

## 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

03647028

Name of Company

Gary Bennett Ltd

I / ~~We~~  
Simon Thornton  
The Conifers  
Filton Road  
Hambrook  
Bristol BS16 1QG

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 29/07/2012 to 28/07/2013

Signed \_\_\_\_\_



Date \_\_\_\_\_

07/08/2013

Houghton Stone Business Recovery Limited  
The Conifers  
Filton Road  
Hambrook  
Bristol BS16 1QG

Ref G119/HW/SLL/ST

WEDNESDAY



A14

\*A2EPT055\*

14/08/2013

#264

COMPANIES HOUSE

**Gary Bennett Ltd**  
**(In Liquidation)**  
**Liquidator's Abstract of Receipts & Payments**

Statement of Affairs		From 29/07/2012 To 28/07/2013	From 29/07/2011 To 28/07/2013
5,000 00	SECURED ASSETS Goodwill	NIL NIL	NIL NIL
(15,419 00)	SECURED CREDITORS HSBC Bank plc	NIL NIL	NIL NIL
5,847 00 (5,847 00)	HIRE PURCHASE Book Debts Robricom Ltd T/A Worthy Finance	NIL NIL NIL	NIL NIL NIL
15,000 00 250 00 Uncertain	ASSET REALISATIONS Garage Equipment / Office Furniture Stock Cash at Bank or in Hand Directors Loan Account Bank Interest Gross	4,000 00 NIL NIL NIL 2 56 4,002 56	8,749 93 250 00 69 43 NIL 3 84 9,073 20
	COST OF REALISATIONS Specific Bond Convening Fee Liquidator's Fees Agents/Valuers Fees (1)	NIL NIL 3,725 00 NIL (3,725 00)	50 00 4,500 00 4,330 00 750 00 (9,630 00)
(2,196 00) (427 00)	PREFERENTIAL CREDITORS Dept of Emp- Arrears of Wages & Hol Employee -Arrears of Wages & Hol Pa	NIL NIL NIL	NIL NIL NIL
(18,671 00) (969 00) (20,760 00) (11,062 00) (19,357 00) (7,698 00) (49,040 00)	UNSECURED CREDITORS Trade & Expense Creditors Employees - Pay in Lieu & Redundanc Dept Employment -Pay in Lieu & Redu Banks/Institutions HM Revenue & Customs - PAYE/NIC HM Revenue & Customs - Corp Tax HM Revenue & Customs - VAT	NIL NIL NIL NIL NIL NIL NIL NIL	NIL NIL NIL NIL NIL NIL NIL NIL
(2 00)	DISTRIBUTIONS Ordinary Shareholders	NIL NIL	NIL NIL
(125,351.00)		277.56	(556.80)
	REPRESENTED BY		
	Vat Receivable		1,016 00

Bank of Scotland Account  
Vat Payable

60 60  
(1,633 40)

---

**(556.80)**

---

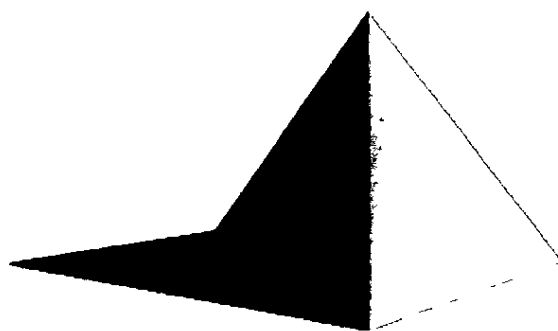
**HOUGHTON STONE  
BUSINESS RECOVERY LTD**

**GARY BENNETT LTD**

---

ANNUAL PROGRESS REPORT TO MEMBERS & CREDITORS

5 August 2013



1	Asset Realisations	.2
1 1	Goodwill	.2
1 2	Book Debts	2
1 3	Garage Equipment / Office Furniture	2
1 4	Stock	3
1 5	Cash at Bank or in Hand	.3
1 6	Directors Loan Account	3
1 7	Bank Interest	3
1 8	Statement of Insolvency Practice 13	4
2	Costs of Realisation	4
2 1	Convening Fee	4
2 2	Liquidator's Remuneration	4
2 3	Agent's Fees	5
2 4	Other Payments	5
3	Investigation Matters	5
4	Creditor Claims	. 6
4 1	Fixed Charge Creditor - HSBC Bank plc	. 6
4 2	Preferential Creditors	6
4 3	Floating Charge Creditor - HSBC Bank plc	6
4 4	Prescribed Part	7
4 5	Unsecured Creditors	7
5	Dividend Prospects	. 7
6	Future Conduct	7
	Appendix 1 - Company Details	.. 9
	Appendix 2 - Liquidator's Details	10
	Appendix 3 - Liquidator's Receipts and Payments Account	11
	Appendix 4 - Liquidator's Time Cost Summary	12

## **GARY BENNETT LTD - IN LIQUIDATION**

The second anniversary of my appointment as Liquidator of the above company fell on 29 July 2013

I have set out below my report on the liquidation and attach a summary of my receipts and payments account from 29 July 2011, the commencement of the liquidation, to 28 July 2013

### **1     Asset Realisations**

#### **1.1    Goodwill**

As previously advised, a sale of the company's chattel assets, stock and goodwill was completed by agents, City Auctioneering, to Gary Bennett, on 29 July 2011

The goodwill of the company was sold for £5,000 plus VAT

Please see further details below regarding the sale

#### **1.2    Book Debts**

The company undertook work for insurance companies and the sales invoices raised were legally assigned to Robricom Ltd, trading as Worthy Finance, under an invoice discounting agreement

Worthy Finance advised that the amount of £5,847 was outstanding and due from insurance companies and following receipt of these funds they will have no further claim against the company

Worthy Finance have since confirmed that they have received all outstanding monies due to them and they have no claim against the company

#### **1.3    Garage Equipment/ Office Furniture**

As previously advised, a sale of the company's chattel assets, stock and goodwill was completed by agents, City Auctioneering, to Gary Bennett, on 29 July 2011

£15,000 plus VAT was agreed for the garage equipment and office furniture

It was further agreed that payments would be made by instalments. Monthly instalments commenced in August 2011 in the sum of £500 and were subsequently increased to £600 per month from 1 August 2012

A payment break was agreed for the period March to July 2013 due to Gary Bennett experiencing some short term cash flow difficulties. Payments of £600 are due to re-commence in August 2013.

To date I have received £8,749.93 plus VAT in respect of the sale invoice. The net figure is represented against the asset description on the attached receipts and payments account.

#### **1.4 Stock**

A minimal level of stock remained upon cessation of trade, comprising small quantities of miscellaneous and part used items, which had an estimated value of £250.

A sale of the company's chattel assets, stock and goodwill was completed by agents, City Auctioneering, to Gary Bennett, on 29 July 2011. The sale included the stock of £250 plus VAT.

I can confirm that the stock has been paid for in full.

#### **1.5 Cash at Bank or in Hand**

The sum of £69.43 has been received from HSBC Bank plc in respect of post liquidation credits received into the account.

#### **1.6 Directors Loan Account**

The accounts for the year ended 31 December 2009 detailed an overdrawn director's loan account in the sum of £67,898. No further accounts had been produced and the loan account value was therefore shown as uncertain on the Statement of Affairs pending further investigations to be undertaken to ascertain the balance as at the date of liquidation.

The former accountants provided an estimated account detailing transactions since this date and the director has also provided documentation to support company expenses which have been paid personally. The estimated final account details that there is at least a nil balance on the loan account and the director may have a claim as a creditor of the company. Accordingly there is no amount to be recovered from the director.

Further analysis will need to be undertaken if any claim by the director is to be agreed in the liquidation.

#### **1.7 Bank Interest**

Bank interest of £3.84 has been received on the liquidation account between 29 July 2011 and 28 July 2013.

Corporation tax returns have been submitted to HM Revenue & Customs and it has been agreed that the nominal amount of tax due will not be pursued for payment

## **18 Statement of Insolvency Practice 13**

In accordance with Statement of Insolvency Practice 13, I would advise you of the following connected party transactions,

<i>Date of Transaction</i>	29 July 2011
<i>Assets Sold</i>	Garage Equipment, Office Furniture, Stock and Goodwill
<i>Consideration due &amp; when paid</i>	£20,250 plus VAT  Payments of £8,999 93 plus VAT have been received as at 28 July 2013 Monthly payments are continuing to be received
<i>Name of purchaser</i>	Gary Bennett
<i>Purchasers connection to insolvent company</i>	Gary Bennett was a Director of Gary Bennett Ltd

## **2 Costs of Realisation**

### **2.1 Convening Fee**

It was agreed at the meeting of creditors held on 29 July 2011 that my fee for convening the meetings of members and creditors and preparing the company's statement of affairs for presentation at those meetings would be £4,500 plus VAT and disbursements

To date I have drawn £4,500 plus VAT in respect of this fee

### **2.2 Liquidator's Remuneration**

It was agreed at a meeting of creditors held on 29 July 2011 that my remuneration be based on time costs with time properly accounted for in accordance with SIP 9 and that remuneration may be drawn without further recourse to creditors

I have incurred time costs of £8,789 00 between 29 July 2011 and 28 July 2013 representing 60 55 hours at an average rate of £145 15 per hour A summary of time spent and charge-out value is attached for your information



I have drawn fees amounting to £4,330 00 on account of my time costs incurred

In accordance with Rule 4 49E of the Insolvency (Amendment) Rules 2010, within 21 days of receipt of this report, a request may be made for further information regarding the remuneration detailed in this report from any,

- (a) secured creditor or,
- (b) unsecured creditor with concurrence of at least 5% in value of the unsecured creditors (including the creditor in question) or,
- (c) unsecured creditor with permission of the Court upon an application being made,

Any request must be made in writing A response to this request will be made within 14 days of receipt

In accordance with Rule 4 131 of the Insolvency Act 1986 any creditor of the company with concurrence of at least 10% in value of the creditors (including the creditor in question), or with the permission of the Court, may apply to Court to challenge the basis fixed for the Liquidator's remuneration under Rule 4 127 on the grounds that it is, in all circumstances, inappropriate, and/or to challenge the remuneration and/or expenses that have been charged on the grounds that they are, in all circumstances, excessive Creditors should note that under the revised Rule 4 131 of the Insolvency (Amendment) Rules 2010, any such application must be made within 8 weeks of receipt of this report

### **2.3 Agent's Fees**

The company's assets were valued and sold by City Auctioneering

Their total fee was £750 00 and this has been paid in full from asset realisations in the liquidation

### **2.4 Other Payments**

I believe that the other payments shown on the attached Receipts & Payments Account are self explanatory

## **3 Investigation Matters**

In accordance with the Company Directors Disqualification Act 1986, a thorough investigation of the affairs of the company and the conduct of the directors has been undertaken

An appropriate report has been submitted to the Department for Business, Innovation and Skills however, this report is confidential and the contents can therefore not be disclosed

#### **4 Creditor Claims**

##### **4.1 Fixed Charge Creditor - HSBC Bank plc**

HSBC Bank plc held a debenture dated 15 October 2007 which incorporated a fixed and floating charge over the company's assets. The estimated liability as per the company's statement of affairs was £15,419

A claim of £15,519.70 has been received from the Bank. The Bank's fixed charge covers the sale of the goodwill.

Upon receipt of the monies from the sale of the goodwill, the proceeds will be paid to HSBC Bank plc under the terms of their debenture.

##### **4.2 Preferential Creditors**

As detailed in the company's statement of affairs the preferential claims, in respect of employee's arrears of wages and unpaid holiday pay, were estimated to total £2,623.

A final preferential claim of £1,610.66 has been received from The Insolvency Service, Redundancy Payments Office, in respect of payments which have been made by them to the former employees of the company.

Additional employee claims have not been calculated as it is unlikely that there will be any funds available for distribution to preferential creditors.

##### **4.3 Floating Charge Creditor - HSBC Bank plc**

HSBC Bank plc held a debenture dated 15 October 2007 which incorporated a fixed and floating charge over the company's assets.

As noted above, a claim of £15,519.70 has been received from the Bank and following the realisation of the monies from the sale of the goodwill, a payment of £5,000 will be made to the Bank under its fixed charge.

It is therefore expected that the Bank will have a claim of £10,519.70 under its floating charge.

#### **4.4 Prescribed Part**

Section 176A of the Insolvency Act 1986 requires the Liquidator to set aside a prescribed amount of the company's 'net property' towards the satisfaction of unsecured debts. Section 176A only applies where there is a floating charge created on or after 15 September 2003.

In this case a floating charge over the company's assets was created on 15 October 2007 and therefore the prescribed part provisions do apply.

Section 176A further provides that where the net property is less than the prescribed minimum which is £10,000, the prescribed part is set aside as the costs of making a distribution to unsecured creditors would be disproportionate to the benefits.

Consequently in this case it is estimated that the prescribed part provisions will not apply.

#### **4.5 Unsecured Creditors**

Unsecured creditor claims were estimated to total £127,557 as per the company's statement of affairs. To date I have received 10 claims totalling £137,597.63.

Included within this total is a claim of £49,454.09 from HM Revenue & Customs in respect of unpaid PAYE and NIC and a further claim of £48,976.38 for unpaid VAT.

### **5 Dividend Prospects**

The funds realised from the sale of the company's goodwill will be payable to HSBC Bank plc under the terms of the Bank's fixed charge.

It is unlikely that there will be any funds available for distribution to preferential creditors, to the bank under its floating charge, or to unsecured creditors.

### **6 Future Conduct**

My administration of this matter remains on-going and at this stage I am unable to anticipate a date for closure of the liquidation. A further report will be issued either on the next anniversary of the liquidation or upon closure of the case, whichever falls earlier.

If you have any queries, please contact Helen Wimble of this office on 0117 970 9234.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. Thornton', with a large loop at the start and a horizontal line extending to the right.

**Simon H Thornton**  
**Liquidator**

Dated 5 August 2013

## **Gary Bennett Ltd - In Liquidation**

### **Appendix 1 - Company Details**

Company Number	03647028
Registered Office	The Conifers Filton Road Hambrook Bristol BS16 1QG
Previous Registered Office	Broadmeadow Industrial Estate Teignmouth Devon TQ14 9AE
Trading Address	No 3 Broadmeadow Industrial Estate Teignmouth Devon TQ14 9AE

## **Gary Bennett Ltd - In Liquidation**

### **Appendix 2 - Liquidator's Details**

Liquidators name and address	Simon H Thornton Houghton Stone Business Recovery Ltd The Conifers Filton Road Hambrook Bristol BS16 1QG
Date of Appointment	29 July 2011

**Gary Bennett Ltd**  
**(In Liquidation)**

**Summary of Receipts & Payments**

<b>RECEIPTS</b>	<b>Statement of Affairs (£)</b>	<b>From 29/07/2011 To 28/07/2012 (£)</b>	<b>From 29/07/2012 To 28/07/2013 (£)</b>	<b>Total (£)</b>
Goodwill	5,000 00	0 00	0 00	0 00
Book Debts	5,847 00	0 00	0 00	0 00
Garage Equipment / Office Furniture	15,000 00	4,749 93	4,000 00	8,749 93
Stock	250 00	250 00	0 00	250 00
Cash at Bank or in Hand		69 43	0 00	69 43
Directors Loan Account	Uncertain	0 00	0 00	0 00
Bank Interest Gross		1 28	2 56	3 84
		<b>5,070 64</b>	<b>4,002 56</b>	<b>9,073 20</b>
<b>PAYMENTS</b>				
HSBC Bank plc	(15,419 00)	0 00	0 00	0 00
Robncom Ltd T/A Worthy Finance	(5,847 00)	0 00	0 00	0 00
Specific Bond		50 00	0 00	50 00
Convening Fee		4,500 00	0 00	4,500 00
Liquidator's Fees		605 00	3,725 00	4,330 00
Agents/Valuers Fees (1)		750 00	0 00	750 00
Dept of Emp- Arrears of Wages & Hol Pay	(2,196 00)	0 00	0 00	0 00
Employee -Arrears of Wages & Hol Pay	(427 00)	0 00	0 00	0 00
Trade & Expense Creditors	(18,671 00)	0 00	0 00	0 00
Employees - Pay in Lieu & Redundancy	(969 00)	0 00	0 00	0 00
Dept Employment -Pay in Lieu & Redundancy	(20,760 00)	0 00	0 00	0 00
Banks/Institutions	(11,062 00)	0 00	0 00	0 00
HM Revenue & Customs - PAYE/NIC	(19,357 00)	0 00	0 00	0 00
HM Revenue & Customs - Corp Tax	(7,698 00)	0 00	0 00	0 00
HM Revenue & Customs - VAT	(49,040 00)	0 00	0 00	0 00
Ordinary Shareholders	(2 00)	0 00	0 00	0 00
		<b>5,905 00</b>	<b>3,725 00</b>	<b>9,630 00</b>
<b>Net Receipts/(Payments)</b>		<b>(834 36)</b>	<b>277 56</b>	<b>(556 80)</b>
<b>MADE UP AS FOLLOWS</b>				
Vat Receivable		1,171 00	745 00	1,916 00
Bank of Scotland Account		4 04	56 56	60 60
Vat Payable		(1,000 07)	(800 00)	(1,800 07)
Vat Control Account		(733 33)	0 00	(733 33)
		<b>(558 36)</b>	<b>1 56</b>	<b>(556 80)</b>

Simon Thornton  
Liquidator

# Time Entry - SIP9 Time & Cost Summary

G119 - Gary Bennett Ltd  
Project Code POST  
From 29/07/2011 To 28/07/2013

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	1 10	2 50	11 95	5 75	21 30	3 149 50	147 86
Case Specific Matters	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	0 00	0 00	15 95	0 00	15 95	2 392 50	150 00
Investigation	0 00	0 00	11 95	0 00	11 95	1 792 50	150 00
Pre Appointment	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Realisation of Assets	0 00	0 00	3 95	6 20	10 15	1 274 50	125 57
Trading	0 00	0 00	1 20	0 00	1 20	180 00	150 00
<b>Total Hours</b>	<b>1 10</b>	<b>2 50</b>	<b>45 00</b>	<b>11 95</b>	<b>60 55</b>	<b>8,789 00</b>	<b>145 15</b>
<b>Total Fees Claimed</b>						<b>4,330 00</b>	
<b>Total Disbursements Claimed</b>						<b>0 00</b>	