

The Insolvency Act 1986

**Administrator's progress report**

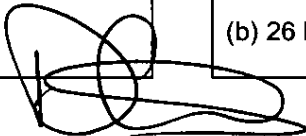
Name of Company Jade Press Limited	Company number 03194306
In the High Court of Justice, Chancery Division, Leeds District Registry (full name of court)	Court case number 1571 of 2012

(a) Insert full  
name(s) and  
address(es) of  
administrator(s)

I/We (a)  
Dave Clark  
Clark Business Recovery Limited  
26 York Place  
Leeds  
LS1 2EY

Administrator of the above company attach a progress report for the period

(b) Insert date

From (b) 27 November 2012	To (b) 26 May 2013
Signed  Administrator	
Dated 11/06/13	

**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 searchers of the public register

Dave Clark  
Clark Business Recovery Limited  
26 York Place  
Leeds  
LS1 2EY

DX Number

0113 2438617  
DX Exchange

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**

THURSDAY



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13/06/2013

#109

COMPANIES HOUSE

**JADE PRESS LIMITED – IN ADMINISTRATION**

**6 MONTH REPORT TO CREDITORS**

**DATE OF ADMINISTRATION: 27 NOVEMBER 2012**

**LICENSE NUMBER: 9565**

**NAME OF ADMINISTRATOR: DAVE CLARK**

**ADMINISTRATORS ADDRESS: CLARK BUSINESS  
RECOVERY LIMITED, 26 YORK PLACE,  
LEEDS, LS1 2EY**

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COMPANIES HOUSE

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## **1 Introduction**

Dave Clark of Clark Business Recovery Limited was appointed Administrator of the Company on 27 November 2012. This is the report on the progress of the administration of the Company for the period from 27 November 2012 to 26 May 2013.

Statutory information relating to the Company is attached at Appendix A.

## **2. Administrator's receipts and payment account**

A summary of the Administrator's receipts and payments account relating to the Company for the relevant period from 27 November 2012 to 26 May 2013 is attached at Appendix B.

## **3. Action taken by the Administrator since appointment**

I can confirm that the Administrator's proposals dated 14 January 2013 for achieving the purpose of the Administration were approved without modifications on 31 January 2013.

Realisations since the date of my appointment as Administrator can be compared to the Statement of Affairs as shown on the attached receipts and payments account.

As previously reported, as the Landlord of the premises occupied by the Company would not agree to an informal extension of the period of occupation, it was necessary to vacate the Company premises prior to the December quarter day. As a consequence of the short time period available the opportunity to advertise the Company assets was limited and there was no opportunity to hold an online auction sale.

Fox Lloyd Jones independent Chartered Surveyors and Valuers ('FLJ') were instructed to dispose of the Company assets prior to the December quarter day.

## **Work in Progress and Debtors**

As previously reported, Company debtors are subject to a debenture, and an Invoice Finance Agreement in favour of Aldermore Invoice Finance ('Aldermore').

At the time of my appointment Aldermore took over responsibility for collection of all sums assigned to them. From information currently available from Aldermore a surplus is anticipated from this source subject to their debt collection charge.

## **Print Machinery subject to Finance**

The majority of the Company printing machinery and equipment was subject to finance with various finance companies.

As explained in my proposals, despite efforts by FLJ to negotiate with the finance Companies, this machinery was collected and as anticipated there has been no realisation from this source.

### **Unencumbered Print Machinery**

A number of items of print machinery with an estimated to realise value of £32,500 were identified as being free from finance

Despite the time constraints explained earlier in this report the sum which this machinery was estimated to realise was exceeded, and £46,700 has been realised from this source

### **Fixtures & Fittings, Office equipment and computers**

The Company owned Fixtures and Fittings and office equipment which were estimated to Realise £5,000 As a consequence of the time constraints and in the absence of the opportunity to advertise or hold an auction as explained earlier in this report, the sum of £1,620 was realised from this source

### **Cash at Bank**

The credit balance at the Company account with Natwest Bank Plc ('the Bank') was estimated as £19,000 Copy statements subsequently received confirmed the credit balance was £19,678 at the date of my appointment

£16,516 has been realised from this source after the offset of £3,253 by the Bank in respect of the outstanding balance on the Company credit card also with the Bank

A copy of the Banks security documentation has been requested and is still awaited to allow my solicitor to examined the validity of this offset

### **Action against former Employee**

Prior to my appointment, the Company had commenced legal action against a former employee, Mr John Tracey

The Company had obtained judgement for an agreed compromise sum of £10,000 against Mr Tracey who subsequently claimed hardship

The protracted pursuit of this matter ultimately resulted in instructing solicitors to Petition for the Bankruptcy of Mr Tracey He provided independent documentary evidence to support both his hardship claim and his contention that he had previously entered into a Debt Management Arrangement

A full and final settlement of £4,000 was accepted from Mr Tracey in respect of his liability to the Company

### **Insurance Claim**

The sum of £351 has been received from Burnett and Associates for an insurance payment due in respect of a machinery repair costs These funds were received on 29 January 2013

## **Stock**

Retention of Title ('ROT') claims were received from paper and consumable suppliers. The Company had been on 'Stop' for several weeks and in view of the small quantity of paper remaining by value and volume, FLJ advised that (while not agreeing these ROT claims) it was more cost effective to allow suppliers to collect their product.

As a consequence, there has been no realisation from this source.

## **Motor vehicles**

The company operated various vehicles, all of which were subject to third party leasing agreement. These vehicles have been collected by the leasing companies and there has been no realisation from this source.

## **Rates Refund**

The sum of £1,249 has been realised in respect of a rates refund for the two trading units.

## **Bank Interest**

I have received gross bank interest of £8 for the period of this report.

## **4 Liabilities and dividends**

### **Secured creditor**

As explained earlier in this report, Company debtors are subject to a debenture and Invoice Finance Agreement in favour of Aldermore. My solicitor has examined Aldermore's security documentation and confirmed the validity of their security.

On appointment Aldermore took over responsibility for the collection of all sums assigned and due to them. From information currently available from Aldermore, their charge has been fully satisfied and a surplus is anticipated from this source, subject to their debt collection charge.

### **Preferential Creditors**

Preferential creditors represent the Redundancy Payments Office ('RPO') subrogated claim in respect of the employee's arrears of wages, holiday entitlement and outstanding pension contributions due from the Company, together with additional amounts due to the employees above the statutory limit.

Preferential claims were estimated to total approximately £48,250. A claim has now been received from the RPO totaling £22,202 before receipt of claims for amounts due to the employees above the statutory limit.

## **Tax Matters**

Specialist advice has been sought in respect of the Company's tax affairs to examine the potential for any possible corporation tax terminal loss relief. There will be no realisation from this source after offset by HM Revenue and Customs in respect of other outstanding tax liabilities.

## **Prescribed Part**

In accordance with Section 176A of the Insolvency Act 1986, the Administrator is required to set aside a prescribed amount of the Company's 'net property' towards the satisfaction of unsecured debts. Net property is the amount of property that would otherwise be available for satisfaction of holders of debentures, secured by, or holders of, any floating charge created by the Company after 15 September 2003. Accordingly the Prescribed Part provisions apply.

However the amount available is dependent upon the net asset realisation, after deduction of professional costs and preferential creditors.

## **Ordinary Unsecured Creditors**

The Company's records showed that the Company had unsecured creditors totaling £300,564.

From information currently available, and pending confirmation of Aldermores debt collection charge the prospect of a distribution to unsecured creditors of the Company remains uncertain.

All creditors who have not submitted a claim should complete the attached proof of debt form and return it to this office if they have not already done so. Please note that it is not the duty of the Administrator to agree creditor's claims.

## **5. Administrator's Remuneration and Disbursements**

### **Basis of remuneration and disbursements**

The Administrator's proposals relating to remuneration and disbursements were approved on 31 January 2013. This provided for the Administrator to be remunerated with reference to time properly spent on dealing with matters in the administration and that disbursements would be drawn in accordance with the tariff outlined in Appendix C.

Statement of Insolvency Practice 9 ("SIP9") outlines the information to be provided to creditors by the office holder when dealing with the matter of his remuneration, this includes a creditors guide to these costs. This is available upon request or can be viewed at [www.insolvency-practitioners.org.uk](http://www.insolvency-practitioners.org.uk)

The total time spent on the administration for the period 27 November 2012 to 26 May 2013 was 273.5 hours, at an average rate of £239.85 per hour, giving total time costs of £65,598. I have received no funds on account of these costs, and the balance remains un-discharged. A breakdown in accordance with SIP9 is outlined on Appendix D.

The Firm's hourly charge out rates changed with effect from 1 April 2013. The revised rates applicable in this case are as follows

<b>Grade of Staff</b>	<b>(£)</b>
Director / Associate	340
Senior Manager / Manager	290
Senior	180
Case Administrator	160
Other	100

#### **Disbursements incurred and drawn**

The following disbursements have been incurred and all paid disbursements are shown on the attached receipts and payments account

<b>Category 1</b>	<b>£</b>	<b>Category 2</b>	<b>£</b>
Bordereau	180 00	Stationery & Postage	735 00
Company Search	15 00		
Statutory Advertising	60 00		
Insurance of assets	769 56		
Employee Costs & Expenses	3,440 00		
<b>Total</b>	<b>4,464.56</b>		<b>735 00</b>

#### **6. Expenses**

The following payments have been made as an expense of the Administration and are shown on the attached receipts and payments account

- The sum of £16,419 plus VAT has been paid to Fox Lloyd Jones for their work carried out in connection with the following
  - Providing an inventory and valuation for the office furniture, business equipment, plant & machinery and stock,
  - Providing an inventory and valuation for the financed plant & machinery together with arranging for and supervising the removal of all financed assets,
  - The handling of all Retention of Title ('ROT') claims and the removal of all chemical waste, and
  - The selling agent's fee
- The sum of £310 plus VAT has been paid to Baxter Caulfield Solicitors for their work carried out in preparing and issuing the judgement in respect of the Company's claim against Mr John Tracey,
- The sum of £10,000 plus VAT has been paid to Walker Morris for their work carried in preparation of all appointment documentation, providing advice in respect of the Company leases, negotiating disclaimers for the leases, confirming the validity of the charge holders security documentation and providing advice in respect of the various finance agreements,

- The sum of £5,000 plus VAT has been paid to Hentons & Co LLP for their advice and assistance to the directors of the Company in preparing the directors Statement of Affairs and Statement of Concurrence, and
- The sum of £750 plus VAT has been paid to Hentons & Co LLP in respect of professional fees for their advice in respect of any potential corporation tax terminal loss claim

The choice of professionals was based on perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of the Administrator's fee arrangement with them

Details of the costs incurred and paid by the Administrator in relation to the administration expenses for the period are attached on Appendix B

## **7. Investigation**

An investigation has been conducted into the Company in accordance with the requirements of the Company Directors Disqualification Act 1986 and a report has been submitted to the Department of Trade and Industry as required. The contents of that report are confidential and cannot be disclosed or discussed with creditors

The detailed investigation matters as set out in Statement of Insolvency Practice 2 have also been completed. There are no matters arising from this investigation that require any further action that would provide any additional funds for the benefit of creditors

## **8. End of Administration**

The only outstanding matters are finalising the Company's pension scheme, confirming the validity of the Bank's offset of the credit card balance, and the calculation of a potential preferential dividend subject to the quantum of any surplus received from Aldermore

At the meeting of creditors held on 31 January 2013 creditors accepted the Administrator's proposals, such that should there be sufficient property of the Company to enable a distribution to unsecured creditors, the Company is to be placed into liquidation (whether that be voluntary, or compulsory)

Alternatively, if there are insufficient assets to enable a distribution to unsecured creditors then creditors resolved that once all assets have been realised and expenses of the administration discharged, the Company shall be dissolved

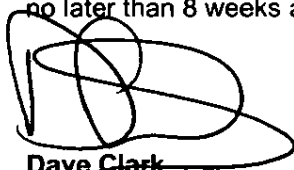
It was also resolved at the meeting of creditors that upon the Company either proceeding into liquidation or dissolution, the Administrator obtains his discharge from liability, pursuant to paragraph 98 of Schedule 81 shall take effect 14 days following either the Company entering into liquidation or filing the notice of moving from administration to dissolution



In accordance with the Administrator's proposals it is proposed that upon the finalization of the outstanding matters reported, the Administrator take steps to move the Company into creditor's voluntary liquidation in accordance with Paragraph 83 of Schedule B1 to the Insolvency Act 1986

In accordance with Rule 2.48A of the Insolvency Rules 1986 secured or unsecured creditors have the right to request further information about the office holder's remuneration or expenses and may request additional information relating to the conduct of the Administration. Such requests should be made within 21 days of this report in writing to the office holder at the address shown above

Furthermore, in accordance with Rule 2.109 of the Insolvency Rules 1986, creditors have the right to claim that the office holder's remuneration or expenses are excessive. Such applications should be made to court no later than 8 weeks after receipt of this report

A handwritten signature in black ink, appearing to read 'Dave Clark', written over a horizontal line.

**Dave Clark**  
**Administrator**  
**28 May 2013**

## APPENDIX A

### STATUTORY INFORMATION

**Company Name:** Jade Press Limited

**Company Number:** 03194306

**Date of Incorporation:** 3 May 1996

**Registered Office:** c/o Clark Business Recovery Limited  
26 York Place  
Leeds  
LS1 2EY

**Former Registered Office/  
Principal Trading Address:** Unit 2, Eagle Industrial Estate  
Torre Road, Leeds  
West Yorkshire, LS9 7QL

**Issued Share Capital:** 10,000 ordinary shares of £1 each  
44,000 preference shares of £1 each

**Shareholders:**

Andrew Barber	1,500 ordinary
Barrie Shepherd	3,000 ordinary
Paula Thomas	500 ordinary
Darren Shepherd	5,000 ordinary
Dennis Shepherd	44,000 preference

**Debenture Holders:** There are no outstanding debentures or charges

<b>Directors:</b>	<b>Appointed</b>	<b>Resigned</b>
Andrew Barber	25/11/1998	
Barrie Shepherd	25/11/1998	
Darren Paul Shepherd	25/11/1998	
Glen Brian Haigh	15/12/2000	31/03/2011

### APPOINTMENT DETAILS

**Date of Appointment** 27 November 2012

**Administrator.** Dave Clark

**Court Name & Reference:** High Court of Justice, Chancery Division, Leeds District Registry  
No 1571 of 2012

**Jade Press Limited**  
**(In Administration)**  
**Administrator's Abstract of Receipts & Payments**  
**To 26/05/2013**

S of A £		£	£
	<b>SECURED ASSETS</b>		
NIL	Premises Improvements	NIL	
NIL	Goodwill	NIL	NIL
	<b>SECURED CREDITORS</b>		
	Aldermore Invoice Finance	4,980 54	(4,980 54)
	<b>HIRE PURCHASE</b>		
18,000 00	Motor Vehicles	NIL	
(24,080 00)	Finance Companies	NIL	
398,332 00	Book debts	4,980 54	
(300,684 00)	Aldermore Invoice Finance	NIL	
494,000 00	Plant and machinery	NIL	
(646,365 00)	Finance Companies	NIL	4,980 54
	<b>ASSET REALISATIONS</b>		
32,500 00	Plant & Machinery	46,700 00	
5,000 00	Furniture & Equipment	1,620 00	
NIL	Stock/WIP	NIL	
19,678 00	Cash at Bank	16,516 08	
	Rates Refund	1,248 57	
	Bank Interest Gross	7 52	
	Insurance Claim	350 50	
	Recovery From Employee	4,000 00	70,442 67
	<b>COST OF REALISATIONS</b>		
	Preparation of S of A	5,000 00	
	Professional Fees	750 00	
	Agents/Valuers Fees (1)	10,032 00	
	Agent's Disbursements	6,387 01	
	Legal Fees (1)	10,250 00	
	Legal Disbursements	101 00	
	Statutory Advertising	60 00	
	Insurance of Assets	769 56	
	Employee Costs & Expenses	3,440 00	(36,789 57)
	<b>PREFERENTIAL CREDITORS</b>		
(48,251 00)	Employee Arrears/Hol Pay	NIL	NIL
	<b>UNSECURED CREDITORS</b>		
(311,214 00)	Trade & Expense Creditors	NIL	
(295,290 00)	Employees	NIL	
(28,000 00)	Aldermore Loan	NIL	
(20,000 00)	Directors	NIL	
(3,024 00)	Natwest Bank	NIL	
(187,064 00)	H M Revenue & Customs	NIL	
(12,040 00)	Carbon Trust Loan	NIL	

**Jade Press Limited  
(In Administration)  
Administrator's Abstract of Receipts & Payments  
To 26/05/2013**

<b>S of A £</b>		<b>£</b>	<b>£</b>
			NIL
	<b>DISTRIBUTIONS</b>		
(75,000 00)	Preference Shareholders	NIL	
(10,000 00)	Ordinary Shareholders	NIL	
			NIL
<b>(993,502.00)</b>			<b>33,653.10</b>
	<b>REPRESENTED BY</b>		
	Vat Receivable		2,150 00
	Bank 1 Current		31,503 10
			<b>33,653.10</b>

## APPENDIX C

### CLARK BUSINESS RECOVERY LIMITED - DISBURSEMENTS RECOVERY POLICY - SIP 9

#### Category 1 disbursements

<b>Bordereau/ insurance</b>	Charged at cost
<b>Case advertising</b>	As per advertisers/ agents invoice
<b>Courier</b>	Charged at cost
<b>DTI IVA registration fee</b>	Charged at cost (in relevant cases)
<b>Land Registry/ Searches</b>	As per Land Registry, agents or Companies House invoice
<b>Post re-direction</b>	Charged at cost
<b>Subsistence</b>	Charged at cost
<b>Travel</b>	Charged at cost for public transport and taxis Car travel charged at 45p per mile

#### Category 2

##### **Postage and stationery**

For all official stationery, printing, postage and telephone charges including notices to creditors and contributories in respect of the first meeting of creditors and contributories

- |      |   |     |
|------|---|-----|
| (i)  | For a number of creditors and contributories not exceeding 25 |     |
|      | £175  |     |
| (ii) | For every additional 10 creditors and contributories or part  | £40 |

Where any other meeting of creditors and contributories are held by the office holder for the summoning and holding of those meetings

- |      |   |      |
|------|---|------|
| (i)  | For a number of creditors and contributories not exceeding 25 | £155 |
| (ii) | For every additional 10 creditors and contributories or part  | £20  |

##### **Room hire**

£140 for room hire made available in-house for case specific meetings. Charge is only be made when attendance of debtor/ director and/or creditors is likely and a meeting room has been set aside. Where appropriate, external room hire at cost (Category 1)

##### **Storage**

Either pro-rata per number of boxes per storage charge invoice where an external records storage provider provides this facility to the firm (Category 1) Or £5 for each box and £5 per box per annum storage (Category 2)

# **Jade Press Limited – In Administration**

## **Time Analysis in Hours at 27 November 2012 to 26 May 2013**

	<u>Partner</u>	<u>Manager</u>	<u>Senior/ Administrator</u>	<u>Total</u>	<u>Time Cost £</u>
Administration & Planning	3 8	30 0	38 4	72 2	15,474
Creditors	29 1	71 4	46 4	146 9	36,254
Cashiering	2 5	0 7	9 3	12 5	2,553
Investigations	0 9	2 1	1 4	4 4	1,125
Realisation of Assets	3 8	31 1	1 5	36 4	9,895
Trading	0 0	1 1	0 0	1 1	297
<b>Total</b>	<b>40 1</b>	<b>136.4</b>	<b>97.0</b>	<b>273.5</b>	<b>65,598</b>

Total Time Costs   **£**   65,598

Total Hours               273 5

Average Hourly  
Rate                   **£**   239 85