

## The Insolvency Act 1986

**Administrator's progress report****2.24B**


Name of Company J K Environmental & Sons Limited	Company number 03484229
In the High Court of Justice, Chancery Division, Companies Court, London	Court case number 16551 of 2009

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

We (a) Simon Peter Bower and Matthew Haw, Baker Tilly Restructuring and Recovery LLP, 25 Farringdon Street, London, EC4A 4AB the Joint Administrators of the above company attach a progress report for the period

(b) Insert dates

from (b) 20 July 2010	to (b) 19 January 2011
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Signed   
Simon Peter Bower  
Joint Administrator

Dated 17 February 2011

**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 record.

Bradley Clifford	
5 Old Bailey, London EC4M 7AF	
Tel 020 7002 8600	
DX Number 458	DX Exchange Chancery Lane

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

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COMPANIES HOUSE

**IN THE HIGH COURT OF JUSTICE,  
CHANCERY DIVISION,  
COMPANIES COURT, LONDON  
NUMBERS 16551 OF 2009**

**IN THE MATTERS OF  
J K ENVIRONMENTAL & SONS LIMITED  
IN ADMINISTRATION  
JOINT ADMINISTRATORS' INTERIM PROGRESS REPORT  
AS AT 19 JANUARY 2011**

**SIMON BOWER AND MATTHEW HAW  
JOINT ADMINISTRATORS**

**APPOINTED 20 JULY 2009**

**BAKER TILLY RESTRUCTURING AND RECOVERY LLP  
25 FARRINGDON STREET  
LONDON  
EC4A 4AB**

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# **J K ENVIRONMENTAL & SONS LIMITED IN ADMINISTRATION**

## **JOINT ADMINISTRATORS' PROGRESS REPORT**

**AS AT 19 JANUARY 2011**

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### **1. PURPOSE OF REPORT**

This report has been prepared in accordance with the provisions of Rule 2.47 of the Insolvency Rules 1986 (as amended) ("the Rules")

The purpose of the report is to set out the progress of the Administration from 20 July 2010 to 19 January 2011

### **2. JOINT ADMINISTRATORS' APPOINTMENT**

Simon Peter Bower and Matthew Robert Haw of Baker Tilly Restructuring and Recovery LLP, 25 Farringdon Street, London, EC4A 4AB were appointed Joint Administrators of the Company on 20 July 2009 by Bank of Scotland Plc ("the Bank"), The Mound, Edinburgh, EH1 1YZ

The Bank holds a qualifying floating charge over the Company's assets and undertakings.

The notice of appointment was filed in the High Court of Justice, Chancery Division, Companies Court, London, under reference number 16551 of 2009

The Joint Administrators' appointment specified that they would have power to act jointly and severally. The Joint Administrators have exercised and will continue to exercise all of their functions jointly and severally as stated in the notice of appointment

The Joint Administrators' Proposals set out the Purpose of Administration as objective "C" of Paragraph 3 of Schedule B1 to the Insolvency Act 1986 (as amended) ("the Act"), namely realising property in order to make a distribution to one or more secured or preferential creditors

### **3. COMPANY DETAILS**

We attach as Appendix A an extract of statutory information, including details of the directors, company secretary and secured creditors from the Company's file held at Companies House.

#### **4. RECEIPTS AND PAYMENTS SUMMARY**

We attach at Appendix B a summary of our receipts and payments for the period 20 July 2010 to 19 January 2011

##### **VAT Basis**

Receipts and payments are shown net of VAT, with any amount due to or from HM Revenue & Customs shown separately

#### **5. CONDUCT OF THE ADMINISTRATION SINCE THE DATE OF THE LAST PROGRESS REPORT**

Since the date of the last progress report the Joint Administrators' main task has been to conduct negotiations with the purchaser of the Company's trade and assets in order to pursue recovery of the deferred consideration

This proportion of the sales consideration had fallen into default and legal advice was taken with a view to enforcing the Company's security over the purchaser's assets

In the end this was not necessary as full payment of all outstanding sums due from the purchaser was received on 3 December -- a total of £253,615

During the period since the date of the last report the Joint Administrators have also continued to collect book debt monies and to settle trading costs. In addition, the Company's tax affairs for the administration trading period have been calculated and agreed

#### **6. ASSETS REMAINING TO BE REALISED**

The assets remaining to be realised are book debts relating to the pre-Administration period and the Administration trading period

In respect of the pre-Administration period the value of these debts is c£65k due from nine separate debtors

In respect of the post-Administration period the value of these debts is c£40k due from nine separate debtors

The Joint Administrators intend to pursue recovery action against these debtors or seek to assign the debts

Advice from a debt collection agent suggests this exercise could take up to six months to complete.

This recovery action will link directly to the Joint Administrators' ability to achieve the purpose of the Administration because it will enhance the prospect of maximising realisations and distributions to the Company's secured creditor.

## **7. PREVIOUS EXTENSIONS OF THE ADMINISTRATION**

On 3 June 2010 the Administration was extended for a period of six months to 19 January 2011 by the written consent of the Bank in accordance with Paragraphs 76(2)(b), 78(2)(a) and 78(3)(b) of Schedule B1 of the Act

A further extension has been granted by the High Court of Justice to extend the Administration for a further period of twelve months to 19 January 2012 in accordance with Paragraphs 76(2)(b), 78(2)(a) and 78(3)(b) of Schedule B1 of the Act

## **8. JOINT ADMINISTRATORS' REMUNERATION AND DISBURSEMENTS**

The basis of the Joint Administrators' remuneration from fixed charge realisations is to be approved, as and when funds permit, by the Bank

To date we have drawn a total of £300,000 plus VAT from the fixed charge estate on account of our time costs incurred in respect of dealing with the Company

Attached are the following:

- Appendix C. Joint Administrators' time cost analysis,
- Appendix D. Joint Administrators' charge out and disbursement rates,
- Appendix E. Charging, Expense and disbursement policy, and
- Appendix F. Summary of payments to Joint Administrators' and associated parties

2263.9 hours have been spent by our staff in the Administration of the Company from the date of appointment to 19 January 2011, totalling £470,575.00 at an average hourly charge out rate of £207.86

A Creditors' Guide to Administrators' Fees, a guide in relation to the remuneration of administrators, can be accessed at the website of the Association of Business Recovery Professionals at -

[www.r3.org.uk/publications/statements\\_of\\_insolvency\\_practice](http://www.r3.org.uk/publications/statements_of_insolvency_practice) (Statement of Insolvency Practice 9 – Remuneration of Insolvency Office Holders England & Wales)

Alternatively, we can provide you with a copy on written request to this office

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## **Analysis of time spent in Administrations**

Our staff have carried out the following tasks

### **Administration and Planning**

This includes day-to-day administrative duties and dealing with statutory duties and responsibilities, including advertising notices of the Administrations, providing notice to creditors, dealing with the submission of the Statement of Affairs and filing necessary documents at Companies House and the Court. Other duties include handling and recording receipts and payments, VAT and Corporation Tax issues such as the monthly VAT returns, pension queries and general correspondence.

### **Investigations**

In accordance with our statutory obligations under the Company Directors' Disqualification Act 1986, we have filed the appropriate documentation on the conduct of the directors with the Department for Business Innovation and Skills.

### **Realisation of Assets**

Our staff have been involved with various matters such as preparing the sale of business information memorandum, handling queries from interested parties and obtaining valuations of assets.

The sale of the business negotiations and completion with the purchaser required a significant amount of time from the Administrators, their staff and legal advisors.

Additionally, time has been spent reviewing retention of title claims with regard to stock and dealing with finance company creditors, both of which have been key areas of the Administration and the trading of the Company.

### **Trading**

Our staff set up credit accounts with suppliers to allow the Company to continue to trade, making payments to suppliers and dealing with general correspondence. Certain aspects of trading led to large time demands upon our staff, particularly as the size and geographical dispersion of the Company's operations required at least two members of the Administrators' staff to be present at the Company's offices for the majority of the trading period.

As the Administration trading ceased on 5 October 2009 following successful completion of the sale, time costs from this source have significantly reduced.

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## Creditors

Queries from and correspondence with creditors and employees have been necessary aspects of the Administration. The preparation of the Administrators' Proposals has been undertaken including the attendant aspects of providing and obtaining the required information, as well as the preparation and distribution of this report and earlier progress reports.

## Joint Administrators' disbursements

To date we have drawn disbursements of £9,557.27 in respect of the Company. A brief summary of the disbursements we have incurred is as follows:

Category 1	£	Category 2	£
Company search fees	8 00	Mileage	1,400 45
Insolvency Bond	158 00	Phone	80.00
Subsistence	1,027.36	Printing	59.34
Travel	4,410 77	<b>Total Category 2</b>	<b>1,539.79</b>
Trading Payments	2,604.68		
<b>Total Category 1</b>	<b>8,208.81</b>	<b>Total Disbursements</b>	<b>9,748.60</b>

Should you have any queries regarding the contents of this report please contact Paul Zalkin or Bradley Clifford of this office.



**Simon Peter Bower**  
**Baker Tilly Restructuring and Recovery LLP**  
**Joint Administrator**

Simon Bower and Matthew Haw are licensed to act as Insolvency Practitioners in the UK by the Institute of Chartered Accountants in England and Wales

The affairs, business and property of the Company are being managed by the Joint Administrators who act as agents of the Company and without personal liability



## Appendix A

### STATUTORY INFORMATION

COMPANY NAME	J K Environmental & Sons Limited
PREVIOUS COMPANY NAMES	None
COMPANY NUMBER	03484229
DATE OF INCORPORATION	22 December 1997
TRADING NAME	J K Environmental
FORMER TRADING ADDRESS	Units 3-4, Orchard Road, Royston, Hertfordshire, SG8 5HA
PRINCIPAL ACTIVITY	Sewage and refuse Disposal, Sanitation and Similar Activities
REGISTERED OFFICE.	c/o Baker Tilly Restructuring and Recovery LLP 25 Farringdon Street, London, EC4A 4AB
PREVIOUS REGISTERED OFFICES	c/o Baker Tilly Restructuring and Recovery LLP 5 Old Bailey, London EC4M 7AF  201 Bishopsgate, London EC2M 3AF
SHARE CAPITAL	2 £1 Ordinary shares
NOMINAL & ISSUED SHARE CAPITAL	Issued 2 £1 Ordinary shares
SHAREHOLDERS	J K Environmental (Holdings) Limited
DIRECTORS	Patrick Condon Michael Murphy
SECRETARY	Michael Murphy
MORTGAGES AND CHARGES	Debenture created on 4 December 2007 and registered on 19 December 2007 in favour of Bank Of Scotland Plc  Rent Deposit Deed created 17 December 2001 and registered 4 January 2002 in favour of Socpen Trustees Limited  3 Supplemental Chattel Mortgage created and registered on various dates in favour of State Securities PLC

APPENDIX B

**J K ENVIRONMENTAL & SONS LIMITED - IN ADMINISTRATION**  
**SUMMARY OF RECEIPTS AND PAYMENTS**  
**20 JULY 2009 TO 19 JANUARY 2011**

SOFA		<u>20/07/10 to 19/01/11</u>		<u>20/07/09 - 19/01/11</u>	
£		£	£	£	£
	<b>FIXED CHARGE</b>				
	<b>SECURED ASSETS</b>				
0 00	Bank Interest Gross	276 57		624 19	
0 00	Customer Contracts	0 00		1 00	
0 00	Freehold Land and Property	0 00		35,000 00	
0 00	Exclusivity Fee	0 00		67,516 28	
0 00	Goodwill	118,702 97		426,696 97	
0 00	Intellectual Property Rights	0 00		1 00	
0 00	Records	0 00		1 00	
			118,979 54		529,840 44
	<b>COST OF REALISATIONS</b>				
0 00	Joint Administrators' Disbursements	0 00		(9,557 23)	
0 00	Joint Administrators' Remuneration	(134,297 16)		(300,000 00)	
			(134,297 16)		(309,557 23)
	<b>FLOATING CHARGE</b>				
	<b>POST APPOINTMENT TRADING</b>				
0 00	Trading Surplus	140,001 58		53,344 91	
			140,001 58		53,344 91
	<b>ASSET REALISATIONS</b>				
0 00	Apportionments	0 00		15,000 00	
0 00	Bank Interest Gross	334 60		727 87	
0 00	Chattels	0 00		1 00	
0 00	Computer Hardware and Software	0 00		1 00	
0 00	Insurance Claims	1,665 00		1,665 00	
0 00	License Fee Insurance	0 00		662 34	
0 00	Stock/Inventory on Hand	0 00		1 00	
			1,999 60		18,058 21
	<b>COST OF REALISATIONS</b>				
0 00	Advertisements	0 00		(245 28)	
0 00	Agents / Valuers Fees	0 00		(10,714 60)	
0 00	Bank Charges	(30 00)		(778 63)	
0 00	Bank Overdraft Interest	(231 52)		(2,574 89)	
0 00	Legal Fees	(55,605 62)		(85,605 62)	
0 00	Petitioners Costs	0 00		(1,049 95)	
0 00	Photocopying	0 00		(1,083 60)	
0 00	VAT Surcharge	(508 12)		(508 12)	
0 00			(56,375 26)		(102,560 69)
			(70,308 30)		189,125 64
	<b>REPRESENTED BY</b>				
	Bank - Fixed (BOS)			116,474 83	
	Bank - Floating (BOS)			67,108 98	
	Bank - No 2 Floating (BOS)			0 00	
	VAT Receivable (Payable)			5,541 83	
					189,125 64

APPENDIX B1

**J K ENVIRONMENTAL & SONS LIMITED - IN ADMINISTRATION**  
**TRADING RECEIPTS AND PAYMENTS**  
**20 JULY 2009 TO 19 JANUARY 2011**

	£
<b>Post Appointment Sales (Trading)</b>	
Miscellaneous Income	251 86
Sales	1,440,014 22
Working Capital Contribution	60,000 00
Total Post Appointment Sales	<u>1,500,266 08</u>
<b>Gross Profit:</b>	<b><u>1,500,266.08</u></b>
<b>Purchases</b>	
<b>Trading Expenditure</b>	
Advertising	(1,300 00)
Attachment of Earning	(688 52)
Bank Charges	(85 00)
Debt collection fees	(20,000 00)
Early settlement discount	(20,407 25)
Fixed Penalty Notice	(426 61)
Fuel	(131,741 20)
Hire of Equipment	(36,161 02)
Holfords	(1,700 00)
IT Support	(1,259 28)
Insurance	(49,365 70)
Lease /HP Payments	(38,614 40)
PAYE & NI	(269,018 81)
Pension Contributions	(10,875 07)
Petty Cash	(5,000 00)
Professional Fees	(2,102 50)
Protective Clothing	(4,215 10)
ROT	(3,614 90)
Ransom payments	(526 74)
Rates	(8,298 30)
Rent	(4,559 00)
Repairs & Maintenance	(17,679 94)
Subcontractors	(130,433 25)
Sundry Expenses	(436 53)
Telephone & Fax	(15,854 14)
Travel	(337 32)
Utilities	(3,070 22)
Vehicle Maintenance	(25,604 05)
Vehicle Tax	(8,031 77)
Wages & Salaries	(567,614 81)
Waste disposal	(67,899 74)
<b>Net Income</b>	<b><u><u>53,344 91</u></u></b>

**J K Environmental & Sons Limited - In Administration**  
**Joint Administrators SIP 9 Time Cost Analysis**  
**For the period 20 July 2009 to 19 January 2011**

<b>HOURS SPENT</b>	<b>Partners</b>	<b>Managers</b>	<b>Administrators</b>	<b>Assistants</b>	<b>Total Hours</b>	<b>Total Time Costs</b>	<b>Average Time Cost</b>
<b>Administration and Planning</b>							
Appointment	00	14.7	3.7	00	18.4	£4,111.50	£223.45
Background information	00	00	0.4	00	0.4	£60.00	£150.00
Case Management	00	35.6	114.7	18.7	169.0	£28,675.50	£169.68
Closure	00	1.5	0.0	00	1.5	£442.50	£295.00
Pension Scheme	00	0.7	0.6	00	1.3	£206.50	£158.85
Post-appointment - general	8.0	14.6	0.2	1.0	23.8	£8,232.00	£345.88
Post-appointment taxation	00	5.4	21.1	00	26.5	£4,767.00	£179.89
Receipts and Payments	0.5	11.7	200.6	0.9	213.7	£32,607.50	£152.59
Shareholders/Director/Debtor/ Bkpt	00	1.0	1.0	00	2.0	£385.00	£192.50
Statement of Affairs	00	2.0	11.5	00	13.5	£2,213.50	£163.96
<b>Totals</b>	<b>8.5</b>	<b>87.2</b>	<b>353.8</b>	<b>20.6</b>	<b>470.1</b>	<b>£81,701.00</b>	<b>£173.79</b>
<b>Investigations</b>							
Investigations/CDDA	2.0	8.9	18.6	00	29.5	£5,773.00	£195.69
<b>Totals</b>	<b>2.0</b>	<b>8.9</b>	<b>18.6</b>	<b>00</b>	<b>29.5</b>	<b>£5,773.00</b>	<b>£195.69</b>
<b>Realisation of Assets</b>							
Assets - general/other	00	10.5	12.4	00	22.9	£4,384.00	£191.44
Chattels	00	00	1.0	00	1.0	£100.00	£100.00
Debtors & sales finance	00	99.1	12.8	00	111.9	£20,897.50	£186.75
HP/Leasing creditors	00	7.2	153.4	00	160.6	£28,277.50	£176.07
Land and Property	00	10.7	0.4	00	11.1	£2,300.50	£207.25
ROT/ Third Party Assets	00	0.9	3.2	00	4.1	£693.00	£169.02
Sale of business	12.0	126.8	13.0	00	151.8	£39,566.00	£260.65
<b>Totals</b>	<b>12.0</b>	<b>255.2</b>	<b>196.2</b>	<b>00</b>	<b>463.4</b>	<b>£96,218.50</b>	<b>£207.64</b>
<b>Trading</b>							
Land and Property	00	00	0.6	00	0.6	£105.00	£175.00
Trading	136.5	488.3	468.2	00	1093.0	£247,750.50	£226.67
<b>Totals</b>	<b>136.5</b>	<b>488.3</b>	<b>468.8</b>	<b>00</b>	<b>1093.6</b>	<b>£247,855.50</b>	<b>£226.64</b>
<b>Creditors</b>							
1st creditors/shareholders meetings and reports	00	3.0	21.0	00	24.0	£4,335.00	£180.63
Employees	00	2.6	10.4	00	13.0	£1,900.00	£146.15
HP/Leasing creditors	00	00	0.2	00	0.2	£28.00	£140.00
Other Creditor Meetings and Reports	3.0	4.8	45.5	00	53.3	£9,996.00	£187.54
Secured Creditors	00	59.0	1.3	00	60.3	£13,894.50	£230.42
Unsecured Creditors	0.3	1.3	45.6	3.5	50.7	£7,734.50	£152.55
<b>Totals</b>	<b>3.3</b>	<b>70.7</b>	<b>124.0</b>	<b>3.5</b>	<b>201.5</b>	<b>£37,888.00</b>	<b>£188.03</b>
<b>Case Specific Matters</b>							
Legal Matters	00	4.2	1.6	00	5.8	£1,139.00	£196.38
<b>Totals</b>	<b>00</b>	<b>4.2</b>	<b>1.6</b>	<b>00</b>	<b>5.8</b>	<b>£1,139.00</b>	<b>£196.38</b>
<b>TOTAL HOURS</b>	<b>162.3</b>	<b>914.5</b>	<b>1163.0</b>	<b>24.1</b>	<b>2263.9</b>		<b>£207.88</b>
<b>TOTAL TIME COST</b>	<b>£77,030.00</b>	<b>£204,186.50</b>	<b>£186,968.00</b>	<b>£2,390.50</b>		<b>£470,575.00</b>	

## **APPENDIX D**

### **BAKER TILLY RESTRUCTURING AND RECOVERY LLP**

#### **JOINT ADMINISTRATORS' CHARGE OUT AND DISBURSEMENT RATES**

	As at the date of appointment on 20 July 2009 £	Current Rates applicable to 31 March 2011 £
Partner	400-475	400-475
Manager	195-395	195-395
Administrator	140-175	100-175
Support staff	100	100

It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it

Baker Tilly Restructuring and Recovery LLP's charge out rates are reviewed periodically.

#### **CURRENT "CATEGORY 2" DISBURSEMENT RATES**

Authority was received to recover the following costs as "Category 2" disbursements

Fax	5 pence per sheet
Photocopying	2 pence per sheet
Subsistence	£23 per night
Travel (car)	38 pence per mile

**BAKER TILLY RESTRUCTURING AND RECOVERY LLP**

**CHARGING, EXPENSES AND DISBURSEMENTS POLICY STATEMENT**

**Charging policy**

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an hourly charge out rate which is reviewed from time to time
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate.
- Time is recorded in 6-minute units.
- The current charge rates for Baker Tilly Restructuring and Recovery LLP London are attached
- Time billed is subject to Value Added Tax at the applicable rate.

**Expenses and disbursements policy**

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to creditors, but do not require creditors' approval prior to being drawn from the insolvency estate. These are known as "Category 1" disbursements.
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) require the approval of creditors prior to being drawn from the insolvency estate. These are known as "Category 2" disbursements
- A resolution to consider approving "Category 2" disbursements at the attached rates applicable to Baker Tilly Restructuring and Recovery LLP London will be proposed to creditors' in general meeting
- General office overheads are not re-charged to the insolvency estate as a disbursement.
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of creditors.
- Where applicable, expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate.

**APPENDIX F**

**J K ENVIRONMENTAL & SONS LIMITED – IN ADMINISTRATION  
SUMMARY OF PAYMENTS TO JOINT ADMINISTRATORS AND ASSOCIATED  
PARTIES**

<b>AMOUNTS PAID TO THE JOINT ADMINISTRATORS' FIRM</b>	
<b>TYPE AND PURPOSE</b>	<b>£</b>
Baker Tilly Restructuring & Recovery LLP - Joint Administrators Fees	300,000 00
Baker Tilly Restructuring & Recovery LLP - Joint Administrators Disbursements	9,557 23
<b>Total</b>	<b>309,557.23</b>

<b>AMOUNTS PAID TO ASSOCIATED PARTIES OF JOINT ADMINISTRATOR</b>	
<b>TYPE AND PURPOSE</b>	<b>£</b>
<b>Total</b>	<b>Nil</b>

<b>AMOUNTS PAID TO THE JOINT ADMINISTRATORS' SOLICITOR</b>	
<b>TYPE AND PURPOSE</b>	<b>£</b>
Maclay Murray & Spens LLP – for legal advice and support provided to the Administrators with regards to the appointment of the Joint Administrators and the sale of the business and assets.	85,605 62
<b>Total</b>	<b>85,605.62</b>

<b>AMOUNTS PAID TO THE JOINT ADMINISTRATORS' AGENT</b>	
<b>TYPE AND PURPOSE</b>	<b>£</b>
Hilco Appraisals Limited – for carrying out the valuation of the Company's assets and liabilities	10,714 60
<b>Total</b>	<b>10,714.60</b>