

Liquidator's Progress Report

S.192

Pursuant to Sections 92A and 104A and 192
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

02863320

Name of Company

Datum Construction Limited

I / We

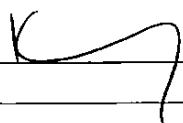
Kerry Bailey, 3 Hardman Street, Spinningfields, Manchester, M3 3AT

Ian J Gould, 3 Hardman Street, Spinningfields, Manchester, M3 3AT

the liquidator(s) of the company attach a copy of my/our Progress Report
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 01/07/2014 to 30/06/2015

Signed



Date

28 Aug 2015

BDO LLP
3 Hardman Street
Spinningfields
Manchester
M3 3AT

Ref 00243819/KB/IJG/JT/JW/KHX/AA/CB

THURSDAY



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COMPANIES HOUSE

**Datum Construction Limited
(In Liquidation)
Joint Liquidators' Trading Account**

Statement of Affairs	From 01/07/2014 To 30/06/2015
POST APPOINTMET SALES	
Administrators' Applications	<u>329 44</u>
	329 44
PURCHASES	
Purchases (1)	<u>10,399 00</u>
	(10,399 00)
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TRADING SURPLUS/(DEFICIT)	<u>(10,069.56)</u>

Datum Construction Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments

**Statement
of Affairs**

**From 01/07/2014
To 30/06/2015**

PROPERTY & LAND	
11C Brindley Road, Reginald Road Ind	171,250 00
Legal Fees & Disbursements	(3,312 00)
Natwest Bank Plc	(113,416 85)
	<u>54,521 15</u>

ASSET REALISATIONS	
WIP	1,429 95
Furniture & Equipment	10,000 00
Applications	3,978 60
Rent	7,951 51
Bank Interest Gross	73 15
Trading Surplus/(Deficit)	(10,069 56)
Administration Surplus	27,471 64
CVA Unclaimed Dividends	175 04
	<u>41,010 33</u>

COST OF REALISATIONS	
Office Holders Fees	18,233 55
Office Holders Expenses	52 50
Datum Const & Maint - Commission	1,966 22
Non-Reclaimable VAT	393 24
Statutory Advertising	75 82
Insurance of Assets	5,881 18
	<u>(26,602 51)</u>

68,928 97

REPRESENTED BY

VAT Receivable	4,330 57
Bank 1 - Current	64,598 40
	<u>68,928 97</u>


Kerry Bailey
Joint Liquidator



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www.bdo.co.uk

3 Hardman Street
Spinningfields
Manchester
M3 3AT

TO ALL KNOWN CREDITORS

28 August 2015

Our Ref 8780/JW/Document4/A6

Please ask for
James Williams
0161 833 8339

Dear Sirs

Datum Construction Limited - In Creditors' Voluntary Liquidation ("the Company")
Registered Address: c/o BDO LLP, 3 Hardman Street, Spinningfields, Manchester, M3 3AT
Registered number: 02863320
Joint Liquidators: Kerry Bailey and Ian Gould
Joint Liquidators' Address: BDO LLP, 3 Hardman Street, Spinningfields, Manchester, M3 3AT
Date of Appointment: 1 July 2014

I enclose for your information an annual progress report for the period 1 July 2014 to 30 June 2015 in accordance with Section 104A of the Insolvency Act 1986 and Rule 4.49C of the Insolvency Rules 1986.

I also enclose a Receipts and Payments account showing a balance in hand of £64,598.40 for your information

Progress of the Liquidation

Receipts

Property at Unit 11C, Brindley Road, Reginald Road Industrial Estate ("the Property")

A sale of the Property completed on 13 June 2014. The sale proceeds totalling £171,250 have been received in full in the period of this report

Equipment, Motor Vehicles, Stock, Goodwill, Intellectual property and Business Information

The business and assets of the Company were sold to Datum Construction and Maintenance Limited on 16 July 2013 for a total consideration of £44,000

At the date of the move from Administration to Creditors Voluntary Liquidation ("CVL") the deferred consideration of £10,000 remained outstanding. At this point, the Joint Administrators had instructed solicitors to commence recovery proceedings

I can confirm that the deferred consideration of £10,000 has now been received in full



Book Debts, Work In Progress ("WIP") and Applications

The book debts, WIP and applications previously collected and held by Datum Construction and Maintenance Limited totalling £3,378 have now been received in full

There have been further applications collected totalling £2,360 in the period of this report

Licence to Occupy

The outstanding rent due from Datum Construction and Maintenance Limited under the Licence to Occupy has been received in full. Rent totalling £7,952 has been received in the period of this report

Payments***Natwest Bank Plc***

A distribution totalling £113,416.85 has been made to Natwest Bank Plc under the terms of its fixed charge security. This distribution has discharged Natwest Bank Plc's lending in full

Datum Construction and Maintenance Limited

In the period of the Joint Administrators' trade, materials had to be purchased to allow the completion of WIP. It was agreed that Datum Construction and Maintenance Limited would meet the costs of those purchases, which they would then be allowed to retain from the collection of book debts

In the period of this report, Datum Construction and Maintenance Limited have been allowed to retain funds totalling £10,399 in respect of materials purchased

Datum Construction and Maintenance Limited have also retained commission of £1,966 in respect of the collection of book debts, WIP and applications in the period of this report.

Shoosmiths LLP

Shoosmiths LLP have been paid £3,312 in respect of the legal costs incurred in pursuing the outstanding balances, as well as the sale of the Property

Insurance

A payment totalling £5,881 has been made to JLT Speciality Limited, the Joint Administrators' insurers, in respect of the insurance of assets, the insurance required in the period of the Joint Administrators' trade and the insurance of the Property.

Assets***Book Debts***

The Company's remaining book debts total £14,660. However, £13,246 of this amount relates to invoices from 2011 and 2012 that were in dispute prior to the Joint Administrators' appointment. This disputed balance comprises of 11 invoices from 2 companies. It is understood that negotiations in respect of these invoices has been protracted. It is therefore considered that the

costs of pursuing these invoices further would in all likelihood negate any realisation, consequently these invoices will be written off.

The balance totalling £1,414 relates to five separate invoices from three separate companies. It is again considered that the costs of pursuing these invoices will negate any realisation and these invoices will also be written off.

Director's Loan Account

The Company's last filed accounts for the year ended 30 April 2012 detail loans due from the Company directors totalling £42,535.

The directors have been pursued for these amounts. However, the directors have recently provided evidence of funds that were introduced to the Company, by them personally, that is in excess of the outstanding directors' loan accounts.

The Joint Liquidators are currently liaising with the Company's former accountants to confirm the treatment of the funds introduced to allow them to confirm the position.

Future Prospects

It is anticipated that there will sufficient funds to make a distribution to the unsecured creditors, however, the level of distribution will be dependent on the outcome of the investigations in respect of the directors' loan account. On confirmation of the position, or receipt of payment, a distribution will be made to the unsecured creditors.

Liquidators' Remuneration

At a meeting of creditors held by correspondence on 13 September 2013, creditors approved the Joint Administrators' remuneration being calculated on a time costs basis by reference to BDO LLP's normal rates for time spent by them and their staff attending to matters arising in the Administration.

The Joint Liquidators' remuneration will also be calculated on a time costs basis, the approval of which will be carried forward from the Administration in accordance with section 5A of Rule 4 127 of The Insolvency Rules 1986.

The Joint Liquidators' time costs incurred in the period of this report, 1 July 2014 to 30 June 2015, amount to £12,679 and represent 62 hours at an average rate of £204 per hour.

Fees totalling £5,500 have been drawn in respect of the Joint Liquidators' time costs incurred.

The Joint Administrators final time costs totalling £12,733 have also been paid in the period of this report.

A detailed analysis of the time costs incurred is enclosed and the charge out rates for the period are summarised as follows

Staff grade	Average rate (£ per hour)
Partner / Director	484 - 335
Senior Manager / Manager	310 - 213
Assistance Manager / Senior Administrator	181 - 139
Administrator / Support Staff	88 - 88

These amounts are derived from BDO LLP's normal rates for time properly spent by the Joint Liquidators and their staff in attending to matters arising in the liquidation.

Where members of staff have been employed on this case they have been so based on their experience and abilities in dealing with a case of this nature. Where appropriate certain staff have dealt with a specific area of the liquidation due to their specialist skills in that area.

BDO LLP's rates may increase from time to time over the period of an assignment.

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

Disbursements

Disbursements incurred by the Joint Liquidators in the period of this report total £52.50 which are detailed below.

Disbursement	Category 1 £	Category 2 £
Specific Bond	52.50	-
Total	52.50	-

A payment totalling £52.50 has been made in respect of the above disbursements incurred in the period of this report.

Category 1 disbursements: These are costs where there is a specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage telephone charges, travel expenses, and equivalent costs reimbursed to the office holder or his or her staff.

All category 1 disbursements will be charged at the actual cost incurred.

Category 2 disbursements: These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage, internal room hire, storage and photocopying and printing.

Mileage is currently charged at 45 pence per mile with an additional surcharge of 5 pence if there is a passenger(s).

Creditors' rights

I provide at the end of this report an extract from the Insolvency Rules 1986 setting out the rights of creditors to request further information and/or challenge the remuneration or expenses within the liquidation

Investigations

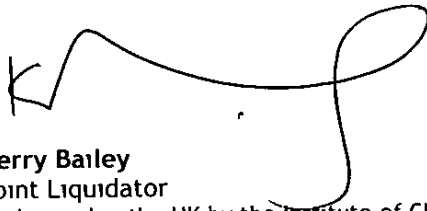
It must also be added that the conduct of the directors has been investigated and a report has been submitted to the Secretary of State. The content of this report remains confidential. However, if you have any information that may assist the Joint Liquidators with their investigations please contact James Williams of my office.

General

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

If you require any further information please do not hesitate to contact James Williams of my office.

Yours faithfully
for and on behalf of
Datum Construction Limited



Kerry Bailey
Joint Liquidator
Authorised in the UK by the Institute of Chartered Accountants in England & Wales

Enc

Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Liquidators' fees and expenses:

Rule 4.49E Creditors' and members' request for further information

(1) If-

- (a) within the period mentioned in paragraph (2)-
 - (i) a secured creditor, or
 - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
 - (iii) members of the company in a members voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company, or
 - (b) with the permission of the court upon an application made within the period mentioned in paragraph (2)-
 - (i) any unsecured creditor, or
 - (ii) any member of the company in a members' voluntary winding up,
- makes a request in writing to the liquidator for further information about remuneration or expenses set out in a progress report in accordance with Rule 4.49B(1)(e) or (f) (including by virtue of Rule 4.49C(5)) or in a draft report under Rule 4.49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter[s] in a draft report under Rule 4.49D or a progress report required by Rule 4.108 which (in either case) was previously included in a progress report not required by Rule 4.108

(2) The period referred to in paragraph (1)(a) and (b) is-

- (a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4.108, and
- (b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft report in any other case

(3) The liquidator complies with this paragraph by either-

- (a) providing all of the information asked for, or
- (b) so far as the liquidator considers that-
 - (i) the time or cost of preparation of the information would be excessive, or
 - (ii) disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
 - (iii) the liquidator is subject to an obligation of confidentiality in respect of the information, giving reasons for not providing all of the information

Rule 4.131 Creditors' claim that remuneration is or other expenses are excessive

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)
- (1A) Application may be made on the grounds that-
 - (a) the remuneration charged by the liquidator,

(b) the basis fixed for the liquidator's remuneration under Rule 4 127, or

(c) expenses incurred by the liquidator,

is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate

(1B) The application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or, in a case falling within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report, or the draft report under Rule 4 49D, which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had an opportunity to attend the court for a hearing, of which he has been given at least 5 business days notice but which is without notice to any other party

If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly

(3) The applicant shall, at least 14 days before the hearing, send to the liquidator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it

(4) If the court considers the application to be well-founded, it must make one or more of the following orders-

(a) an order reducing the amount of remuneration which the liquidator was entitled to charge,

(b) an order fixing the basis of remuneration at a reduced rate or amount,

(c) an order changing the basis of remuneration,

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the liquidation,

(e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

(5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the liquidation

Datum Construction Limited
(In Liquidation)

Joint Liquidators' Abstract Of Receipts And Payments
To 30 June 2015

RECEIPTS	Statement of Affairs (£)	Total (£)
Administrators' Applications		329.44
11C Brindley Road, Reginald Road Industr		171,250.00
WIP		1,429.95
Furniture & Equipment		10,000.00
Applications		3,978.60
Rent		7,951.51
Bank Interest Gross		73.15
Administration Surplus		27,471.64
CVA Unclaimed Dividends		175.04
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		222,659.33
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PAYMENTS		
Purchases (1)		10,399.00
Legal Fees & Disbursements		3,312.00
Natwest Bank Plc		113,416.85
Office Holders Fees		18,233.55
Office Holders Expenses		52.50
Datum Const & Maint.- Commission		1,966.22
Non-Reclaimable VAT		393.24
Statutory Advertising		75.82
Insurance of Assets		5,881.18
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		153,730.36
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Net Receipts/(Payments)		68,928.97
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 MADE UP AS FOLLOWS		
Bank 1 - Current		64,598.40
VAT Receivable / (Payable)		4,330.57
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		68,928.97
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