Section 106

The Insolvency Act 1986

Return of Final Meeting in a Creditors' Voluntary Winding Up Pursuant to Section 106 of the **Insolvency Act 1986**

To the Registrar of Companies

S.106

For official use

Company Number

02878033

Name of Company

(a) Insert full name of company Cox & Barnard Limited

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

Sandra McAlister McAlister & Co Insolvency Practitioners 10 St Helens Road Swansea **SA1 4AW**

Simon Barriball McAlister & Co Insolvency Practitioners 10 St Helens Road Swansea **SA1 4AW**

(c) Insert date (d) The copy account must be authenticated by the written signature(s) of the liquidator(s)

- that a general meeting of the company was duly summoned for (c)-25 February 2014 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having an account (of which a copy is attached) (d) laid before it showing how the winding up of the company has been disposed and no quorum was present at the meeting
- 2 that a meeting of the creditors of the company was duly summoned for (c) 25 February 2014 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having the said account laid before it showing how the winding up of the company has been conducted and the property of the company has been disposed of and no quorum was present at the meeting

Signed

Date

4th March 2014

Presenter's name. address and reference (if any)

Sandra McAlister McAlister & Co Insolvency Practitioners 10 St Helens Road Swansea **SA1 4AW**





05/03/2014 **COMPANIES HOUSE**

Cox & Barnard Limited (In Creditors Voluntary Liquidation)

Liquidator's Report for the period from commencement of the liquidation on 29th October 2012 to 25th February 2014, being the date of this final report laid down before the creditors.

1 Introduction

The Liquidator's were appointed on the 29th October 2012 by members and creditors of that company. This our final report as all of the realisations took place during this period. The attached receipts and payments account also show the transactions from 29th October 2012 to date.

2 Realisation of Assets

The Director's Statement of Affairs did not make a provision for any assets and no assets other than those listed below have been identified or received

2.1 Directors Contribution to Costs

The Directors have contributed £4,200 00 under a personal guarantee to assist with the costs of the Liquidation

2.2 Bank Interest

A sum of £0 66 has been received, gross of tax, for bank interest

A total amount of £4,720 96 has been realised and a receipts and payments account is attached to this report. VAT has been recovered in the sum of £505 90 and the balance of £766 56 has been used to pay for statutory advertising in regards to the final meeting and with the remainder going towards our outstanding time costs.

A receipts and payments account is attached to this report

3 Costs in the Liquidation

The Receipts and Payments account sets out the details of all payments made to the date of this report

Liquidator expenses have been recovered from the liquidation to cover costs for statutory advertising and Insolvency risk services insurance

An analysis of the Liquidator's costs and time spent to the date of this report is also attached. The Liquidator's have under recovered their time costs by £10,191.00. As at 13th July 2013 our charge out rates increased, please find attached the revised rates for your perusal.

A description of the routine work undertaken in the liquidation to date is as follows -

1 Administration and Planning

- Preparing the documentation and dealing with the formalities of appointment
- Statutory notifications and advertising
- Preparing documentation provided
- · Dealing with all routine correspondence
- Maintaining physical case files and electronic case details on IPS

- Review and storage
- · Case bordereau
- · Case planning and administration
- · Preparing reports to members and creditors
- Convening and holding meetings of members and creditors

2 Cashiering

- Maintaining and managing the liquidator's cashbook and bank account
- Ensuring statutory lodgements and tax lodgement obligations are met

3 Creditors

- Dealing with creditor correspondence and telephone conversations
- Preparing reports to creditors
- Maintaining creditor information on IPS
- Reviewing and adjudicating on proofs of debt received from creditors

4 Investigations

- Review and storage of books and records
- Prepare a return pursuant to the Company Directors Disqualification Act
- Conduct investigations into suspicious transactions
- Review books and records to identify any transactions or actions a liquidator may take against a third party in order to recover funds for the benefit of creditors
- Investigation into transfer of vehicles prior to liquidation

5 Realisation of Assets

. Liaising with the company's bank regarding the closure of the accounts

At the meeting held on 29th October 2012 it was also resolved that payment shall be made, as an expense of the liquidation, of the necessary expense of preparing the Statement of Affairs in the sum of £5,000 00 plus VAT

A copy of the Liquidator's time and costs is attached to this report (SIP 9)

4 Dividends

Unfortunately there has been insufficient realisations to enable any dividend to be paid to any class of creditors in this liquidation

5 Destruction of Books and Records

In accordance with Regulation 16 of the Insolvency Regulations 1994, the books and records of the company will be destroyed one year after the dissolution of the company

In accordance with Regulation 13 of the Insolvency Practitioners Regulations 2005, our case files relating to this liquidation will be destroyed in 2019

6 Conclusion

All aspects of this insolvency have been concluded. In accordance with Section 171 6(b) and Section 106 (3) of the insolvency Act 1986, we shall vacate office as Liquidators once the report of these final meetings have been lodged with the Registrar of Companies.

4

Sandra McAlister FCCA, MABRP Joint Liquidator

Simon Barriball FCCA
Joint Liquidator

4th March 2014

McAlister & Co Insolvency Practitioners Ltd 10 St Helens Road Swansea SA1 4AW

Cox & Barnard Limited (In Liquidation)

s' Abstract Of Receipts And Payments To 25 February 2014 For All Bank Accounts

RECEIPTS	Total (£)
Bank Interest Gross	0 66
Directors	4,200 00
Vat Control Account	520 30
	4,720 96
PAYMENTS	
Preparation of S of A	3,695 37
Statutory Advertising	376 77
Vat Receivable	648 82
	4,720 96
Balances in Hand	0 00
	4,720 96

A CREDITORS' GUIDE TO LIQUIDATORS' FEES

ENGLAND AND WALES

1 Introduction

When a company goes into liquidation the costs of the proceedings are paid out of its assets. The creditors, who hope to recover some of their debts out of the assets, therefore have a direct interest in the level of costs, and in particular the remuneration of the insolvency practitioner appointed to act as liquidator. The insolvency legislation recognises this interest by providing mechanisms for creditors to fix the basis of the liquidator's fees. This guide is intended to help creditors be aware of their rights to approve and monitor fees, explains the basis on which fees are fixed and how creditors can seek information about expenses incurred by the liquidator and challenge those they consider to be excessive.

Liquidation procedure

- 2.1 Liquidation (or 'winding up') is the most common type of corporate insolvency procedure. Liquidation is the formal winding up of a company's affairs entailing the realisation of its assets and the distribution of the proceeds in a prescribed order of priority. Liquidation may be either voluntary, when it is instituted by resolution of the shareholders, or compulsory, when it is instituted by order of the court.
- Voluntary liquidation is the more common of the two. An insolvent voluntary liquidation is called a creditors' voluntary liquidation (often abbreviated to CVL.) In this type of liquidation an insolvency practitioner acts as liquidator throughout and the creditors can vote on the appointment of the liquidator at the first meeting of creditors.
- 2.3 In a compulsory liquidation on the other hand, the function of liquidator is, in most cases, initially performed not by an insolvency practitioner but by an official called the official receiver. The official receiver is an officer of the court and anofficial belonging to The Insolvency Service. In most compulsory liquidations, the official receiver becomes liquidator immediately on the making of the winding-up order. Where there are significant assets an insolvency practitioner will usually be appointed to act as liquidator in place of the official receiver, either at a meeting of creditors convened for the purpose or directly by The insolvency Service on behalf of the Secretary of State. Where an insolvency practitioner is not appointed the official receiver remains liquidator.
- Where a compulsory liquidation follows immediately on an administration the court may appoint the former administrator to act as liquidator. In such cases the official receiver does not become liquidator. An administrator may also subsequently act as liquidator in a CVI.

3 The figurdation committee

- In a bquidation (whether voluntary or compulsory) the creditors have the right to appoint a committee called the liquidation committee, with a minimum of 3 and a maximum of 5 members, to monitor the conduct of the liquidation and approve the liquidator's fees. The committee is usually established at the creditors' meeting which appoints the liquidator but in cases where a liquidation follows immediately on an administration any committee established for the purposes of the administration will continue in being as the liquidation committee.
- 3.2 The liquidator must call the first meeting of the committee within 6 weeks of its establishment (or his appointment if that is later), and subsequent meetings must be held either at specified dates agreed by the committee, or when requested by a member of the committee, or when the liquidator decides he needs to hold one. The liquidator is required to report to the committee at least every 6 months on the progress of the liquidation, unless the committee directs otherwise. This provides an opportunity for the committee to monitor and discuss the progress of the insolvency and the level of the liquidator's fees.

4 Fixing the liquidator's remuneration

- 4.1 The basis for fixing the liquidator's remuneration is set out in Rules 4.127 4.1278 of the Insolvency Rules 1986. The Rules state that the remuneration shall be fixed.
 - · as a percentage of the value of the assets which are realized or distributed or both,
 - · by reference to the time properly given by the liquidator and his staff in attending to matters arising in the liquidation, or
 - as a set amount

Any combination of these bases may be used to fix the remuneration, and different bases may be used for different things done by the liquidator. Where the remuneration is fixed as a percentage, different percentages may be used for different things done by the liquidator.

It is for the liquidation committee (if there is one) to determine on which of these bases, or combination of bases, the remuneration is to be fixed. Where it is fixed as a percentage, it is for the committee to determine the percentage or percentages to be applied. Rule 4.127 says that in arriving at its decision the committee shall have regard to the following matters.

- the complexity (or otherwise) of the case,
- · any responsibility of an exceptional kind or degree which falls on the liquidator in connection with the insolvency,
- the effectiveness with which the liquidator appears to be carrying out or to have carried out, his duties,
- . the value and nature of the assets which the liquidator has to deal with
- 4.2 If there is no liquidation committee, or the committee does not make the requisite determination, the liquidator's remuneration may be fixed by a resolution of a meeting of creditors. The creditors take account of the same matters as apply in the case of the committee. A resolution specifying the terms on which the liquidator is to be remunerated may be taken at the meeting which appoints the liquidator.

- 4.3 If the remuneration is not fixed as above, it will be fixed in one of the following ways. In a CVL, it will be fixed by the court on application by the liquidator but the liquidator may not make such an application unless he has first tried to get his remuneration fixed by the committee or creditors as described above, and in any case not later than 18 months after his appointment, in a compulsory liquidation, it will be in accordance with a scale set out in the Rules.
- 4.4 Where the Inquidation follows directly on from an administration in which the liquidator had acted as administrator, the basis of remuneration fixed in the administration continues to apply in the liquidation (subject to paragraph 8 below)
- 5 Review of remuneration

Where there has been a material and substantial change in circumstances since the basis of the liquidator's remuneration was fixed, the liquidator may request that it be changed. The request must be made to the same body as initially approved the remuneration, and the same rules apply as to the original approval.

- 6 What information should be provided by the liquidator?
- 61 When seeking remuneration approval
- When seeking agreement to his fees the liquidator should provide sufficient supporting information to enable the committee or the creditors to form a judgement as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on
 - · the nature of the approval being sought,
 - . the stage during the administration of the case at which it is being sought, and
 - . the size and complexity of the case
- Where, at any creditors' or commutee meeting, the liquidator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff, including principals, which are likely to be involved on the case
- Where the liquidator seeks agreement to his fees during the course of the liquidation, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the liquidator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case, together with where appropriate such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the liquidator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilstrecognising that the liquidator must fulfill certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the liquidator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case, but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent.
 - Administration and planning
 - Investigations
 - Realisation of assets
 - Trading
 - Creditors
 - · Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff

- Partner
- Manager
- Other sensor professionals
- Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the liquidator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain

- · Any significant aspects of the case, particularly those that affect the amount of time spent
- The reasons for subsequent changes in strategy
- Any comments on any figures in the summary of time spent accompanying the request the liquidator wishes to make
- The steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the assignment, budgeting, time recording, fee drawing or fee agreement
- Any existing agreement about fees
- Details of how other professionals, including subcontractors, were chosen, how they were contracted to be paid, and what steps have been taken to review their fees

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases.

Where the fee is charged on a percentage basis the liquidator should provide details of any work which has been or is intended to be subcontracted out which would normally be undertaken directly by a liquidator or his staff

6.2 After remuneration approval

Where a resolution fixing the basis of tees is passed at any creditors in meeting held before he has substantially completed his functions, the liquidator should notify the creditors of the details of the resolution in his next report or circular to them. When subsequently reporting to creditors on the progress of the liquidation, or submitting his final report, he should specify the amount of remuneration he has drawn in accordance with the resolution (see further paragraph 71 below). Where the fee is based on time costs he should also provide details of the time spent and chargeout value to date and aim material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 6.1.3. Where the fee is charged on a percentage basis the liquidator should provide the details set out in paragraph 6.1.4 above regarding work which has been sub-contracted out.

6.3 Disbursements and other expenses

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements, but there is provision for the creditors to challenge them, as described below. Professional guidance issued to insolvency prachitioners requires that, where the liquidator proposes to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs (such as room hire, document storage or communication facilities provided by the liquidator's own firm), they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

6.4 Realisations for secured creditors

Where the isquidator realises an asset on behalf of a secured creditor and receives remuneration out of the proceeds (see paragraph 11.1 below), he should disclose the amount of that remuneration to the commutee (if there is one), to any meeting of creditors convened for the purpose of determining his fees, and in any reports he sends to creditors

7 Progress reports and requests for further information

- 7.1 The liquidator is required to send annual progress reports to creditors. The reports must include
 - details of the basis fixed for the remuneration of the liquidator (or if not fixed at the date of the report, the steps taken during the period
 of the report to fix it)
 - if the basis has been fixed, the remuneration charged during the period of the report, irrespective of whether it was actually paid during
 that period (except where it is fixed as a set amount in which case it may be shown as that amount without any apportionment for the
 period of the report).
 - if the report is the first to be made after the basis has been fixed, the remuneration charged during the periods covered by the previous reports, together with a description of the work done during those periods, irrespective of whether payment was actually made during the period of the report,
 - a statement of the expenses incurred by the liquidator during the period of the report, irrespective of whether payment was actually made during that period.
 - a statement of the creditors' rights to request further information, as explained in paragraph 7.2, and their right to challenge the liquidator's remuneration and expenses
- 7.2 Within 21 days of receipt of a progress report (or 7 business days where the report has been prepared for the purposes of a meeting to receive the liquidator's resignation) a creditor may request the liquidator to provide further information about the remuneration and expenses set out in the report. A request must be in writing and may be made either by a secured creditor, or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors (including himself) or the permission of the court.
- 7.3 The liquidator must provide the requested information within 14 days unless he considers that:
 - the time and cost involved in preparing the information would be excessive, or
 - . disclosure would be prejudicial to the conduct of the liquidation or might be expected to lead to violence against any person, or
 - the liquidator is subject to an obligation of confidentiality in relation to the information requested,

in which case he must give the reasons for not providing the information

Any creditor may apply to the court within 21 days of the liquidator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information

8 Provision of information - additional requirements

The liquidator must provide certain information about the time spent on the case, free of charge, upon request by any creditor, director or shareholder of the company

The information which must be provided is +

- the total number of hours spent on the case by the liquidator or staff assigned to the case,
- · for each grade of staff, the average hourly rate at which they are charged out
- the number of hours spent by each grade of staff in the relevant period

The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the liquidator's appointment, or where he has vacated office, the date that he vacated office

The information must be provided within 28 days of receipt of the request by the liquidator, and requests must be made within two years from vacation of office

9 What if a creditor is dissatisfied?

- Except in cases where there is a liquidation committee it is the creditors as a body who have authority to approve the liquidator's fees. To enable them to carry out this function they may require the liquidator to call a creditors' meeting. In order to do this at least ten per cent in value of the creditors must concur with the request, which must be made to the liquidator in writing.
- 9.2 If a creditor believes that the liquidator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the liquidator are in all the circumstances excessive he may, provided certain conditions are met, apply to the court
- Application may be made to the court by any secured creditor or by any unsecured creditor provided at leasi 10 per cent in value of unsecured creditors (including himself) agree, or he has the permission of the court. Any such application must be made within 8 weeks of the applicant receiving the liquidator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported (see paragraph 7.1 above). If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the liquidator a copy of the application and supporting evidence at leasi 14 days before the hearing
- 9.4 If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed, or the expenses be disallowed or repaid. Unless the court orders otherwise, the costs of the application must be paid by the applicant and not out of the assets of the insolvent company.

10 What if the liquidator is dissatisfied?

If the liquidator considers that the remuneration fixed by the liquidation committee, or in the preceding administration, is insufficient or that the basis used to fix it is inappropriate he may request that the amount or rate be increased, or the basis changed, by resolution of the creditors if the considers that the remuneration fixed by the liquidation committee, the creditors, in the preceding administration or in accordance with the statutory scale is insufficient, or that the basis used to fix it is inappropriate he may apply to the court for the amount or rate to be increased or the basis changed. If he decides to apply to the court he must give at least 14 days' notice to the members of the committee and the committee may informate one or more of its members to appear or be represented at the court hearing. If there is no committee, the liquidator's notice of his application must be sent to such of the creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid out of the assets.

11 Other matters relating to remuneration

- Where the inquidator realises assets on behalf of a secured creditor he is entitled to be remunerated out of the proceeds of sale in accordance with a scale set out in the Rules. Usually, however, the inquidator will agree the basis of his fee for dealing with charged assets with the secured creditor concerned.
- Where two (or more) joint liquidators are appointed it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute between them may be referred to the court, the committee or a meeting of creditors.
- 11.3 If the appointed liquidator is a solicitor and employs his own firm to act in the insolvency, profit costs may not be paid unless authorised by the committee the creditors or the court
- If a new liquidator is appointed in place of another, any determination, resolution or court order which was in effect immediately before the replacement continues to have effect in relation to the remuneration of the new liquidator until a further determination, resolution or court order is made
- Where the basis of the remuneration is a set amount, and the liquidator ceases to act before the time has elapsed or the work has been completed for which the amount was set, application may be made for a determination of the amount that should be paid to the outgoing liquidator. The application must be made to the same body as approved the remuneration. Where the outgoing liquidator and the incoming liquidator are from the same firm, they will usually agree the apportionment between them.
- There may also be occasions when creditors will agree to make funds available themselves to pay for the liquidator to carry out tasks which cannot be paid for out of the assets, either because they are deficient or because it is uncertain whether the work undertaken will result in any benefit to creditors. Arrangements of this kind are sometimes made to fund lingation or investigations into the affairs of the insolvent company. Any arrangements of this nature will be a matter for agreement between the liquidator and the creditors concerned and will not be subject to the statutory rules relating to remuneration.

12. Effective date

This guide applies where a company -

- goes into liquidation on a winding up resolution passed on or after 6 April 2010,
- goes into voluntary liquidation mimediately following an administration on or after 6 April 2010, except where the preceding administration began before that date.
- Goes into compulsory liquidation as the result of a petition presented on or after 6 April 2010, except wherethe liquidation was preceded.
- an administration which be gan before that date,
- a voluntary liquidation in which the winding up resolution was passed before that date

Time Entry - SIP9 Time & Cost Summary

C100509 - Cox & Barnard Limited Project Code POST From 29/10/2012 To 25/02/2014

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourty Rate (£)
Admın & Planning	8 50	0.50	000	18 50	27 50	5 738 75	208 68
Case Specific Matters	0.25	000	00 0	165	1 90	368 75	194 08
Creditors	8 25	00 0	00 0	1.25	09 6	2,756 25	290 13
Investigations	1.25	4 40	0000	0000	5 65	1,277 25	226 06
Realisation of Assets	000	000	000	0.25	0.25	20 00	200 00
Trading	00 0	00 0	000	00 0	00 0	00 0	000
Total Hours	18 25	4 90	00 0	21 65	44 80	10,191 00	227 48
Total Fees Ctaimed						000	
Total Disbursements Claimed						000	

Version 1 00

MCALISTER & CO INSOLVENCY PRACTITIONERS LIMITED

MCALISTER & CO CHARGE OUT RATES

POSITION	HOURLY CHARGE OUT RATE (£)
Director & Licensed Insolvency Practitioner	250 - 320
Manager	160 - 225
Case Administrator	110 - 205
Assistant	75 - 140
Secretarial and cashiering	50 - 75

Please note that our system records time in units of 6 minutes, with a minimum of 1 unit per entry

MCALISTER & CO DISBURSEMENT CHARGES

Category 2 disbursement rates (as defined in SIP 9 – requiring prior approval of creditors)

Photocopying/Printing 15p per sheet Fax 40p per sheet

Postage Per current postal charges

IPS charge £8 per quarter Mileage 45p mile

Meeting Room Hire £60 per meeting where held at McAlister & Co offices

Standard Activity Example of Work

Administration and Planning Statutory reporting and compliance

Compliance with other regulatory requirements

Case planning
Administrative set up
Appointment notification

Maintenance of records and progress reviews

Investigation SIP 2 review CDDA report

Review of questionnaires

Investigation of antecedence transactions

Liaising with committee

Realisation of Assets Identification, secure and insure assets

Retention of property Debt collection

Property, business and asset sales

Trading Management of operation

Accounting for trading On-going employee issues

Creditors Communication with creditors

Creditors' claim and queries Reservation of title claims

Employee claims an Redundancy Payments claims

Preferential Claims

Reviewing and evaluating claims

Rates quoted are correct as at 29July 2013. All rates are subject to review annually. There may be a number of promotions throughout the various grades during the administration of cases. We reserve the right to change the rates without prior notice. Any change will be reported in the next statutory report to creditors. Should you require clarification on any of the above, do not he state to contact McAlister & Co on 01792 459600.