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IN THE HIGH COURT OF JUSTICE

No of 2012

MANCHESTER DISTRICT REGISTRY

CHANCERY DIVISION

IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

B E T W E E N

ANDREW POXON

AND

JONATHAN MALCOLM TIMMIS

APPLICANT



ORDER

BEFORE DISTRICT JUDGE Gordon SITTING IN THE MANCHESTER DISTRICT REGISTRY

ON 18 June 2012

AND UPON READING THE PAPERS IT IS ORDERED THAT:

- 1 The Applicant has permission to make this composite application in respect of each of the Insolvency proceedings set out in the draft Order attached,
- 2 Each of the Insolvency proceedings identified in the attached Schedule marked "A" as commencing or proceeding in a County Court be transferred to the High Court for the purposes only of this application, pursuant to Rule 7 11 (4) of the Insolvency Rules 1986 ("The Rules") and/or Section 41 of the County Court Act 1984

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3 That the time for service of this application be abridged to permit the application to be heard at such time as the Court shall think fit,

4 In relation to each of the insolvency proceedings in the attached Schedule

4 1 In each creditors or members voluntary liquidation referred to in the attached Schedule and pursuant to Section 108 (2) of the Insolvency Act 1986 ("The Act"),

4 1 1 The Respondent be removed from the office of liquidator of the relevant company, and

4 1 2 The Applicant be appointed as liquidator in place of the Respondent for the cases listed in the attached Schedule and,

4 2 In each of the Company Voluntary Arrangements referred in the attached Schedule and pursuant to Section 7 (5) of the Act

4 2 1 The Respondent be removed from the office of Supervisor of the relevant company subject to a Company Voluntary Arrangement, and

4 2 2 The Applicant be appointed as Supervisor in place of the Respondent for the cases listed in the attaches Schedule and,

4 3 In each of the compulsory liquidations referred in the attached Schedule and pursuant to Section 168 (3) and Section 172 (2) of the Act

4 3 1 The Respondent be removed from the office of liquidator of the relevant company subject to a compulsory winding up Order, and

4 3 2 The Applicant be appointed as liquidator in place of the Respondent for the cases listed in the attached Schedule and,

4 4 In each bankruptcy referred to in the attached Schedule and pursuant to Section 298 (1) and Section 303 (2) of the Act and Rule 7 10 B (2) (a) of the Rules

- 4 4 1 The Respondent be removed from the Office of Trustee in Bankruptcy of the relevant individual,
- 4 4 2 The Applicant be appointed as Trustee in Bankruptcy in place of the Respondent,
- 4 5 In the individual voluntary arrangements referred to in the attached Schedule the Applicant be appointed as Supervisor of the individual voluntary arrangement in place of the Respondent pursuant to Section 263 (5) of the Act and Rule 7 10 (B) (2) (d) of the Rules
- 4 6 In the administration referred to in the attached Schedule the Respondent be removed as Administrator of the company listed pursuant to paragraph 88 of Schedule B1 to the Act,
- 4 7 In the Administration referred to in the attached Schedule and pursuant to paragraph 95(b) of Schedule B 1 to the Act and Rule 7 10 B (2) (b) of the Rules the Applicant be appointed as joint administrator of the relevant company in administration in place of the Respondent
- 4 8 In relation to the administration of Bathroom Emporium Limited , the Court dispense with the requirement imposed on the Applicant under Rule 2 125 to provide a form 2 2B on the basis that the Applicant has provided his consent to act
- 5 Where in each of the relevant insolvency proceedings set out in the attached Schedule, there is no Case Number or the proceedings have not yet been issued before a Court, the High Court shall have jurisdiction,

- 6 Pursuant to Rule 7 10 C (1) (e) and the Insolvency (amendment) Rules 2009 the creditors in each of the insolvency proceedings set out in the Schedule hereto shall be deemed to have been given notice of any order made pursuant to this application by the Applicants at the first reasonable opportunity to do so and in any event within 3 months of the date of any such order made, by placing a block advertisement in the London Gazette
- 7 The Respondent be released from all liability in respect of his acts and omissions in the administration of the company listed in the attached Schedule and in relation to his conduct as office holder of the company listed in the attached Schedule with effect from 28 days after the relevant notice referred to in paragraph 7 above has been advertised save in respect of any claim notified to the Respondent or (where appropriate) to his joint appointee or replacement office holder by that date, pursuant to the Act and/or pursuant to such other provision as may apply,
- 8 The Respondent shall not be at liberty to apply to the Secretary of State for his release from his position as liquidator (whether voluntary or compulsory) or as trustee in bankruptcy until after the expiry of 42 days from the date when the relevant notice referred to in paragraph 7 above has been advertised,
- 9 Subject to complying with paragraph 7 to 15 of this Order, the Applicant shall have no obligation to make a further advertisement or provide a further notice to creditors or members concerning the removal of the Respondent and the appointment of the Applicant(s);
- 10 Pursuant to Rule 7 10 C (1) (e) all bankruptcy cases transferred to this application shall retain their original reporting dates pursuant to Rule 6 78 A,
- 11 The Applicant shall when the next annual or other report (whichever is first) is due to the creditors of each bankruptcy, give written notice of the making of any such order made

pursuant to this application to each such creditor of each of the bankruptcies, such notice to include the following matters

11 1 An explanation of the effect of any such order made,

11 2 Express reference to the permission to apply set out in paragraph 1,

12 Pursuant to Rule 7 10C(1) (e) the administration case transferred pursuant to this application, shall retain its original reporting dates pursuant to Rule 2 47,

13 The applicant shall when the six monthly report or other report (whichever is first) is due to the creditors of the administration, give written notice of the making of any such order made pursuant to this application to each such creditor of the administrations, such notice to include the following matters

13 1 An explanation of the effect of any such order made,

13 2 Express reference to the permission to apply set out in paragraph 1,

14 Pursuant to Rules 7 10(1)(e) all compulsory and voluntary liquidation cases transferred pursuant to this application will retain their original reporting dates

15 The Applicant shall when the next annual or other report (whichever is first) is due to the creditors of each, compulsory liquidation or voluntary liquidation give written notice of the making of any such order made pursuant to this application to each such creditor of each of the compulsory liquidations or voluntary liquidations, such notice to include the following matters

15 1 An explanation of the effect of this order,

15 2 Express reference to the permission to apply set out in paragraph 1,

15 3 In the case of creditors' voluntary liquidations and compulsory liquidations where liquidation or creditors' committees have been appointed, an explanation that (to the

extent that any information which would otherwise be required to be provided under Rule 4 108(3) which has not already been provided as part that report) it is open to the committee to require the Applicant appointed to provide an account of the administration of the estate, including

15 3 1 A summary of receipts and payments,

15 3 2 A statement that he has reconciled his accounts,

15 4 In the case of creditors' voluntary liquidation and compulsory liquidations where no liquidation or creditors' committees have been appointed, an explanation that, to the extent that such information has not already been provided as part of the routine report, it is open to any creditor to apply for an order that the Applicant do provide such information as might otherwise be required by Rule 4 108(3), that is to say an account of the administration of the estate, including

15 4 1 A summary of receipts and payments,

15 4 2 A statement that he has reconciled his accounts,

15 5 Notification that if the Applicant have been required to provide the information referred to in 15 3 and 15 4 above, whether by the liquidation/creditors' committee or by court order on the application of any individual creditor, the Applicant's costs of complying with such request or order shall, unless good reasons to the contrary are demonstrated, be paid as an expense of the winding up

15 6 In the case of the creditors voluntary liquidations and compulsory liquidations notification to each creditor of their right under Rule 11(1)(compulsory liquidation), Rules 11(2)(voluntary winding up) to require the Applicant to supply a statement of receipts and payments free of charge

16 Permission to each creditor of each estate to apply to vary or discharge this order within 21 days of receipt of the notices directed to be sent under paragraph 7 above

17 That a sealed copy of any such order made pursuant to this application is lodged with the court having jurisdiction over each case affected by such order for filing on the court file relating to that case

18 The Applicant shall serve a copy of this order on

18 1 The Respondent,

18 2 The Secretary of State,

18 3 Each company referred to in the attached Schedule,

18 4 Each individual referred to in the attached Schedule,

18 5 Any joint administrator or liquidator

19 Pursuant to Rule 7 10D(4) of the Rules the costs of this application in relation to paragraphs 4 1 to 4 7 be apportioned equally and payable as an expense of the insolvency proceedings to which the application relates save that where such apportioned costs would exceed 10% of the value of the realised assets in such proceedings those costs shall be apportioned equally and payable as an expense of the remaining insolvency proceedings

20 Pursuant to Rule 7 10D(5) of the Rules the costs of this application in relation to paragraph 4 7 and 4 8 and as detailed in the attached Schedule be paid as an expense of the administration to which the application relates

21 In respect of any individual insolvency proceedings referred to in the attached Schedule, in the event that there are insufficient funds to satisfy the costs of this application hereto, such costs shall be paid by Leonard Curtis Recovery Limited on behalf of the Applicant

22 Further or other directions and relief as the court thinks fit;

SCHEDULE "A"	CASE CODE	APPOINTMENT DATE
Administrations		
Bathroom Emporium Limited	JMM392	08/05/2012
Bankruptcies		
Kevin Birtwhistle	JMM118	01/02/2008
Sarah Birtwhistle	JMM119	01/02/2008
Denis Patrick O'Mahony	JMM128	17/03/2008
Paul Edward Kitching	JMM185	27/11/2008
Jonathan David Hunt	JMM201	07/04/2008
Diane Johnson	JMM233	02/06/2009
Michelle Barratt	JMM234	02/06/2009
Stuart Coombs-Goodfellow & Alison Coombs-Goodfellow	JMM258	12/08/2009
Kerry Phizacklea	JMM286	20/01/2010
Moghaddam Akbar	JMM300	04/01/2010
Michael Lindsey King	JMM306	14/05/2010
Steven Lee	JMM328	29/09/2010
Stephen Barry & Maria Teresa Mountjoy	JMM344	03/02/2011
Paul Anthony Morris	JMM362	15/04/2011
Nicola Michelle Sumner	JMM363	23/06/2011
Paul James Goddard	JMM374	15/08/2011
Mark Thomas Heyes	JMM383	04/11/2011
David John Durham	JMM389	06/12/2011
Steven John Holland	JMM398	08/02/2012
Richard John Nankivell	N0192	14/07/2006
John Stephen O'Neil	O0117	14/04/2005
Charles Peter Roscoe	R0347	21/12/1999
Ian Anthony Shaw	S0559	29/02/2000
Company Voluntary Arrangements		
African Style LLP t/a The Stork Tracey Fairbrother & Ian Gel	JMM326	18/01/2011
Creditors Voluntary Liquidations		
Yost & Halsall Construction Limited	JMM121	28/03/2008
Driver Civils Limited	JMM141	24/07/2008
Perfect Change Limited	JMM200	20/02/2009
Ian Breslin Limited	JMM208	30/03/2009
Jackson Gregory & Co Limited	JMM214	17/04/2009
Rockwell Plant Hire & Excavations Limited	JMM249	21/08/2009
DCT Marketing Limited	JMM256	11/09/2009
Harrison, Willis & Moore Limited	JMM278	22/01/2010
HI-Tec Scaffolding Limited	JMM299	07/06/2010
I D D Enterprises Limited	JMM301	27/05/2010
Baubles The Jewellers Limited	JMM308	25/06/2010
Genasys Power Systems Limited	JMM318	10/02/2011
Specialist Electrical Technicians Limited	JMM319	16/09/2010
MRS (Carlisle) Limited	JMM330	03/11/2010
Grimshaws Engineering Limited	JMM331	28/01/2011

Smith's Skip Hire Limited	JMM338	19/11/2010
A M Cassidy Limited	JMM342	23/02/2011
Woodside Engineering Services Limited	JMM350	13/04/2011
Franklins Hospitality Limited	JMM352	15/04/2011
North West Nursing & Care Agency Limited	JMM353	23/05/2011
Potts Pies Limited	JMM355	27/04/2011
Abacus (Colour Printers) Limited	JMM364	06/07/2011
The Fire Place (Furness) Limited	JMM366	03/08/2011
First Aid & Safety Training (UK) Limited	JMM367	04/08/2011
Bridge Café & Bistro Enterprise Limited	JMM368	04/08/2011
Gail Hunt Interiors Limited	JMM370	08/08/2011
Franklins Deli Limited	JMM372	28/09/2011
Cumbrian Properties (Furness) Limited	JMM377	26/09/2011
Bertram Jackson & Son Limited	JMM379	18/10/2011
Lakeland Insurance Services Limited	JMM380	17/10/2011
Kēv Vīgūs Limited	JMM381	29/11/2011
Pridenotch Projects Limited	JMM382	01/12/2011
Bay Contractors Limited	JMM385	10/01/2012
Classic Tiles (Blackpool) Limited	JMM387	12/01/2012
Vandor Limited t/a The Trojan Horse	JMM394	21/03/2012
The Fish Plaice (Fleetwood) Limited	JMM396	28/02/2012
Bay Animal Housing Limited	JMM397	28/03/2012
Stuart Roberts Plumbing Limited	JMM399	20/03/2012
Allcare Home Care Cumbria Limited	JMM400	11/04/2012
Total Engineering Vibration Analysis Limited	JMM401	10/04/2012
Smartwood Leisure Products Limited	JMM405	16/04/2012
Carleton Clubs (Morecambe) Limited	JMM406	25/04/2012

Individual Voluntary Arrangements

Paul Cumpsty	JMM152	15/10/2008
Chantel Cumpsty	JMM152A	15/10/2008
Martin Williamson	JMM176	12/12/2008
Peter A Pandis	JMM206	12/06/2009
Peter Senha	JMM238	25/09/2009
Elizabeth Senha	JMM238A	25/09/2009
Alysia Rachel Parkin	JMM260	09/08/2010
Kelvin Gibson	JMM269	08/04/2010
Vikki Gibson	JMM270	08/04/2010
Jonathan Askham & Katie Emma Askham	JMM289	05/07/2010
Thomas Nigel Clark	JMM290	12/04/2010
Richard Lucas	JMM311	25/01/2011
Jacqueline Lucas	JMM311A	25/01/2011
Stuart Farrell	JMM313	20/12/2010
Jeffrey Dickinson	JMM317	28/09/2010
Geoffrey Cunningham	JMM324	17/11/2010
Alan Webb	JMM325	08/12/2010
June Hunt	JMM327	10/01/2011
Howard Merrin Marsland	JMM329	15/12/2010
William Muir	JMM334	13/01/2011
Christine Horsley t/a Stephensons Fish Merchants	JMM347	13/06/2011

Amanda Helen Woodhouse	JMM351	01/08/2011
Daniel Bruce	JMM351A	01/08/2011
Pauline Barber	JMM354	31/05/2011
Timothy John Higgins	JMM358	24/05/2011
John Derek Sanderson	JMM371	04/11/2011
Daniela Francesca Langman	JMM384	06/01/2012
Ronald Wood	JMM386	18/01/2012
Emma Rachael Wood	JMM390	19/03/2012
Clive John Nelson	N0191	03/10/2006

Members Voluntary Liquidations

Peter Valentine Investments Limited	JMM359	12/04/2011
GBYC Limited	JMM360	12/04/2011
Blackbird (PG) Limited	JMM408	15/05/2012

Compulsory Liquidations

Graham Cooper (Housing) Limited	JMM163	25/07/2008
D & G Property Developers Limited	JMM267	30/11/2009
Millenium Commercial Limited	JMM307	11/06/2010
Shepherd & Lyth Limited	JMM395	20/01/2012