

# 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

03643137

Name of Company

Agora Management Limited

I / ~~We~~

Michael Durkan, 17 Berkeley Mews, 29 High Street, Cheltenham, GL50 1DY

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 06/01/2015 to 05/01/2016

Signed



Date

29/2/16.

Durkan Cahill  
17 Berkeley Mews  
29 High Street  
Cheltenham  
GL50 1DY

Ref AGORA01/MPD/SJ/RS

THURSDAY



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03/03/2016

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COMPANIES HOUSE

**Agora Management Limited**  
**(In Liquidation)**  
**Liquidator's Abstract of Receipts & Payments**

Statement of Affairs	From 06/01/2015 To 05/01/2016	From 06/01/2012 To 05/01/2016
SECURED ASSETS		
Goodwill	NIL	1,000 00
	NIL	1,000 00
SECURED CREDITORS		
Lloyds TSB Bank Plc	NIL	1,000 00
	NIL	(1,000 00)
HIRE PURCHASE		
12,700 00 Financed Vehicle (BMW Finance)	NIL	NIL
(23,033 00) BMW Finance	NIL	NIL
	NIL	NIL
ASSET REALISATIONS		
300 00 Hand Tools	NIL	600 00
1,700 00 Office Furniture & Equipment	NIL	4,800 00
2,100 00 Unencumbered Vehicles	NIL	3,600 00
VAT Refund	NIL	1,253 33
Bank Interest Net of Tax	9 65	29 81
Settlement of Antecedent Transactions	10,000 00	10,000 00
	10,009 65	20,283 14
COST OF REALISATIONS		
Specific Bond	NIL	120 00
Liquidator's Expenses	132 31	330 37
Agent's Fees re Asset valuation	NIL	750 00
Agent's Fees re Property valuations	NIL	200 01
Legal Fees re Recovery Action	2,000 00	2,000 00
Statutory Advertising	NIL	180 00
	(2,132 31)	(3,580 38)
PREFERENTIAL CREDITORS		
(1,295 53) Employee Arrears/Hol Pay	NIL	NIL
	NIL	NIL
FLOATING CHARGE CREDITORS		
(88,376 05) Lloyds TSB Bank plc	NIL	NIL
	NIL	NIL
UNSECURED CREDITORS		
(24,114 69) Trade & Expense Creditors	NIL	NIL
(830 76) Employees	NIL	NIL
(76,380 00) Director	NIL	NIL
(52,133 52) HM Revenue & Customs - PAYE	NIL	NIL
(98,642 16) HM Revenue & Customs - VAT	NIL	NIL
(25,338 88) Connected Companies	NIL	NIL
	NIL	NIL
DISTRIBUTIONS		
(74 00) Ordinary Shareholders	NIL	NIL
	NIL	NIL
<b>(373,418.59)</b>	<b>7,877.34</b>	<b>16,702.76</b>

Bank 1 Current

16,702.76

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**16,702.76**

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Michael Durkan  
Liquidator

**Agora Management Limited in Creditor's Voluntary Liquidation**

**4<sup>th</sup> Annual Progress Report**

**29 February 2016**

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## **1. INTRODUCTION**

- 1 1 I write further to the creditors' meeting held on 6 January 2012 and my third annual report dated 27 February 2015
- 1 2 The purpose of this report is to detail my acts and dealings together with the conduct of the liquidation since that meeting and report

## **2. BACKGROUND**

- 2 1 The members' and creditors' meetings were held on 6 January 2012, when I was appointed liquidator of the company
- 2 2 The company's registered office is 17 Berkeley Mews, 29 High Street, Cheltenham, GL50 1DY The company registration number is 03643137
- 2 3 The company's former registered office was previously at The Quorum, Barnwell Road, Cambridge, CB5 8RE The company's trading address was situated at 12 Kings Court, Willie Snaith Road, Newmarket, Suffolk, CB8 7SG
- 2 4 The company's principal activity was the provision of construction project management services, primarily for the animal welfare industry It worked mainly with architectural practices
- 2 5 The main cause of failure was stated to be a significant bad debt suffered in 2009 as a result of the insolvency of an architectural practice At the same time further losses were sustained as work undertaken on another project was disputed and it was felt that defending the company's position would damage its reputation within the industry
- 2 6 The recession also began to have an impact on the company's workload, and although cash flow worsened the company decided to try and honour its existing contracts The director loaned some funds to the business but this was insufficient to meet the liabilities that had accrued and alternative funding was not available from the banks
- 2 7 The director sought professional advice and subsequently put forward proposals for a Company Voluntary Arrangement ('CVA'), which were approved in March 2011 The company's position did not improve however and it struggled to adhere to the terms of the CVA As a result of increased pressure from creditors the decision was taken to voluntarily liquidate the company

## **3. ASSET REALISATIONS**

### **Hire Purchase Vehicle**

- 3 1 As previously reported, the company had a motor vehicle that was subject to finance with BMW Finance ('BMWF') I instructed independent agent, James Gregory AssocRICS of MGR Appraisals Limited ('MGR') who estimated the vehicle to be worth £12,700 on an ex-situ basis, based upon the following assumptions,
- All figures expressed are net of all costs of sale and occupation of premises
  - A 90 day period for preparation, marketing and clearance
  - All the owned assets would be available for sale
  - The assets are fully marketed and exposed to the market place
  - The assets will be sold as a whole for removal or as individual items for removal at the expense of the purchaser

- 3 2 A settlement figure of £23,033 00 was provided by BMWF As such the vehicle was estimated to have no equity, as per the Statement of Affairs
- 3 3 As previously reported, following my appointment BMWF arranged for collection of the vehicle and has submitted a claim in the liquidation of £11,397 84 in respect of the shortfall As such no realisations have been made in respect of this asset

#### **Hand Tools, Office Furniture and Equipment, Unencumbered Vehicles and Goodwill**

#### **Requirement of Statement of Insolvency Practice (SIP) 13 – Acquisition of assets of insolvent companies by directors**

- 3 4 As previously reported, the company also owned unencumbered tangible assets, including hand tools, some items of office furniture and equipment and motor vehicles I instructed MGR to undertake a professional valuation of these items The hand tools, office furniture and equipment and motor vehicles were estimated to realise £300, £1,700 and £2,100, respectively These are the ex-situ market values based upon the assumptions outlined in section 3 1 of this report
- 3 5 In accordance with SIP 13, I have previously disclosed the following information in relation to the sale of these assets
- The date of the transaction was 6 January 2012
  - The assets sold consisted of the company's hand tools, office furniture and equipment, unencumbered vehicles and goodwill
  - The assets were sold to Agora (Newmarket) Limited (now ACD Projects Limited) for £10,000 plus VAT, apportioned as follows

	£
Hand Tools	600
Office Furniture & Equipment	4,800
Unencumbered Vehicles	3,600
Goodwill	1,000
	<u>10,000</u>

- The consideration was due to be paid in instalments The first instalment of £1,000 plus VAT was due on the completion date of 6 January 2012 The balance of £9,000 plus VAT was due to be paid in five equal monthly instalments, with the final instalment due by 30 June 2012 As previously reported the payment terms were largely adhered to and the consideration has been received in full
- Alexander Charles Darvill, the sole director and shareholder of the company, is the sole director and shareholder of ACD Projects Limited
- Prior to completing a sale I discussed the offer to purchase the assets with MGR They advised that the offer represented the best realisation of assets in the circumstances A sale of the assets to ACD Projects Limited has resulted in significantly higher realisations than could be achieved at auction The sale also avoided significant costs that would have been incurred if assets were removed and stored at an alternative location awaiting sale

#### **Settlement of Antecedent Transactions**

- 3 6 As previously reported, my investigations have led to the discovery of potential actions that have resulted in further recoveries in the liquidation Full details are reported in section 4 of this report as well as in previous progress reports In summary, an agreed sum of £10,000 has been paid in monthly instalments by the director, Alexander Charles Darvill in settlement of the claims against him, and the final instalment was received on 30 November 2015 As such no further realisations are due to be made

### **Miscellaneous Receipts**

- 3 7 As previously reported, a VAT refund of £1,253.33 has been received in relation to that which was charged on fees and expenses incurred over the course of the company's CVA
- 3 8 The balance of funds is held in an interest bearing estate bank account. Bank interest of £9.65 (net of tax) has been received in the twelve month period to 5 January 2016, bringing the total interest received to date on funds held in the liquidation account to £29.81 (net of tax)

My Receipts & Payments Account is attached at Appendix 1

## **4. INVESTIGATIONS**

- 4 1 I have completed my investigations into the affairs of the company in accordance with Statement of Insolvency Practice 2. Tasks undertaken in respect of my investigations include
- Analysis of bank accounts
  - Examining validity of any security granted by the company
  - Examining balance sheets and profit & loss accounts
  - Review of company books and records to include review of sales and purchase invoices
  - Receiving enquiries from and dealing with matters brought to my attention by creditors or other third parties
  - Making enquiries of and obtaining information from officers of the company
- 4 2 I previously reported that these investigations had led to the discovery of potential actions that could lead to further recoveries being made into the liquidation. I instructed solicitors, The Wilkes Partnership ('Wilkes') to assist and advise on the matter. I previously reported that it had been established that across this and two other connected insolvent companies, Agora Design & Management Limited and Agobuild Limited, of which I am also liquidator, the director owed a sum in the region of £153,000
- 4 3 Whilst it was my contention that there are further potential claims across all three cases totalling approximately £290,324, as previously advised it was decided to first make efforts to determine the director's financial viability prior to incurring the costs of finalising and pursuing these additional claims
- 4 4 A significant amount of time was spent analysing the director's personal financial position. This included obtaining formal valuations of various properties owned by the director, and I instructed an independent chartered surveyor, Gary P Duff MRICS of DM Hall Limited to carry out drive-by inspections for this purpose
- 4 5 At the time of my last report a formal demand had been made for the repayment of a minimum claim of £135,974.23, relating to an overdrawn director's loan account with Agora Management Limited. The director responded with a settlement offer of £10,000, payable in 10 monthly instalments of £1,000 commencing in February 2015. This offer was accepted on the advice of my solicitors and I have continued to monitor the payments made
- 4 6 As stated in section 3 of this report the settlement sum has now been received in full and as such the matter is deemed to be concluded
- 4 7 My report on the conduct of the directors was submitted to the Insolvency Service on 27 June 2012. The content of the report is confidential and details will not be disclosed

## **5. CREDITORS' CLAIMS**

### **Secured Creditors**

- 5 1 As previously reported, Lloyds TSB Bank plc ('Lloyds') hold a debenture created on 13 August 2009 and registered on 19 August 2009. At the time of my appointment Lloyds were owed £88,376.05, as per the Statement of Affairs.
- 5 2 Following my appointment, Lloyds submitted a claim in the liquidation totalling £87,225.92.
- 5 3 As previously reported I reviewed the bank's security documents in order to determine the validity of the debenture, and I deemed the charge to be valid.

### **Preferential Creditors**

- 5 4 The preferential claims of employees as recorded on the Statement of Affairs amounted to £1,295.53.
- 5 5 A claim in the sum of £683.37 has been received from the Insolvency Service in respect of preferential elements of claims paid to employees by the Redundancy Payments Office.
- 5 6 Employees are not required to submit claims to me for sums due as their claims are automatic. The balance of preferential claims of employees is nil.

### **Non-preferential Creditors**

- 5 7 Unsecured creditors, as per the Statement of Affairs totalled £277,440.01.
- 5 8 A total of ten creditors have submitted claims to date with an aggregate value of £463,511.93.
- 5 9 Please be advised that no work has yet been undertaken in respect of agreeing creditors' claims in this matter, as there is no prospect of a dividend becoming payable.

## **6. DIVIDEND PROSPECTS**

- 6 1 As previously reported the fixed charge asset realisations in the sum of £1,000 were distributed to Lloyds on 14 February 2013 in accordance with their security.
- 6 2 Asset realisations are now complete and, as anticipated, there are insufficient funds to enable a dividend to be paid to preferential creditors after meeting the costs and expenses of the liquidation.
- 6 3 As previously advised, the company gave a floating charge to Lloyds on 13 August 2009. Therefore pursuant to section 176A of the Insolvency Act 1986, where a floating charge is created after 15 September 2003 a prescribed part of the company's net property shall be made available to unsecured creditors. However, as stated above, after taking the costs of the liquidation into account there are insufficient funds available to pay a dividend to Lloyds in respect of their floating charge. Therefore there will be no distribution to unsecured creditors under the prescribed part.

## **7. COSTS AND EXPENSES**

- 7 1 Details of payments are shown on the receipts and payments account at Appendix 1.
- 7 2 In accordance with Statement of Insolvency Practice 9 the Liquidator must disclose the time spent and charge out value, together with, where appropriate, such additional information sufficient to provide an explanation of the time spent and fees drawn.



- 7 3 A schedule of my firm's disbursement recovery policy and list of typical charge out rates for each level of staff employed in the administration of this matter is attached at Appendix 2
- 7 4 At the meeting of creditors held on 6 January 2012 it was resolved that the Liquidator's remuneration be fixed in accordance with time charges incurred together with authorisation to re-charge category 2 disbursements
- 7 5 The total expenses I have incurred to date amount to £330.37, of which £29.75 has been incurred in the twelve month period to 5 January 2016. Expenses totalling £132.31 have been recovered in this period, meaning that my expenses have been recovered in full to date. Details of the expenses incurred and recovered from the funds held are as follows,

<b>Category 1</b>	<b>Incurred</b>	<b>Recovered</b>	<b>Not recovered</b>
Postage	£25.47	£25.47	£0.00
<b>Category 2</b>			
Photocopying	£21.90	£21.90	£0.00
Mileage	£173.00	£173.00	£0.00
Stationery	£20.00	£20.00	£0.00
Facsimile	£10.00	£10.00	£0.00
Storage of records	<u>£80.00</u>	<u>£80.00</u>	<u>£0.00</u>
	<u>£330.37</u>	<u>£330.37</u>	<u>£0.00</u>

- 7 6 The following agents or professional advisors have been utilised in this matter

Professional Advisor	Nature of Work	Fee Arrangement
MGR Appraisals Ltd	Valuer	Fixed fee
The Wilkes Partnership	Solicitors	Time costs
DM Hall LLP	Chartered Surveyors	Fixed fee

The choice of professionals was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of my fee arrangement with them. The fees charged have been reviewed and I am satisfied that they are reasonable in the circumstances of this case.

- 7 7 At a meeting of creditors held on 6 January 2012 it was resolved that payment shall be made out of the company's assets of the necessary expense of preparing the Statement of Affairs in the sum of £4,000 plus VAT. No funds have been drawn to date in respect of the Statement of Affairs fee.
- 7 8 Attached to this report at Appendix 2 are a time and charge out summary for the twelve month period to 5 January 2016, and a time and charge out summary for the whole of the liquidation to date. The hours charged to this case are in respect of the performance of the statutory duties of the Liquidator and attending to the matters detailed in this report and his previous reports.
- 7 9 Time costs incurred in the twelve month period to 5 January 2016 amount to £1,962.00. This equates to 12.70 hours at an average hourly rate of £154.49. This brings the total time costs to date to £16,146.00, which equates to 92.80 hours at an average hourly rate of £173.99. No remuneration has been paid to date.
- 7 10 An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

- 7.11 An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

## 8. CONCLUSION

- 8.1 I have now concluded all of the outstanding matters in the liquidation. As such I have commenced taking steps to draw the liquidation to a close and a further report will be issued to you in the near future.
- 8.2 I shall be pleased to provide any additional information that you may reasonably require.
- 8.3 At Durkan Cahill we always strive to provide a professional and efficient service, however we recognise that it is in the nature of insolvency proceedings for disputes to arise from time to time. If you should have cause to complain about the way that we are acting, you should, in the first instance, put details of your complaint in writing to Michael Durkan. This will formally invoke our complaints procedure and we will endeavour to deal with your complaint expeditiously.
- 8.4 Most disputes can be resolved amicably either through the provision of further information or following negotiations. However, in the event that you have exhausted our complaints procedure and you are not satisfied that your complaint has been resolved or dealt with appropriately, you may complain to the regulatory body that licences the insolvency practitioner concerned. Any such complaints should be addressed to The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds, LS11 9DA, and you can make a submission using an on-line form available at [www.gov.uk/complain-about-insolvency-practitioner](http://www.gov.uk/complain-about-insolvency-practitioner); or you can email [insolvency.enquiryline@insolvency.gov.uk](mailto:insolvency.enquiryline@insolvency.gov.uk), or you may phone 0300 678 0015 - calls are charged at up to 9p per minute from a land line, or for mobiles, between 8p and 40p per minute if you're calling from the UK.



Michael Durkan  
Liquidator

**APPENDIX 1**

**Liquidators' Receipts and Payments Account**

**Agora Management Limited**  
**(In Liquidation)**  
**Liquidator's Abstract of Receipts & Payments**

Statement of Affairs	From 06/01/2015 To 05/01/2016	From 06/01/2012 To 05/01/2016
SECURED ASSETS		
Goodwill	NIL	1,000 00
	NIL	1,000 00
SECURED CREDITORS		
Lloyds TSB Bank Plc	NIL	1,000 00
	NIL	(1,000 00)
HIRE PURCHASE		
12,700 00      Financed Vehicle (BMW Finance)	NIL	NIL
(23,033 00)      BMW Finance	NIL	NIL
	NIL	NIL
ASSET REALISATIONS		
300 00      Hand Tools	NIL	600 00
1,700 00      Office Furniture & Equipment	NIL	4,800 00
2,100 00      Unencumbered Vehicles	NIL	3,600 00
	NIL	1,253 33
	9 65	29 81
	10,000 00	10,000 00
	10,009 65	20,283 14
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Agent's Fees re Property valuations	NIL	200 01
Legal Fees re Recovery Action	2,000 00	2,000 00
Statutory Advertising	NIL	180 00
	(2,132 31)	(3,580 38)
PREFERENTIAL CREDITORS		
(1,295 53)      Employee Arrears/Hol Pay	NIL	NIL
	NIL	NIL
FLOATING CHARGE CREDITORS		
(88,376 05)      Lloyds TSB Bank plc	NIL	NIL
	NIL	NIL
UNSECURED CREDITORS		
(24,114 69)      Trade & Expense Creditors	NIL	NIL
(830 76)      Employees	NIL	NIL
(76,380 00)      Director	NIL	NIL
(52,133 52)      HM Revenue & Customs - PAYE	NIL	NIL
(98,642 16)      HM Revenue & Customs - VAT	NIL	NIL
(25,338 88)      Connected Companies	NIL	NIL
	NIL	NIL
DISTRIBUTIONS		
(74 00)      Ordinary Shareholders	NIL	NIL
	NIL	NIL
<b>(373,418.59)</b>	<b>7,877.34</b>	<b>16,702.76</b>

Bank 1 Current

16,702.76

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**16,702.76**

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Michael Durkan  
Liquidator

**APPENDIX 2**

**Analysis of time costs &  
Disbursement Recovery Policy**

# Time Entry - SIP9 Time & Cost Summary

AGORA01 - Agora Management Limited  
All Post Appointment Project Codes  
From 06/01/2015 To 05/01/2016

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	0.00	4.30	0.00	6.40	10.70	1,584.00	148.04
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investigations	0.00	0.20	0.00	0.00	0.20	36.00	180.00
Marketing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Non Chargeable	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.00	1.80	0.00	0.00	1.80	342.00	190.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>0.00</b>	<b>6.30</b>	<b>0.00</b>	<b>6.40</b>	<b>12.70</b>	<b>1,962.00</b>	<b>154.49</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	
<b>Total Disbursements Claimed</b>							

# Time Entry - SIP9 Time & Cost Summary

AGORA01 - Agora Management Limited  
All Post Appointment Project Codes  
From 06/01/2012 To 05/01/2016

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	0.00	23.90	0.00	26.70	50.60	7,860.00	155.34
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	3.20	0.00	0.20	3.40	600.00	176.47
Investigations	1.00	11.50	0.00	4.40	16.90	2,946.00	174.32
Marketing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Non Chargeable	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.00	21.90	0.00	0.00	21.90	4,740.00	216.44
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>1.00</b>	<b>60.50</b>	<b>0.00</b>	<b>31.30</b>	<b>92.80</b>	<b>16,146.00</b>	<b>173.99</b>
<b>Total Fees Claimed</b>							
<b>Total Disbursements Claimed</b>						<b>0.00</b>	



## PRACTICE FEE RECOVERY POLICY FOR DURKAN CAHILL

### Introduction

The insolvency legislation was changed in April 2010 for insolvency appointments commenced from that time in order to allow more flexibility on how an office holder's fees are charged to a case. This sheet explains how we may apply the alternative fee bases. The legislation now allows different fee bases to be used for different tasks within the same appointment. The basis or combination of bases set for a particular appointment are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court. Further details about how an office holder's fees are approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at [http://www.durkancahill.com/index.php/free\\_information](http://www.durkancahill.com/index.php/free_information). The guides also contain information relating to the rights of creditors. Alternatively a hard copy may be requested from Durkan Cahill, 17 Berkeley Mews, 29 High Street, Cheltenham, GL50 1DY.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn and time costs incurred and will also enable the recipients to see the average rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under the old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

### Time cost basis

This is the basis that we use in the majority of cases and we use charge out rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken.

### Chargeout Rates

Grade of staff	Current charge-out rate per hour, effective from 1 July 2008 £
Partner – appointment taker	300
Senior Manager/Director	240
Manager	180
Senior Administrator	150
Case Administrator	120
Cashier	120/150
Support Staff	120

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. Each unit of time is 6 minutes. The work is recorded under the following categories:

- Administration and Planning – which includes work such as planning how the case will be administered and progressed, the administrative set up of the case, notifying creditors and others of the appointment, keeping the records relating to the case up to date, and reporting on progress of the case to creditors and others.
- Investigations – which includes work such as undertaking an initial review of the financial affairs of the Company or debtor, undertaking a detailed investigation with a view to making recoveries for the benefit of creditors where matters such as preferences or wrongful trading come to light as a result of the initial review, and reporting to the Insolvency Service on the conduct of the Directors.
- Realisation of Assets – which includes work such as identifying, securing and insuring assets, dealing with retention of title claims, collecting debts owed, and selling assets.
- Employee matters – which includes work such as dealing with employees, and liaising with the redundancy payments office.

- Creditors - which includes work such as communicating with creditors, dealing with creditors' claims, and where funds realised allow, paying dividends to creditors
- Trading – which includes work such as managing and controlling all aspects of the business, and preparing financial records and information relating to that trading

### **Percentage basis**

The legislation now allows fees to be charged on a percentage of the value of the property with which the office holder has to deal. Different percentages can be used for different assets or types of assets. Where we would like to realise any asset or type of assets on a percentage basis we will provide further information explaining why we think that this basis is appropriate and ask creditors to approve the basis.

### **Fixed fee**

The legislation now allows fees to be charged at a set amount. Different set amounts can be used for different tasks. Where we would like to charge a set amount for a task or different set amounts for different tasks we will provide further information explaining why we think that this basis is appropriate and ask creditors to approve the basis.

### **All bases**

With the exception of Individual Voluntary Arrangements and Company Voluntary Arrangements which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

### **Agent's Costs**

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

### **Disbursements**

In accordance with SIP 9 the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 expenses are directly referable to an invoice from a third party, which is either in the name of the estate or Durkan Cahill, in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage, specific bond insurance and Company search fees.

Category 2 expenses are incurred by the firm and recharged to the estate, they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying, internal room hire, internal storage and mileage.

It is proposed that the following Category 2 disbursements are recovered

Room Hire	£70
Mileage	45p per mile
Storage	£5 per box per annum
Photocopying	15p per sheet
Stationery Charge	£20 per assignment
Facsimile	£1 per page