directors.

The Joint Liquidators can advise you that, following their initial assessment, no further investigations were deemed necessary.

## **2.3 Administration and planning**

This includes the following activities which have been undertaken

- Statutory duties associated with the appointment including the filing of relevant notices
- Setting up of case files
- Reviewing available information to determine appropriate strategy, and
- Setting up and maintaining bank accounts

## **3 Matters preventing closure**

### **3.1 Assets remaining to be realised**

The Company's principal asset, Mr Welbourn's overdrawn loan account, remains outstanding. As detailed above, any recovery is subject to Mr Welbourn's bankruptcy. A further update will be provided in the Joint Liquidators' next progress report.

## **4 Creditors' claims and dividend prospects**

### **4.1 Secured Creditors**

As detailed in the previous report, all charged assets have now been dealt with.

### **4.2 Preferential Claims**

There have been no preferential claims brought to the Joint Liquidators' attention during the course of the Liquidation.

### **4.3 Unsecured Creditors**

As detailed previously, Allied Irish Bank's shortfall following the sale of the Property at Westgate, Ripon now ranks as an unsecured claim in the Liquidation.

Hutchinson and Buchanan Solicitors' judgement debt plus costs also ranks as an unsecured claim.

The agreement of creditors' claims by the Joint Liquidators is a separate matter and will be dealt with as appropriate in due course, initially by reference to the proofs of debt lodged in the proceedings by creditors themselves.

### **4.4 Prescribed part**

The 'Prescribed Part' is a statutory amount, calculated as a percentage of net floating charge realisations, which entitles unsecured creditors to a share of realisations. This is calculated on a sliding scale up to maximum of £600,000 before costs.

There are no creditors secured by charges over the assets and undertakings of the Company created on or after 15 September 2003. There is therefore no requirement to estimate the amount of the Prescribed Part of the assets under Section 176A of the Insolvency Act 1986 (as amended).

## **5 Receipts and payments summary**

The Joint Liquidators attach as Appendix B a summary of their receipts and payments for the period from 29 October 2015 to 28 October 2016.

### **VAT basis**

Receipts and payments are shown net of VAT as the Company was not VAT registered, and consequently VAT is not recoverable from HM Revenue and Customs. The irrecoverable VAT is shown in the receipts and payments account as a 'cost of realisation'.

## **6 Costs and Joint Liquidators' remuneration**

### **6.1 Joint Liquidators' remuneration and disbursements**

The Joint Liquidators' remuneration was approved on a time cost basis by a meeting of creditors on 29 October 2014 and the following resolutions were passed

"The Liquidators shall be authorised to draw their remuneration based upon their time costs by reference to the time properly given by the Liquidators and their staff, in accordance to matters arising in the liquidation"

"That the Joint Liquidators be authorised to draw "Category 2" disbursements out of the assets as an expense of the liquidation, at the rates prevailing when the cost is incurred "

The Joint Liquidators have incurred time costs of £5,070 for the period, none of which has been drawn to date

Approval was also given to the drawing of disbursements, including category 2 disbursements Details of the current rates are attached at Appendix D

An analysis of time incurred in the period is attached at Appendix G

Category 2 disbursements incurred during the period are detailed in Appendix E

## **7 Joint Liquidators' statement of expenses**

### **7.1 Statement of expenses**

A statement of the expenses incurred during the period, is attached at Appendix F This includes all expenses incurred by the Joint Liquidators in the period of the report irrespective of whether they have been paid or not and may include estimated amounts where actual invoices have not been received The receipts and payments abstract at Appendix B sets out the expenses actually paid in the period together with cumulative figures

At the Section 98 meeting on 29 October 2014 creditors approved the Statement of Affairs fee in the sum of £500 (plus VAT) to be paid to Northern Accountancy and the Meeting of Creditors fee in the sum of £7,500 (plus VAT) to be paid to RSM Restructuring Advisory LLP These fees have been paid and in the case of the payment to Northern Accountancy, this has been disbursed to the case

### **7.2 Detailed cost breakdown**

Attached to this report are five Appendices relating to the Joint Liquidators' costs on this assignment

- Appendix C RSM Restructuring Advisory LLP's charging, expenses and disbursements policy statement,
- Appendix D Joint Liquidators' charge out and disbursement rates,
- Appendix E Category 2 disbursements table,
- Appendix F Statement of expenses incurred in the period, and
- Appendix G Joint Liquidators' time cost analysis

The work that the Joint Liquidators do is derived from the responsibilities placed upon them by the underlying legal and regulatory framework for work of this nature in general The actual matters with which the Joint Liquidators are dealing are set out briefly in both this report and in their earlier reports to creditors

The Joint Liquidators believe this case generally to be of average complexity and accordingly no extraordinary responsibility has to date fallen upon us them as Joint Liquidators The underlying basis of charging proposed to and approved by the creditors has been RSM Restructuring Advisory LLP standard charge out rates RSM Restructuring Advisory LLP charge out rates have been reviewed periodically

### **7.3 Other professional costs**

Clarion Solicitors, have been retained as legal advisors in view of their general experience and expertise in these matters The Joint Liquidators' have agreed their remuneration on the basis of their standard

hourly charge-out rates, plus VAT and disbursements. An amount of £1,268 has been paid during this period.

Legal Counsel was retained to give counsel's opinion in view of their general experience and expertise. The Joint Liquidators have agreed their remuneration on the basis of the work required to be undertaken, plus VAT and disbursements. No fees have been paid during the period of this report.

Michael Steel & Co, have been retained as Chartered Surveyors in view of their general experience and expertise in these matters. The Joint Liquidators have agreed their remuneration on the basis of their standard hourly charge-out rates, plus VAT and disbursements. Their agreed fees of £750 plus VAT have been paid.

## **8 Creditors' right to information and ability to challenge remuneration and expenses**

In accordance with the provisions of Rules 4.49E and 4.131 of the Insolvency Rules 1986 creditors have a right to request further information about remuneration or expenses and to challenge such remuneration or expenses.

A request for further information must be made in writing within 21 days of receipt of this report.

Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to court that the remuneration charged, the basis fixed or expenses incurred by the liquidator are in all the circumstances excessive.

A Guide to Liquidators Fees, which provides information for creditors in relation to the remuneration of a Liquidator, can be accessed at <http://rsm-insolvencypoint.com> under 'general information for creditors'. A hard copy can be requested from my office by telephone, email or in writing.

Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of remuneration or incurring of the expenses in question.

Should you have any further queries please do not hesitate to contact James Woodhead.



**William Duncan**  
**RSM Restructuring Advisory LLP**  
**Joint Liquidator**

William Duncan is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants of Scotland. Adrian Allen is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales. Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

## Appendix A

### Statutory, dividend and other information

Company name	Agricullo Limited
Joint Liquidators	William Duncan and Adrian Allen
Date of appointment	29 October 2014
Company number	01795962
Date of incorporation	29 February 1984
Trading name	Not Applicable
Trading address	Suite 14, Armley Park Court, Stanningley Road, Leeds, West Yorkshire, LS12 2AE
Principal activity	Real Estate, Renting & Business Activities
Registered office	RSM Restructuring Advisory LLP, 4th Floor, Springfield House, 76 Wellington Street, Leeds LS1 2AY



## Appendix B

### Receipts and Payments Abstract: 1067427 - Agricullo Limited In Liquidation

Bank, Cash and Cash Investment Accounts From 29/10/2015 To 28/10/2016

SOA Value £		29/10/2015 to 28/10/2016		Total to 28/10/2016	
		£	£	£	£
	ASSET REALISATIONS				
0 00	Bank Interest Gross	0 00		1 05	
0 00	Cash on Hand	0 00		10,000 00	
			0 00		10,001 05
	COST OF REALISATIONS				
0 00	Agents / Valuers Fees	0 00		(750 00)	
0 00	Joint Liquidators' Pre Appt Fees	0 00		(7,500 00)	
	Sundry Costs	0 00		(11 00)	
0 00	VAT irrecoverable	0 00		(1,650 00)	
			0 00		(9,911 00)
0 00			0 00		90 05
	REPRESENTED BY				
	Floating Account			90 05	
					90 05
					90 05

## **Appendix C**

### **RSM Restructuring Advisory LLP**

#### **Charging, expenses and disbursements policy statement**

##### **Charging policy**

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an hourly charge out rate which is reviewed from time to time
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate
- Time is recorded in 6-minute units at the rates prevailing at the time the work is done
- The current charge rates for RSM Restructuring Advisory LLP Leeds are attached
- Time billed is subject to Value Added Tax at the applicable rate, where appropriate
- It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it
- RSM Restructuring Advisory LLP's charge out rates are reviewed periodically

##### **Expenses and disbursements policy**

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not require approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 1' disbursements
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) or payments to outside parties that the firm or any associate has an interest, require the approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 2' disbursements
- A resolution to consider approving category 2 disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP Leeds will be proposed to the relevant approving party in accordance with the legislative requirements
- General office overheads are not re-charged to the insolvency estate as a disbursement
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of the relevant approving party
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate

## Appendix D

### RSM Restructuring Advisory LLP

#### Joint Liquidators' current charge out and category 2 disbursement rates

Hourly charge out rates		
	Rates at commencement £	Current rates £
Partner	395	435
Directors / Associate Directors	300	260 – 350
Manager	260	220 - 260
Assistant Managers	190-200	220
Administrators	130-185	140 – 200
Support staff	110	75 - 120

Category 2 disbursement rates	
Internal room hire	£165
Subsistence	£25 per night (from 3 <sup>rd</sup> September 2013) £23 per night (up to 2 <sup>nd</sup> September 2013)
Travel (car)	38p per mile (up to and including 31 March 2010) 40p per mile (from 1 April 2010) 42 5p per mile (from 1 April 2011)
'Tracker' searches	£10 per case

## Appendix E

### Joint Liquidators' category 2 disbursements table

Amounts paid or payable to the Office Holder's firm or to any party in which the office holder or his firm or any associate has an interest		
Recipient, type and purpose	Paid £	Unpaid £
NIL	NIL	NIL
Total	NIL	NIL

## Appendix F

### Statement of expenses incurred by the Joint Liquidators' in the period from 29 October 2015 to 28 October 2016

Type and purpose	Incurred in period £
Category 1 disbursements	
- Clarion Solicitors (Legal Services)	1,267 60
- Land Registry Fees	9 00
<b>Total</b>	<b>1,276 60</b>

## Appendix G

### Joint Liquidators' time cost analysis for the period from 29 October 2015 to 28 October 2016

Please note that we have re-designed our SIP9 analysis table to provide a more detailed analysis of the grades of staff within the firm. Please note that this change does not alter the value of time costs recorded, purely the column within the table to which that time, and cost, has been allocated

Period	Hours Spent	Partners	Directors / Associate Directors	Managers	Assistant Managers	Administrators	Assistants & Support Staff	Total Hours	Total Time Costs	Average Rates
<b>Administration and Planning</b>										
	Case Management	0.5	0.0	0.0	2.9	0.2	0.3	3.9	£ 895.00	229.49
	Receipts and Payments	0.0	0.0	0.0	0.6	1.2	0.0	1.8	£ 360.50	200.28
	Tax Matters	0.0	0.0	0.0	0.7	0.0	0.3	1.0	£ 187.00	187.00
	<b>Total</b>	<b>0.5</b>	<b>0.0</b>	<b>0.0</b>	<b>4.2</b>	<b>1.4</b>	<b>0.6</b>	<b>6.7</b>	<b>£ 1,442.50</b>	<b>215.30</b>
<b>Realisation of Assets</b>										
	Assets - general/other	0.0	0.0	0.0	7.7	0.0	0.0	7.7	£ 1,558.00	202.34
	Debtors & sales finance	1.0	0.0	0.0	0.0	0.0	0.5	1.5	£ 472.50	315.00
	Land and Property	0.0	0.0	0.0	0.0	0.0	0.2	0.2	£ 19.00	95.00
	<b>Total</b>	<b>1.0</b>	<b>0.0</b>	<b>0.0</b>	<b>7.7</b>	<b>0.0</b>	<b>0.7</b>	<b>9.4</b>	<b>£ 2,049.50</b>	<b>218.03</b>
<b>Creditors</b>										
	Other Creditor Meetings and Reports	0.0	0.0	0.0	3.5	0.0	3.2	6.7	£ 892.00	133.13
	Unsecured Creditors	0.0	0.0	0.0	0.8	0.0	0.2	1.0	£ 198.00	198.00
	<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>4.3</b>	<b>0.0</b>	<b>3.4</b>	<b>7.7</b>	<b>£ 1,090.00</b>	<b>141.56</b>
<b>Case Specific Matters - Legal Matters</b>										
	Legal Matters	0.0	0.0	0.0	2.3	0.0	0.4	2.7	£ 488.00	180.74
	<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>2.3</b>	<b>0.0</b>	<b>0.4</b>	<b>2.7</b>	<b>£ 488.00</b>	<b>180.74</b>
	<b>Total Hours</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>18.5</b>	<b>1.4</b>	<b>5.1</b>	<b>26.5</b>	<b>£ 5,070.00</b>	<b>191.32</b>
	<b>Total Time Cost</b>	<b>£ 636.50</b>	<b>£ 0.00</b>	<b>£ 0.00</b>	<b>£ 3,812.00</b>	<b>£ 258.00</b>	<b>£ 363.50</b>	<b>£ 5,070.00</b>		
<b>Total Hours</b>		<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>18.5</b>	<b>1.4</b>	<b>5.1</b>	<b>26.5</b>	<b>£ 5,070.00</b>	<b>191.32</b>
<b>Total Time Cost</b>		<b>£ 636.50</b>	<b>£ 0.00</b>	<b>£ 0.00</b>	<b>£ 3,812.00</b>	<b>£ 258.00</b>	<b>£ 363.50</b>	<b>£ 5,070.00</b>		
<b>Average Rates</b>		<b>424.33</b>	<b>0.00</b>	<b>0.00</b>	<b>206.05</b>	<b>184.29</b>	<b>71.27</b>	<b>191.32</b>		