The Insolvency Act 1986

2.35B

# **Notice of move from** administration to dissolution

Name of Company

Alexander Developments (North East) Limited

Company number

02666308

In the High Court of Justice, Chancery Division,

Manchester District Registry

[full name of court]

Court case number

621 of 2011

We Paul Dumbell

KPMG LLP

St James' Square

Manchester

M2 6DS United Kingdom Brian Green

KPMG LLP St James' Square

Manchester

M2 6DS United Kingdom Richard Heis KPMG LLP

8 Salisbury Square

London

EC4Y 8BB

United Kingdom

having been appointed Administrators of Alexander Developments (North East) Limited, c/o KPMG LLP, St James Square, Manchester, M2 6DS

on 4 April 2011 by the directors of the company

hereby give notice that the provisions of paragraph 84(1) of Schedule B1 to the Insolvency Act 1986 apply

We attach a copy of the final progress report

Signed

Joint Administrator

Dated

27 March 2014

#### **Contact Details:**

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

Alexander Swift KPMG LLP

St James' Square

Manchester

M2 6DS

United Kingdom

DX Number DX 724620 Manchester 42

Tel +44 161 246 4410

DX Exchange

COMPANIES HOUSE

04/04/2014

When you have completed and signed this form, please send it to the Registrar of Companies at -

Companies House, Crown Way, Cardiff CF14 3UZ

DX 33050 Cardiff



Report to Creditors pursuant to Rules 2.47 and 2.110 of the Insolvency Rules 1986 (as amended)

KPMG LLP
27 March 2014
This report contains 9 pages
Appendices contain 8 pages
PD/VM/AS

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Alexander Developments (North East) Limited (in Administration)
Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as
amended)
KPMG LLP
27 March 2014

# **Notice: About this Report**

This Report has been prepared by Paul Nicholas Dumbell, Richard Heis and Brian Green, the Joint Administrators of Alexander Developments (North East) Limited, solely to comply with their statutory duty to report to creditors under the Insolvency Rules 1986 on the progress of the Administration, and for no other purpose

It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context. This Report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in Alexander Developments (North East) Limited or other companies in the same group

Any estimated outcomes for creditors included in this Report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors. Any person that chooses to rely on this Report for any purpose or in any context other than under the Insolvency Rules 1986 does so at its own risk.

To the fullest extent permitted by law, the Joint Administrators do not assume any responsibility and will not accept any liability in respect of this Report to any such person

Paul Nicholas Dumbell, Richard Heis and Brian Green are authorised to act as insolvency practitioners by the Institute of Chartered Accountants in England and Wales

The Joint Administrators act as agents for Alexander Developments (North East) Limited and contract without personal liability. The appointments of the Joint Administrators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the Administration.



# Alexander Developments (North East) Limited (in Administration) Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as amended) KPMG LLP

27 March 2014

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# **Appendices**

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- Joint Administrators' receipts and payments account for the period 11 February 2014 to 21 March 2014
- Analysis of the Joint Administrators' time costs for the period 11 February 2014 to 21 March 2014
- Schedule of expenses for the period 11 February 2014 to 21 March 2014
- 5 Joint Administrators' proposals



Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)

KPMG LLP

27 March 2014

# Glossary

Act

Insolvency Act 1986

Agents

**GVA Grimley Ltd** 

Banks/Secured

Creditors

The Royal Bank of Scotland plc and Lloyds Banking Group plc

Company

Alexander Developments (North East) Ltd (in Administration)

Group

McInerney Group Ltd, McInerney Homes Ltd, William Hargreaves Ltd, Lancing Homes Ltd, Bowey Homes Ltd, Alexander Developments (North East) Ltd, Gold Homes (The Wave) Ltd, Space Developments (UK) Ltd and Augusta Developments Ltd

MHL

McInerney Homes Ltd (in Administration)

Period

11 February 2014 to 21 March 2014

Rules

Insolvency Rules 1986 (as amended)

Solicitor

Freshfields Bruckhaus Deringer LLP



Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)

KPMG LLP

27 March 2014

# 1 Executive summary

- This progress report covers the period from 11 February 2014 to 21 March 2014
- The Joint Administrators' Statement of Proposals was approved on 9 June 2011 and has not been modified
- The Company is a residential property developer formed in 1991 The Company's main assets at appointment were a partially built residential development at Valley Rise, Tow Law which was sold in a prior period, and various freehold reversionary interests
- The Company entered into contracts for the sale of two freehold reversions, known as Haughton Manor and Bowesfield Park, prior to the appointment of the Joint Administrators The Joint Administrators' initial intention was to progress these sales to completion following discussions with the purchaser and a review by their Agents. The sale of the Haughton Manor freehold reversionary interest completed in a previous period and the proposed sale of the freehold reversionary interest at Bowesfield Park has been terminated due to unforeseen issues with the site. The Joint Administrators' Agents have confirmed that it will not be possible to realise any value for this site given the issues raised. The Banks have consented to the Company being dissolved without disposing of this site.
- The Company's remaining assets comprised of various parcels of sundry land Information on these assets was entered into a data room for interested parties and the deadline for offers lapsed during a previous period. No offers were received for the package of parcels of sundry land that were marketed via the data room. Given the lack of interest received to date, the Joint Administrators, following advice from their Agents, decided that the parcels of sundry land would be sold on an individual basis should any further interest be received.
- An offer for £4,000 was received for a parcel of sundry land at Tow Law, County Durham This was accepted following advice from our Agents and the sale completed in a prior period
- No further offers were received for individual parcels of sundry land and therefore
  following discussions with our Agents and the Banks, the remaining parcels of land
  will vest with the Crown following the dissolution of the Company
- Due to the level of realisations and costs incurred, there were insufficient funds available to enable any distributions to creditors
- Full details of the Joint Administrators' Progress Report are attached, together with all the relevant statutory information, which are included by way of Appendices to this report



Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)

KPMG LLP

27 March 2014

• This is the final progress report as the Joint Administrators' proposals have been completed

Paul Dumbell

Joint Administrator



Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)

KPMG LLP

27 March 2014

# 2 Statement of Proposals

The Joint Administrators' Statement of Proposals was circulated on 27 May 2011

Pursuant to Paragraph 52 (1)(b) of Schedule B1 to the Insolvency Act 1986 (the "Act") a creditors' meeting was not convened and one was not subsequently requisitioned. As a result, the Statement of Proposals, as circulated, was deemed to have been approved on 9 June 2011 pursuant to Rule 2 33 (5A) with the exception of any proposals in relation to the Joint Administrators' fees, disbursements or discharge of liability

# 3 Progress to date

## 3.1 Residential development

The Company's partially built residential development at Tow Law was sold at auction in October 2011 for £40,000

A small parcel of additional land at the back of the site was not included in the auction sale of the development land. The Joint Administrators instructed their Agents to market this land for sale as part of a larger disposal of a portfolio of land owned by the Group, which is discussed further in section 3.2.1

#### 3.2 Other Assets

#### 3 2.1 Sundry Land

As previously reported, our Agents collated the remaining sundry land and freehold reversionary interests owned by the Group into various packages for sale and entered information on these into a data room for interested parties

No offers were received for the packages containing parcels of sundry land. Due to the lack of interest received, it was not deemed cost effective to continue pro-actively marketing these parcels of land. The parcels of sundry land were therefore to be sold on an individual basis if any interest was received.

An offer was received and accepted for a section of land at Tow Law during a previous period. This sale completed for total consideration of £4,000

No further offers were received for individual parcels of sundry land and therefore following discussions with our Agents and the Banks, the remaining parcels of land will vest with the Crown following the dissolution of the Company

#### 3.2 2 Haughton Manor and Bowesfield Park

The Company entered into contracts for the sale of two freehold reversionary interests in apartment blocks, known as Haughton Manor and Bowesfield Park, prior to the appointment of the Joint Administrators



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27 March 2014

The sale of Haughton Manor completed in the previous period for total consideration of £28,800

The Joint Administrators initially decided, together with their Agents and the Banks, to progress the sale of Bowesfield Park to completion. During a previous period, the purchaser withdrew its offer after the emergence of a number of unforeseen issues. The Joint Administrators asked their Agents to review those issues.

The Agents have confirmed that it is unlikely that any value will be realisable from the site, therefore it will be left to vest in the Crown following the dissolution of the Company

## 3.3 Post-appointment intercompany loans

The Banks provided a loan facility to the Group to fund the costs of the Administrations. This facility was provided to meet the general costs of the Group as a whole, including legal fees, agents' fees and security costs, until the Group had sufficient funds from asset realisations.

All of the loans drawn down by the Group on this facility were repaid by MHL during a prior period. The Company's total draw downs of £40,959 therefore became due to MHL instead of the Banks. A total of £35,860 was repaid during the Period leaving a balance outstanding of £5,099. This outstanding sum will remain unpaid as there are insufficient realisations to enable the balance to be repaid. However, if any further realisations had been received, they would have needed to be utilised to repay this balance prior to distributing any funds to creditors of the Administration.

#### 3.4 Communication

The Joint Administrators wrote to all known creditors on 11 April 2011 advising them of their appointment

The Joint Administrators' Statement of Proposals was circulated to all creditors of the Company on 27 May 2011 Progress reports have been circulated to all creditors at six monthly intervals from the date of our appointment to provide updates on the progress of the Administration

This is the final progress report as the Joint Administrators' proposals have been completed. The Company will be dissolved three months after the date of this report

#### 3 5 Liabilities

#### 3 5 1 Secured creditors

The Banks provided a loan and overdraft facility to the Group as a whole The total indebtedness outstanding across the Group at the date of appointment, excluding interest and charges, was approximately £82 million

The Banks had obtained numerous fixed charges over the Group's land and work in progress as security, in addition to fixed and floating charges against the other assets of the Group Our Solicitor was instructed to assess the validity of the Banks' security and



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KPMG LLP 27 March 2014

has confirmed that it is valid, however, there were insufficient realisations to enable a distribution to be made to the Banks from the Company

Given the Banks' level of indebtedness and the Joint Administrators' current estimated outcome projections across the Group companies, it is extremely unlikely that the Banks will be repaid in full

#### 3 5 2 Preferential creditors

Preferential claims relate to the preferential part of employees' claims for arrears of wages, holiday pay and pension contributions, and are paid from the floating charge realisations. The Company's sole employee transferred to Partner Construction Ltd, who took on all associated employee liabilities of the Group's social housing business, therefore we did not receive any preferential claims

#### 3 5 3 Unsecured creditors

Due to the level of floating charge realisations and the amount owed to the Secured Creditors, the Joint Administrators were unable to make any distributions to the unsecured creditors of the Company

### 3.6 Expenses for the period

#### 3 6 1 Receipts and payments

The receipts and payments for the period are set out in the attached receipts and payments account (see Appendix 2)

#### 3 6.2 Office holders' remuneration

The Joint Administrators' time costs for the Period are £20,110. No disbursements have been incurred in the Period. Total time costs to date are £135,585 and total disbursements to date are £277. A detailed analysis of time spent, and charge out rates, for each grade of staff for the various areas of work carried out, in accordance with the provisions of SIP 9, is attached at Appendix 3 to this report.

Please note that all staff who have worked on this assignment, including cashiers and secretarial staff have charged time directly to the assignment and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to this assignment but is reflected in the general level of charge out rates.

The statutory provisions relating to remuneration are set out in Rule 2 106 of the Rules

A creditors' guide to Administrators' fees can be found at

http://www.r3.org.uk/media/documents/publications/professional/guide\_to\_administrator\_s\_fees\_nov2011.pdf

However, if you are unable to access this guide and would like a copy please contact Alexander Swift at KPMG LLP, St James' Square, Manchester, M2 6DS



Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)

KPMG LLP

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The Joint Administrators proposed that their remuneration be fixed on the basis of time properly given by them and their staff in dealing with matters arising in the Administration at their normal hourly rate of charging

Under Rule 2 106 of the Rules, where the Administrator has made a statement under Paragraph 52(1)(b) of Schedule B1 of the Act that, on the basis that there will be no surplus available to creditors, there will be no meeting of creditors convened then the proposals relating to Administrators' remuneration shall be taken as passed if passed with the approval of each secured creditor of the Company, and also the approval of the preferential creditors (whose debt amounts to more than 50% of the total preferential debt) where the Administrator intends to make a preferential distribution

Creditors are reminded that the quantum of office holder remuneration can be challenged by unsecured creditors representing at least 10% by value of total unsecured claims, including that creditor's claim, by making an application to court in accordance with Rule 2 109 of the Rules The full text of this rule can also be provided on request

In accordance with Rule 2 106, the Joint Administrators sought and received approval from the secured creditors to draw fees of £26,868 and disbursements of £30, which were drawn in a prior period. Due to the level of realisations, there were insufficient funds available to draw any further fees therefore the Joint Administrators have suffered a significant shortfall against their time costs.

#### 3.6.3 Other information

In accordance with Rule 2 48A of the Rules, additional information about the expenses charged for the period is available from the office holder upon request by any secured creditor, and any other creditor or creditors owed 5% or more in value of the unsecured liabilities. A request must be made within 21 days of receipt of this report

# 4 Comments on the Appendices

## 4.1 **Appendix 1: Statutory information**

Information to creditors required by statute is contained in Appendix 1 to this report

# 4.2 Appendix 2: Receipts and payments account for the Period

An analysis of receipts and payments for the Period is attached at Appendix 2

#### 421 Receipts

#### 4211 Contributions from Fixed Charge Holder

A sum of £33,285 from fixed charge realisations has been used to partially repay post appointment floating charge loans owed to MHL and referred to in section 3 3

#### 4212 VAT Receivable

VAT receivable and payable has continued to be accounted for during the Period A net receipt of £676 was reclaimed by ADL during the Period and subsequently transferred to



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MHL in order to partially repay the post appointment floating charge loan as discussed in section 3.3. This sum is recognised in the floating charge VAT control account

#### 4213 CIS Receivable

Construction Industry Scheme ("CIS") deductions totalling £1,487 have been written off during the Period as the Joint Administrators were unable to reclaim these from HMRC These have been recognised against the utility refund balance to which they related, which were recorded gross of the CIS deduction in our previous reports

#### 422 Payments

#### 4 2 2 1 Intercompany loan from MHL

A total of £35,860 was paid to MHL in the Period to reduce the post appointment intercompany loan balance as detailed in section 3.3

There are insufficient realisations in the Administration to repay the remaining balance of £5,099 to MHL, however, if any further realisations had been received they would need to be utilised to repay this balance prior to distributing any funds to creditors of the Administration

#### 4 2 2 2 Fixed Charge Contribution to Floating Charge Costs

As detailed in section  $4\ 2\ 1\ 1$ , a sum of £33,285 from fixed charge realisations has been used to partially repay post appointment floating charge loans owed to MHL and referred to in section  $3\ 3$ 

### 4223 Utility refunds

Utility refunds were reduced by £1,487 in the Period. The utility refunds were previously recorded gross of CIS deductions as we initially anticipated that these could be recovered from HMRC, but this has not been possible. The refunds have therefore been reduced by the total amount of the CIS deductions.

## 4.3 Appendix 3: Analysis of office holders' time costs

An analysis of the Joint Administrators' time costs for the Period is contained in Appendix 3 to this report

The Joint Administrators' time costs for the Period are £20,110. No disbursements were incurred in the period

The Joint Administrators' time costs include time spent on the following activities

- A total of £11,356 in time costs has been spent closing the Administration. This includes time spent drafting the final report to creditors, closing bank accounts held by the Joint Administrators and completing final statutory matters.
- A total of £6,032 in time costs has been incurred by KPMG VAT and Tax in the Period This time relates to obtaining Corporation Tax clearance to end the



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Administration, deregistering the Company for VAT and making the final VAT reclaim as discussed in section 4.2.1.2

## 4.4 Appendix 4: Expenses for the period

Expenses for the Period are summarised in Appendix 4, which include the time costs as analysed in Appendix 3

Expenses for this Period total £20,110, all of which is accrued. These expenses are comprised of Joint Administrators' time costs only

## 4 5 Appendix 5: Joint Administrators' proposals

A copy of the Joint Administrators' proposals was sent to all known creditors on 27 May 2011 as part of the initial report to creditors. The proposals are summarised at Appendix 5. There were no amendments to or deviations from the Joint Administrators' proposals.

Consequently, in accordance with resolution three of the proposals, it is our intention to apply to have the Company dissolved



Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as

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27 March 2014

# Appendix 1

## **Statutory information**

**Appointment** 

For period

11 February 2014 to 21 March 2014

Company name

Alexander Developments (North East) Limited

Nature of business

Construction

Court details

The Administration Order was made on 4 April 2011 in

Manchester County Court number 621 of 2011 application by

the qualifying floating charge holder

Date of appointment

4 April 2011

Extension obtained

6 months to 3 October 2012 by consent of the secured

creditors, 12 months to 3 October 2013 and six months to 3

April 2014 by application to court

Office holder details

Paul Nicholas Dumbell, Brian Green and Richard Heis were appointed on 4 April 2011 and are authorised to act as insolvency practitioners by the Institute of Chartered

Accountants in England & Wales

Registered number

02666308

Present registered

office

c/o KPMG LLP St James' Square

Manchester **M2 6DS** 

Basis of remuneration

Time cost

Fee resolution date

24 June 2011



Appendix to Form 2.24

Report to Creditors pursuant to Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)

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# Appendix 2

# Joint Administrators' receipts and payments account for the period 11 February 2014 to 21 March 2014

ABSTRACT OF RECEIPTS AND PAYMENTS - 11/02/2014 to 21/03/2014

	RECEIPTS	£
	Brought forward from previous Abstract (11 Any)	136 716 46
	Contributions from Fixed Charge Holder CIS Receivable Floating ch VAT control	33,284 63 1 486 80 676.30
lete as	Carned forward to * continuation sheet / next abstract	172,164 19
	PAYMENTS	£
	Brought forward from previous Abstract (if Any)	101,532 64
L		
	Fix Charge Contrib to Fl Charge Costs Utility refunds Intercompany loan from MHL	33,284 63 1 486 80 35 860 12
	Utility refunds	1 486 80
	Utility refunds	1 486 80
	Utility refunds	1 486 80



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27 March 2014

#### Alexander Developments ( NE) Ltd (In Administration) Administrators' Abstract of Receipts & Payments

Statement of Affairs		From i 1/02/2014 To 21/03/2014	From 04/04/20] To 21/03/20]
	FIXED CHARGE ASSETS		
400,212 00	Freehold property	NIL	44 000 0
	Freehold reversions	NIL	28,800 (
	Bank interest gross	NIL	7
	Bank interest, net of tax	NIL	67
	Third party contribution to costs'	NIL	500
	. ,	NIL	73,375
	FIXED CHARGE COSTS		
	Administrators' fees	NIL	7,720.
	Administrators' expenses	NIL	8
	Legal fees	NIL	14,545
	Auctioneer Fees	NIL	700
	Agents'/Valuers' fees	NIL	6-445 (
	Fix Charge Contrib to F1 Charge Costs	33,284 63	33,284
	Bank charges	NIL	50 (
	Other property expenses	NIL	6,429
	Insurance of assets	NIL	3,885
	Irrecoverable VAT	NIL	305
		(33,284 63)	(73,375 0
	FIXED CHARGE CREDITORS		
400,212 00)	Fixed charge creditor	NIL	N
		NIL	N N
	ASSET REALISATIONS		
	Utility retunds	(1 486 80)	5043
	Ground Rent	(1 460 80) NIL	5,947
	Glotile Kelli	(1,486 80)	1,919. 7,866
	OTHER REALISATIONS		
	Bank interest, gross	NIL	3
	Bank interest, net of tax	NIL NIL	3. 40
	Sundry refunds	NIL NIL	
	Contributions from Fixed Charge Holder	33.284 63	15 (
	Cash held by solicitors on appointment	33,284 03 NIL	33,284
	Intercompany loan from MHL		6811
	intercompany toan from wind	(35,860 12)	5,098
		(2,575 49)	45,253
	COST OF REALISATIONS Commission	NIL	1 701
	Administrators' fees	NIL	1,381. 19 147
	Administrators' expenses	NIL	21
	Agents/Valuers' fees	NIL NIL	7002
	Legal fees	NIL	23,565
	Remedial Works	NIL	
	Refiredat Works	NIL.	2,000 (53 119 4
		(37,346 92)	0
	REPRESENTED BY	- A PROPERTY OF THE PARTY OF TH	
			N



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27 March 2014

# Appendix 3

# Analysis of the Joint Administrators' time costs for the period 11 February 2014 to 21 March 2014

11/02/2014 to 21/03/2014						
	Partner / Mo Director	anager	Administrator	Support Total hou	Time:	cost Average hourly rate
Administration & planning						
General (Castuering) Statutery and compliance			3 70	3	70 £743	2.50 £200 68
Closure and related formulates			17 80	17	80 £4 193	2.00 £235 51
Reports to debennar, holders			4 00	4	00 £1 060	
Tax Post appointment corporation tax		3 80	12 30	16	10 £3 987	7 50 E247 67
Post appointment VAT		1 00	4 60		60 £2 04	
Creditors Creditors and claums						
Statutory reports	2.50		28 25	30	75 £7 16	3 75 £232 97
Realisation of assets						
Asset Realisation Freehold property			4 00		00 £92	00 £230 00
Total in period			700	81		
		Fees of	rann		Hours/Costs to d	ate
	B/f		£26 868 18	478	24 £115 474	185 £241 46
	In the po	riod	£0 00	81	95 £20 109	75 £245.39
	C/I		£26 868 18	560	19 1135 584	60 £242.03
		=			2.07.00	22.42.07



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#### Chargeable rates from 1 October 2010 to 30 September 2012

Grade	Rate per hour		
	£		
Partner	535		
Director	460		
Senior Manager	425		
Manager	345		
Assistant Manager	240		
Assistant	175		
Support	110		

# Chargeable rates from 1 October 2012 to 30 September 2013

Grade	Rate per hour	
	£	
Partner	565	
Associate Partner	485	
Director	485	
Senior Manager	450	
Manager	365	
Assistant Manager	250	
Assistant	185	
Support	115	

# Chargeable rates from 1 October 2013

Grade	Rate per hour
	£
Partner	565
Associate Partner	485
Director	485
Senior Manager	475
Manager	385
Assistant Manager	265
Assistant	195
Support	120

### Category 1 expenses

Expense name	Expense value (£)
B/f	277 14
Total for Period	0 00
C/f	277 14



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# Appendix 4

# Schedule of expenses for the period 11 February 2014 to 21 March 2014

Section	Account	Accrued (£)	Paid (£)	Total (£)
Fixed charge costs	Administrators' fees	1,980 00	-	1,980 00
		1,980.00		1,980.00
Cost of realisations	Administrators' fees	18,129 75	-	18,129 75
		18,129.75	<del>-</del>	18,129.75
TOTAL		20,109.75	•	20,109.75



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# Appendix 5

# Joint Administrators' proposals

The Joint Administrators proposed the following

- to continue to do all such things reasonably expedient and generally exercise all their
  powers as contained in Schedule 1 to the Act as Joint Administrators as they, in their
  discretion, consider desirable in order to maximise realisations from the assets of the
  Company,
- to seek an extension to the Administration period if deemed necessary by the Joint Administrators pursuant to Paragraph 76 of Schedule B1 to the Act,
- when it is considered that no further distributions to creditors will be made to secured
  and preferential creditors and that the Joint Administrators have concluded their
  duties, to take the necessary steps to move the Company from Administration to
  Dissolution, pursuant to Paragraph 84 of Schedule B1 to the Act,
- If one of the criteria set out in Paragraph 79(2) of schedule B1 to the Act apply to the Company, to make an application to court to end the Administration and, if deemed appropriate, to petition the court for the winding up of the Company If appropriate, the Joint Administrators will, at the same time, apply to be appointed as Joint Liquidators under Section 140(1) of the Act,
- If the Joint Administrators believe there are matters that can be better pursued by a Liquidator an application to Court can be made to petition for the compulsory winding up of the Company under section 124 of the Insolvency Act 1986, rather than Paragraph 79 (2) of Schedule B1 to the Act,
- that the Administrators are discharged from hability in respect of any action of theirs as Administrators pursuant to paragraph 98(1) of Schedule B1 to the Act on the agreement of each secured creditor (and the requisite majority of preferential creditors if the Joint Administrators think that there will be a distribution to them) being received and upon registration of the notice given pursuant to paragraph 84 of Schedule B1 to the Act, and,
- In the event that Paul Dumbell, Brian Green and Richard Heis are appointed Joint Liquidators then they will be allowed to act jointly and severally

In relation to Joint Administrators' fees

• that in the event that no creditors' committee is formed, or if no determination of the creditors' committee is reached, the Joint Administrators will seek approval from secured creditors (and the requisite majority of preferential creditors if the Joint Administrators think that there will be a distribution to them) in relation to the basis of their remuneration. The Joint Administrators will be authorised to draw fees on account from the assets of the Company from time to time during the period of Administration based on time properly spent at charge out rates that reflect the



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complexity of the assignment Also, the Joint Administrators will seek approval to draw disbursements from time to time, and

 that the costs of KPMG LLP in respect of HSE, Pension, Tax and VAT advice provided to the Joint Administrators be based upon time costs and shall be paid out of the assets of the Company