

Rule 1 26A/1 54

The Insolvency Act 1986

Notice to Registrar of Companies of
Supervisor's Progress Report

Pursuant to Rule 1.26A(4)(a) or
Rule 1 54 of the
Insolvency Rules 1986

R.1.26A(4)(a)/
R.1.54

For Official Use

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To the Registrar of Companies

Company Number

03382101

Name of Company

Oldham F M Limited

I / We
Stephen Gerard Clancy
The Chancery
58 Spring Gardens
Manchester
M2 1EW

Sarah Helen Bell
The Chancery
58 Spring Gardens
Manchester
M2 1EW

supervisor(s) of a voluntary arrangement taking effect on

13 December 2011

Attach my progress report for the period

13 December 2011

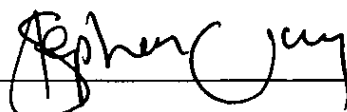
to

12 December 2012

Number of continuation sheets (if any) attached

☐

Signed



Date

12/2/13

Duff & Phelps Ltd
The Chancery
58 Spring Gardens
Manchester
M2 1EW

Ref FMO035/SUC/SB/EQY/RXE/PUB

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Insolvency Section 1 Part B



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COMPANIES HOUSE

SATURDAY

Annual Progress Report to Creditors Oldham F.M.Limited (under a Voluntary Arrangement)

12 February 2013

*Joint Supervisors Annual Progress Report to Creditors
for the period from 13 December 2011 to 12 December 2012
pursuant to Rule 1 26A(4) of the Insolvency Rules 1986, as amended*

**Duff & Phelps Ltd.
The Chancery
58 Spring Gardens
Manchester
M2 1EW**

DUFF & PHELPS

Definitions

Word or Phrase	Definition
the Act	The Insolvency Act 1986 (as amended)
the Appointment Date	13 December 2011 being the date of appointment of the Joint Supervisors
the Chairman's Report	The Chairman's Report pursuant to Section 4(6) of the Act dated 13 December 2011
the Company	Oldham F M Limited (under a Voluntary Arrangement) (Company Number 03382101)
the Director	Stephen Penkethman, the Director of the Company
HMRC	HM Revenue and Customs
the Joint Supervisors	Stephen Clancy and Sarah Bell of Duff & Phelps Ltd The Chancery, 58 Spring Gardens, Manchester, M2 1EW
the Proposal	The Director's Proposal to Creditors dated 18 October 2011
the Rules	The Insolvency Rules 1986 (as amended)
Duff & Phelps	Duff & Phelps Ltd

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Appendices

- 1 Joint Supervisors' Receipts and Payments Account
- 2 Analysis of Time Costs

1. Introduction

- 1 1 I refer to my appointment as Joint Supervisor of the Company's voluntary arrangement at the meetings of the Company's creditors and members held on 13 December 2011
- 1 2 Pursuant to Rule 1 26A of the Rules, I write to provide you with the Joint Supervisors progress report on the voluntary arrangement. The purpose of this report is to provide creditors with an update of and prospect of the voluntary arrangement being implemented in full
- 1 3 Please find attached at Appendix 1 the Joint Supervisors' Receipts and Payments Account in this matter

2 Background

- 2 1 The nature of the Company's financial position and the events leading up to the convening of the meetings of members and creditors are detailed in full within the Proposal
- 2 2 Notice convening the meetings of members and creditors on the Appointment Date was distributed to all relevant parties on 25 November 2011
- 2 3 A meeting of creditors was held pursuant to Section 4 of the Act where a requisite voting majority was obtained approving the arrangement, inclusive of modifications proposed by HMRC. Following the Director's acceptance of the modifications, the Proposal was approved and the Joint Supervisors were appointed to monitor the arrangement
- 2 4 A meeting of the Company's members was held following the meeting of creditors, at which the proposal with modifications was approved by the shareholders
- 2 5 The Joint Supervisors prepared and distributed the Chairman's Report pursuant to Rule 1 24 of the Rules on 16 December 2011
- 2 6 Since the Appointment Date, the Company has continued to trade whilst making monthly contributions in line with the Proposal agreed with the modifications proposed by HMRC

3. Asset Realisations

CVA Contributions

- 3 1 The Proposal stated that the Company would continue to trade and make a total contribution of £139,200 to the arrangement over a period of five years. The Joint Supervisors will hold these monies on trust and upon completion of the arrangement a distribution will be made to creditors, representing a full and final settlement of their indebtedness as at the Appointment Date
- 3 2 Please note that the total amount to be distributed to creditors is subject to the Joint Supervisors estimated fees of £5,000 per annum as detailed in the Proposal
- 3 3 A total of £13,200 has been received in respect of contributions made by the Company and is reflected in the Joint Supervisors' Receipts and Payments Account at Appendix 1
- 3 4 The Company has since made a further payment of £2,625 in respect of the month 13 contribution. This has not been reflected in the Joint Supervisors' Receipts and Payments Account as this receipt falls outside this reporting period
- 3 5 Detail regarding the future prospects of the arrangement is included later in this report

Bank Interest

- 3 6 The Joint Supervisors have realised £8 of gross bank interest

4. Creditors' Claims

- 4 1 No steps have been taken to agree creditor claims to date. The Joint Supervisors do not believe that sufficient funds have been received in order to make an interim distribution to the creditors of the Company.
- 4 2 This situation will continue to be monitored by the Joint Supervisors and all creditors will be requested to prove their claim in the arrangement in the event that an interim distribution is considered appropriate.

5 Dividend Prospects

- 5 1 The Company has continued to make contributions in line with the terms of the arrangement approved by creditors with modifications.
- 5 2 It is anticipated that provided the Company continues to make payments in line with the terms of the arrangement, there will be sufficient funds with which to make a distribution to the arrangement creditors of 53 pence in the pound, the dividend required under the modifications proposed by HMRC.
- 5 3 As noted above the Joint Supervisors have not taken steps to agree claims at this time. Should it transpire that the level of creditor claims adversely affects the dividend rate required by the modifications, the Joint Supervisors will seek to obtain any shortfall from the Company.

6. Joint Supervisors' Costs and Expenses

- 6 1 A breakdown of the Joint Supervisors' time costs in this matter have been attached at Appendix 2 in accordance with SIP 9. Time costs during the first year of the arrangement total £10,176.
- 6 2 Such costs have been incurred in respect of the completion of the various statutory matters required in dealing with the arrangement, together with on-going review of the Company's management accounts and ensuring contributions are made in a timely manner.
- 6 3 Please note that the Joint Supervisors have since drawn an annual fee of £5,000 in accordance with the Proposals approved by creditors. This was drawn outside of the reporting period and as such is not included in the Joint Supervisors' Receipts and Payments Account at Appendix 1.
- 6 4 Please also note that as per the Proposals, the Joint Supervisors are entitled to draw remuneration on the basis of time properly spent. However, the Joint Supervisors have capped their fee at £5,000 in order to allow sufficient funds to be collected in the arrangement in order to make an interim distribution to creditors at a later date.
- 6 5 The Joint Supervisors are also mindful of their requirement to hold sufficient funds to present a winding up petition against the Company should it default on its arrangement. As such, the Joint Supervisors' time costs will not be drawn in full.
- 6 6 The Joint Supervisors will continue to monitor their time costs, however, will seek to recover these costs as appropriate at a later date in the arrangement.

7 Future Prospects and Conclusion

- 7 1 The Director of the Company believes that the business will be able to continue as a going concern, making monthly contributions in line with the terms of the arrangement
- 7 2 In consideration of their duties under the modifications proposed by HMRC, the Joint Supervisors have conducted a review into the current financial position of the business to assess if the Company is in a position to make any additional contributions to the arrangement. This review was based on the management accounts prepared to date as the Company's financial year end is 31 March of each year
- 7 3 Following the completion of this review, the Joint Supervisors are of the opinion that there is no scope for increasing the level of monthly contributions at this time
- 7 4 The Joint Supervisors will continue to ensure that the Company continues to make its monthly contributions and monitor the financial position of the business
- 7 5 The Company have made contributions to date in a timely manner and the Joint Supervisors believe that provided this is continued, there is a good prospect of the arrangement being implemented in full
- 7 6 The Proposal is due to terminate on 12 December 2016. Provided that the terms of the arrangement have been met, the Joint Supervisors will send notice to all prescribed persons that the arrangement has been fully implemented, together with their final report in the matter
- 7 7 Following the completion of the arrangement, the Joint Supervisors will take steps to make a final distribution to all arrangement creditors, upon completion of which their involvement in the Company will cease

8. Next Report

- 8 1 The Joint Supervisors are required to provide a progress report within two months of the end of the anniversary of the Appointment Date. This report will be provided no later than 13 February 2014

If you have any queries regarding the contents of this report then please contact my colleague Pete Broadbent

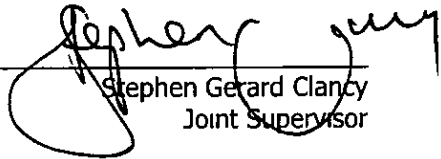

Stephen Clancy
Joint Supervisor

Appendix 1

Joint Supervisors' Receipts and Payments Account

Voluntary Arrangement of Oldham F.M.Limited

Statement of Affairs	From 13/12/2011 To 12/12/2012	From 13/12/2011 To 12/12/2012
ASSET REALISATIONS		
Debtor Contributions	13,200.00	13,200 00
Bank Interest Gross	8 29	8.29
	<u>13,208.29</u>	<u>13,208 29</u>
	<u>13,208.29</u>	<u>13,208.29</u>
REPRESENTED BY		
Main current account		13,208.29
		<u>13,208.29</u>


 Stephen Gerard Clancy
 Joint Supervisor

Appendix 2

Analysis of Time Costs

38676 OLDHAM F M LIMITED - FMO035

ANALYSIS OF TIME COSTS FOR THE PERIOD 13/12/2011 to 12/12/2012

CVA-Comp Vol Arrangement - Supvr

Classification of Work Function	Partner	Manager	Hours Senior	Assistant	Support	Total Hours	Time Cost	Avg Hourly Rate
Administration and Planning								
Cashiering & accounting	0 00	0 70	0 30	3 60	0 00	4 60	1,008 50	219 24
Financial review	0 40	0 00	2 30	1 80	0 00	4 50	1 201 00	266 89
General admin	0 40	0 00	0 00	0 20	0 00	0 60	213 00	355 00
General correspondence	2 00	0 60	0 00	7 50	0 00	10 10	2,594 00	256 83
IPS set up & maintenance	0 00	0 50	0 00	0 00	0 00	0 50	170 00	340 00
Statutory matters (Meetings & Reports & Notices)	0 70	0 80	0 00	0 10	0 00	1 60	627 00	391 88
Strategy planning & control	0 00	1 10	10 50	3 80	0 00	15 40	4,056 00	263 38
Creditors								
Unsecured creditors	0 00	0 00	0 40	1 00	0 00	1 40	306 00	218 57
Total Hours	3 50	3 70	13 50	16 00	0 00	38 70		262 93
Total Fees Claimed	1,680 00	1,298 00	3,810 00	3,387 50	0 00		10,175 50	

Category 2 Disbursements