

Rule 2.47

Form 2.24B

The Insolvency Act 1986

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

Name of Company:  
Time & Tide Homes Limited

Company number:  
03864909

In the:  
High Court, Bristol District Registry  
Chancery Division

[full name of court]

Court case number:  
164 AA 2008

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

I/ We (a) W John Kelly of Begbies Traynor, Temple Point, 1 Temple Row, Birmingham, B2 5YB and J  
A Lowe of Begbies Traynor, Dunn House, 4 Grove Court, Grove Park, Leicester, LE19 1SA

administrator(s) of the above company attach a progress report for the period

from / to

(b) Insert dates

(b) 21 February 2009 to 20 August 2009

Signed:

  
W John Kelly, Joint Administrator

Dated:

18 September 2009

**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

|                                                |                           |
|------------------------------------------------|---------------------------|
| Begbies Traynor                                |                           |
| Temple Point, 1 Temple Row, Birmingham. B2 5YB |                           |
|                                                | Tel Number: 0121 200 8150 |
| Fax Number: 0121 200 8160                      | DX Number: n/a            |

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

FRIDAY



A17

\*AW85RDK7\*  
25/09/2009  
COMPANIES HOUSE

39

W John Kelly and John A Lowe appointed Joint Administrators on 21 August 2008

The affairs, business and property of the Company are being managed by the Joint Administrators, who act as the Company's agents.

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## **TIME & TIDE HOMES LIMITED (IN ADMINISTRATION)**

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Interim Report of the Joint Administrators  
pursuant to Rule 2.47 of The Insolvency Rules  
1986

Period: 21 February 2009 to 20 August 2009

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### **Contents**

- ☐ Company and administrators' details
  - ☐ Progress during the period
  - ☐ Assets that remain to be realised
  - ☐ Other relevant information
  - ☐ Conclusion
  - ☐ Appendices
- 
1. Joint Administrators' account of receipts and payments, incorporating estimated outcome for creditors
  2. Joint Administrators' time costs and expenses

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## 1. COMPANY AND ADMINISTRATORS' DETAILS

|                                             |                                                                                                                                                                                                                                                                                                |                                                                                       |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Name of Court:                              | High Court, Bristol District Registry, Chancery Division                                                                                                                                                                                                                                       |                                                                                       |
| Court Reference No:                         | 164 AA 2008                                                                                                                                                                                                                                                                                    |                                                                                       |
| Company Registered No:                      | 03864909                                                                                                                                                                                                                                                                                       |                                                                                       |
| Registered office: address:                 | C/o Begbies Traynor, Temple Point, 1 Temple Row, Birmingham, B2 5YB.                                                                                                                                                                                                                           |                                                                                       |
| Names of Joint Administrators:              | W John Kelly                                                                                                                                                                                                                                                                                   | John A Lowe                                                                           |
| Office addresses of Joint Administrators:   | Begbies Traynor<br>Temple Point<br>1 Temple Row<br>Birmingham<br>B2 5YB                                                                                                                                                                                                                        | Begbies Traynor<br>Dunn House<br>4 Grove Court<br>Grove Park<br>Leicester<br>LE19 1SA |
| Date of administrators' appointment:        | 21 August 2008                                                                                                                                                                                                                                                                                 |                                                                                       |
| Person(s) making appointment / application: | Qualifying Floating Charge Holder                                                                                                                                                                                                                                                              |                                                                                       |
| Changes in office-holder (if any):          | None                                                                                                                                                                                                                                                                                           |                                                                                       |
| Acts of the joint administrators:           | The Joint Administrators act as officers of the court and as agents of the Company without personal liability. Any act required or authorised under any enactment to be done by an administrator may be done by any one or more persons holding the office of administrator from time to time. |                                                                                       |
| Administrators' term of office              | Administration period extended for a further 6 months until 21 February 2010                                                                                                                                                                                                                   |                                                                                       |

## 2. PROGRESS DURING THE PERIOD

Attached at Appendix 1 is our abstract of receipts and payments for the period from 21 February 2009 to 20 August 2009.

As previously reported, the principal asset of the Company is the freehold development site located in Halton, near Lancaster. It comprises four principal areas, which include Wenning House ("WH"), Live Work ("LW"), the Gillespies ("GL") and the Green ("GR").

Following an active marketing campaign we accepted an unconditional offer for LW from Lancaster Co. Housing Company. Contracts were duly exchanged and the sale concluded on 17 July 2009. Gross sale proceeds totalled £600k.

We have received an offer for WH and contracts have been issued. In conjunction with our solicitors and agents we are continuing to liaise with the interested party in respect of their offer. We have made significant progress and would hope to be in position to conclude this sale shortly. We have not granted any exclusivity to the interested party and as such will continue to market WH.

We are continuing to review and evaluate our options for GL and GR. We have advertised both and invited offers in their existing state. We have also sought advice regarding development opportunities for both and have met with representatives of Lancaster City Council's planning department. Given the current economic climate we will continue to evaluate the appropriate timeline to market the sites for sale.

We have continued to insure and secure the entire site in accordance with our insurers requirements.

#### Receipts and Payments

To date, the only recovery relates to the sale proceeds from LW. We have continued to meet the ongoing security and insurance costs. We have also discharged the costs associated our agents and solicitors for their professional advice.

An interim distribution of £500k was paid to the Bank of Ireland on 7 August 2009. This distribution was made in accordance with the Bank's fixed charge debenture.

The administrators' remuneration is based on hourly costs at scale rates calculated on the time properly spent in the course of the administration and was approved by a resolution of the secured creditor pursuant to Rule 2.106 of the Insolvency Rules 1986.

To date the Joint Administrators have not drawn any fees albeit we have approval to raise an invoice for £35k. Total time spent to date on this assignment amounts to 342.75 hours at an average composite rate of £219.19 per hour resulting in total time costs to date of £75,127. The following further information as regards time costs and expenses is set out at Appendix 2:

- Begbies Traynor policy for re-charging expenses
- Begbies Traynor charge-out rates
- Narrative summary of time costs incurred and summary by staff grade and work activity

### **3. ASSETS THAT REMAIN TO BE REALISED**

Following the sale of LW, three areas of the site including WH, GL and GR remain unsold. We continue to work closely with our agents to ensure the site is actively marketed and hope to be in a position to report further sales shortly. We do not anticipate any significant recoveries from any other source.

#### 4. OTHER RELEVANT INFORMATION

Following approval from the secured creditor, the administration has been extended for a further 6 months until 21 February 2010. This will enable the continued marketing of the site and hopefully further disposals in due course.

#### 5. CONCLUSION

I will report again in approximately six months time or at the conclusion of the administration, whichever is the sooner.

A handwritten signature in black ink, appearing to read 'W John Kelly', written in a cursive style.

**W John Kelly**  
Joint Administrator

Dated: 18 September 2009

**JOINT ADMINISTRATORS' ACCOUNT OF  
RECEIPTS AND PAYMENTS, INCORPORATING  
ESTIMATED OUTCOME FOR CREDITORS**

**Period: 21 February 2009 to 20 August 2009**

Estimated to  
realise per  
Statement of  
Affairs  
£

|                                                                                                                                                                          |                                                                   | Receipts &<br>Payments to<br>date<br>£ | Anticipated<br>Receipts &<br>Payments<br>£ | Projected<br>Outcome<br>£ |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------------------|--------------------------------------------|---------------------------|
| <b>ASSETS SPECIFICALLY PLEDGED</b>                                                                                                                                       |                                                                   |                                        |                                            |                           |
| Unknown                                                                                                                                                                  | Freehold Land - Wenning House                                     | Nil                                    | Uncertain                                  | Uncertain                 |
| Unknown                                                                                                                                                                  | Freehold Land - The Green                                         | Nil                                    | Uncertain                                  | Uncertain                 |
| Unknown                                                                                                                                                                  | Freehold Land - Live Works                                        | 600,000                                | Nil                                        | 600,000                   |
| Unknown                                                                                                                                                                  | Freehold Land - Gillespies                                        | Nil                                    | Uncertain                                  | Uncertain                 |
|                                                                                                                                                                          |                                                                   | 600,000                                | Uncertain                                  | Uncertain                 |
| <b>Realisation Expenses</b>                                                                                                                                              |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          | Administrators' Fees                                              | Nil                                    | (100,000)                                  | (100,000)                 |
|                                                                                                                                                                          | Administrators' - Expenses                                        | Nil                                    | (3,500)                                    | (3,500)                   |
|                                                                                                                                                                          | Agents' - Fees                                                    | (12,000)                               | (38,000)                                   | (50,000)                  |
|                                                                                                                                                                          | Agents' - Expenses                                                | (2,387)                                | (2,613)                                    | (5,000)                   |
|                                                                                                                                                                          | Legal Fees                                                        | (20,943)                               | (20,000)                                   | (40,943)                  |
|                                                                                                                                                                          | Legal - Disbursements                                             | (676)                                  | (1,500)                                    | (2,176)                   |
|                                                                                                                                                                          | Insurance                                                         | (7,333)                                | (15,000)                                   | (22,333)                  |
|                                                                                                                                                                          | Security                                                          | (8,665)                                | (5,000)                                    | (13,665)                  |
|                                                                                                                                                                          | Holding Costs (Boarding Up)                                       | (4,800)                                | Nil                                        | (4,800)                   |
|                                                                                                                                                                          | Storage Costs                                                     | (780)                                  | (350)                                      | (1,130)                   |
|                                                                                                                                                                          | Bank Charges & Sundry                                             | (197)                                  | (500)                                      | (697)                     |
|                                                                                                                                                                          | Sundry                                                            | (91)                                   | (1,000)                                    | (1,091)                   |
|                                                                                                                                                                          |                                                                   | 542,148                                | Uncertain                                  | Uncertain                 |
| <b>Net Realisations</b>                                                                                                                                                  |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          | <b>Fixed Charge Holder - Bank of Ireland</b>                      | (500,000)                              | Uncertain                                  | Uncertain                 |
|                                                                                                                                                                          |                                                                   | 42,148                                 | Uncertain                                  | Uncertain                 |
| <b>ASSETS NOT SPECIFICALLY PLEDGED</b>                                                                                                                                   |                                                                   |                                        |                                            |                           |
| Unknown                                                                                                                                                                  | Debtors                                                           | Nil                                    | Uncertain                                  | Uncertain                 |
| Unknown                                                                                                                                                                  | Retentions                                                        | Nil                                    | Uncertain                                  | Uncertain                 |
| Nil                                                                                                                                                                      | Inter Company Accounts                                            | Nil                                    | Uncertain                                  | Uncertain                 |
| Nil                                                                                                                                                                      | Bank Interest                                                     | 17                                     | Uncertain                                  | 17                        |
| Nil                                                                                                                                                                      | Sundry Income                                                     | 150                                    | Nil                                        | 150                       |
| Nil                                                                                                                                                                      | Cash at Bank                                                      | 211                                    | Nil                                        | 211                       |
|                                                                                                                                                                          |                                                                   | 378                                    | Uncertain                                  | Uncertain                 |
| <b>Payments</b>                                                                                                                                                          |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          | Administrator's Fees                                              | Nil                                    | Uncertain                                  | Uncertain                 |
|                                                                                                                                                                          | Administrator's Disbursements                                     | Nil                                    | Uncertain                                  | Uncertain                 |
|                                                                                                                                                                          | Statutory Advertising                                             | (146)                                  | Nil                                        | (146)                     |
|                                                                                                                                                                          | Sundry Costs                                                      | (232)                                  | Nil                                        | (232)                     |
|                                                                                                                                                                          |                                                                   | Nil                                    | Uncertain                                  | Uncertain                 |
| <b>Available for preferential creditors</b>                                                                                                                              |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          | Arrears of wages and holiday pay                                  |                                        | Not Applicable                             | Not Applicable            |
| <b>Net property</b>                                                                                                                                                      |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          |                                                                   | Nil                                    | Uncertain                                  | Uncertain                 |
|                                                                                                                                                                          | Prescribed part of net property set aside for unsecured creditors |                                        | Uncertain                                  | Uncertain                 |
| <b>Available for Floating Charge Holder</b>                                                                                                                              |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          |                                                                   | Nil                                    | Uncertain                                  | Uncertain                 |
| <b>Floating Charge Holder - Bank of Ireland</b>                                                                                                                          |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          |                                                                   | Nil                                    | Uncertain                                  | Uncertain                 |
| <b>Notes:</b>                                                                                                                                                            |                                                                   |                                        |                                            |                           |
| <b>Summary of balances held:</b>                                                                                                                                         |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          | Fixed charge                                                      | 42,148                                 |                                            |                           |
|                                                                                                                                                                          | Floating charge                                                   | Nil                                    |                                            |                           |
|                                                                                                                                                                          |                                                                   | 42,148                                 |                                            |                           |
| <b>Held as:</b>                                                                                                                                                          |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          | Current Account                                                   | 36,599                                 |                                            |                           |
|                                                                                                                                                                          | VAT Control                                                       | 5,549                                  |                                            |                           |
|                                                                                                                                                                          |                                                                   | 42,148                                 |                                            |                           |
| <b>Summary of outcome for unsecured creditors:</b>                                                                                                                       |                                                                   |                                        |                                            |                           |
|                                                                                                                                                                          | Fixed charge                                                      |                                        |                                            | Uncertain                 |
|                                                                                                                                                                          | Prescribed part of net property set aside for unsecured creditors |                                        |                                            | Uncertain                 |
|                                                                                                                                                                          | <b>Less:</b> costs associated with prescribed part                |                                        |                                            | Uncertain                 |
|                                                                                                                                                                          | Floating charge Creditors                                         |                                        |                                            | Uncertain                 |
| <b>Notes:</b>                                                                                                                                                            |                                                                   |                                        |                                            |                           |
| The freehold land known as Live Work ("LW") includes The Managers House, Watson Mill & Halton Mill (as defined in prior reports)                                         |                                                                   |                                        |                                            |                           |
| The anticipated future receipts from the freehold land is reflected as uncertain as to disclose values could seriously prejudice the commercial interests of the Company |                                                                   |                                        |                                            |                           |

## **JOINT ADMINISTRATORS' TIME COSTS AND EXPENSES**

- a. Begbies Traynor policy for re-charging expenses;
- b. Begbies Traynor charge-out rates;
- c. Narrative summary of time costs incurred and summary by staff grade and work activity.



## **BEGBIES TRAYNOR CHARGING POLICY**

### **INTRODUCTION**

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the basis of the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees following the passing of a resolution for the office holder to be remunerated on a time cost basis. Best practice guidance<sup>1</sup> requires that such information should be disclosed to those who are responsible for approving remuneration.

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance<sup>2</sup> requires that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated.

### **OFFICE HOLDER'S FEES IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES**

The office holder has overall responsibility for the administration of the estate. He/she will delegate tasks to members of staff. Such delegation assists the office holder as it allows him/her to deal with the more complex aspects of the case and ensures that work is being carried out at the appropriate level. There are various levels of staff that are employed by the office holder and these appear in Appendix 3.

The firm operates a time recording system which allows staff working on the case along with the office holder to allocate their time to the case. The time is recorded at the individual's hourly rate in force at that time which is detailed in Appendix 3.

### **EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES**

Best practice guidance classifies expenses into two broad categories:

- ❑ *Category 1 expenses (approval not required)* - specific expenditure that is directly related to the case usually referable to an independent external supplier's invoice. All such items are charged to the case as they are incurred.
- ❑ *Category 2 expenses (approval required)* - items of incidental expenditure directly incurred on the case which include an element of shared or allocated cost and which are based on a reasonable method of calculation.

(A) The following items of expenditure are charged to the case (subject to approval):

- Internal meeting room usage for the purpose of statutory meetings of creditors is charged at the rate of £100 (London £150) per meeting;
- Car mileage is charged at the rate of 40 pence per mile;
- Storage of books and records (when not chargeable as a *Category 1 expense*) is charged on the basis that the number of standard archive boxes held in storage for a particular case bears to the total of all archive boxes for all cases in respect of the period for which the storage charge relates;

<sup>1</sup> Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales (Effective 1 April 2007)

<sup>2</sup> Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales (Effective 1 April 2007)

(B) The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a *Category 1 expense*:

- Telephone and facsimile
- Printing and photocopying
- Stationery

## **BEGBIES TRAYNOR CHARGE-OUT RATES**

Begbies Traynor is a national firm. The rates charged by the various grades of staff that may work on a case are set nationally, but vary to suit local market conditions. The rates applying to the Birmingham office as at the date of this report are as follows:

| <b>Grade of staff</b> | <b>Charge-out<br/>Rate<br/>(£ per hour)</b> |
|-----------------------|---------------------------------------------|
| Partner               | 395                                         |
| Director              | 325                                         |
| Senior Manager        | 295                                         |
| Manager               | 250                                         |
| Assistant Manager     | 195                                         |
| Senior Administrator  | 160                                         |
| Administrator         | 130                                         |
| Junior Administrator  | 100                                         |

Prior to 1 July 2008 the following rates applied:

| <b>Grade of staff</b> | <b>Charge-out<br/>Rate<br/>(£ per hour)</b> |
|-----------------------|---------------------------------------------|
| Partner               | 365                                         |
| Director              | 270                                         |
| Senior Manager        | 210                                         |
| Manager               | 180                                         |
| Assistant Manager     | 145                                         |
| Senior Administrator  | 115                                         |
| Administrator         | 100                                         |
| Junior Administrator  | 70                                          |

Time spent by support staff for carrying out shorter tasks, such as typing or dealing with post, is not charged to cases but is carried as an overhead. Only where a significant amount of time is spent at one time on a case is a charge made for support staff.

Time is recorded in units of 0.10 of an hour (i.e. 6 minute units).

## **SUMMARY OF OFFICE HOLDERS' TIME COSTS**

CASE NAME: TIME & TIDE HOMES LIMITED  
CASE TYPE: ADMINISTRATION  
OFFICE HOLDERS: W JOHN KELLY & JOHN A LOWE  
DATE OF APPOINTMENT: 21 AUGUST 2008

### **1 CASE OVERVIEW**

- 1.1 This overview and the time costs analysis attached is intended to provide sufficient information to enable the body responsible for the approval of the office holders' fees to consider the level of those fees in the context of the case.
- 1.2 **Complexity of the case**  
The case involves holding, securing and marketing for sale a large development site in Lancaster, comprising four principal areas. We are continuing to liaise with our agents to determine the best marketing and disposal strategy. Furthermore, we have sought additional advice from property specialists and have met representatives from the planning department of the Lancaster City Council. We are continuing to progress any existing interest in the site.
- 1.3 **Exceptional responsibilities**  
Aside from our usual responsibilities as administrators, no exceptional responsibilities have been undertaken.
- 1.4 **The office holders' effectiveness**  
Our initial strategy was to market the four principal areas of the freehold development site, with the aim of achieving the best possible return.  
  
An offer for the Live Works site was received and a sale concluded in late July 2009. We are continuing to progress the offer received for Wenning House and anticipate a sale will be concluded shortly.  
  
We continue to market the remaining areas (The Gillespies and The Green) through our agents, Messrs Edward Symmons, and will continue to review our options for the remainder of the site and progress any future interest.
- 1.5 **Nature and value of property dealt with by the office holders'**  
Due to the nature and value of the assets, an early disposal of the site following the appointment of administrators was not possible. We therefore continue to market the remaining unsold areas of the site in order to negotiate the best possible price.
- 1.6 **Anticipated return to creditors**  
Due to the level of secured debt we do not anticipate there will be any return to the unsecured creditors of the Company.
- 1.7 **Time costs analysis**  
An analysis of time costs incurred between 21 August 2008 to 20 August 2009 prepared in accordance with Statement of Insolvency Practice 9 is attached showing the number of hours spent by each grade of staff on the different types of work involved in the case, and giving the average hourly rate charged for each work type.

The time costs analysis provides details of work undertaken by the office holders and their staff following their appointment only.

**1.8 The views of the creditors**

All creditor correspondence, emails and telephone enquiries have been dealt with in a timely manner. The following reports have been sent to all known creditors of the Company:

- Notice of our appointment was sent to all known creditors on 27 August 2008;
- The Administrators' proposals were sent to all known creditors on 13 October 2008;
- The 6 month interim progress report was sent to all known creditors on 20 March 2009.

**1.9 Approval of fees**

Approval of our fees will be sought/has been received by the secured creditor.

**1.10 Approval of Expenses and Disbursements**

Approval of our expenses and disbursements will be sought/has been received by the secured creditor.

**1.11 Other professionals employed & their costs**

Messrs Edward Symmons were engaged to carry out an independent valuation and marketing of the freehold development site.

TLT Solicitors have been engaged to handle preparation of the legal documents pertaining to the sale of the various areas of the development site.

Messrs Edward Symmons and Messrs TLT's costs will be paid in accordance with time properly spent on the case, and their costs are reasonable.

**2 EXPLANATION OF OFFICE HOLDERS' CHARGING AND DISBURSEMENT RECOVERY POLICIES**

2.1 Begbies Traynor (Central) LLP's policy for charging fees and expenses incurred by office holders is attached at Appendix 2.

2.2 The rates charged by the various grades of staff who may work on a case are attached at Appendix 2.

**3. SUMMARY OF WORK CARRIED OUT SINCE OUR LAST REPORT**

Since the date of our last report, the following work has been carried out:

- Attended site to review ongoing security requirements and to assess marketing opportunities with agents;
- Continued liaison with agents in respect of marketing and disposal strategy for the development site;
- Met with representatives of the planning department of Lancaster City Council;
- Deal with interested parties enquiries, correspondence, emails and telephone calls;
- Liaison with our insurance brokers in respect of site security and ongoing insurance cover;
- Progress offer received for the Live Work site and conclude sale;
- Continue to progress offer received for Wenning House with the aim of concluding a sale shortly;
- Continue to review and monitor interest received for the remaining parts of the site;
- Deal with creditor correspondence, emails and phonecalls;
- Preparation of the administrators' proposals and interim progress reports;
- Seek approval of time extension to the administration period and file relevant documentation at Companies House;
- Monthly update reports to secured creditor.

## Time costs analysis for the period from 21 August 2008 to 20 August 2009

Time costs analysis for the period from 21 August 2008 to 20 August 2009

Hours \_\_\_\_\_

## Administration and banking

**Administration and banking**

## Administration and banking

Statutory reporting and statement of affairs

## CDDA and investigations

Debt collection

Property business

Retention of Title/Third party assets

Retention of Title/Third party assets

## Trading

Secured

Others

Creditors' c

**Other matters**

## Meetings

## Litigation

Other

—

**Total time cost by staff grade**

Average hourly rate £

100-443887-1

Total fees drawn to date