The Insolvency Act 1986

2.24B

## Administrator's progress report

Name of Company

Inman & Co (Electrical) Limited

Company number

03902678

In the

High Court of Justice, Chancery Division,

Leeds District Registry

Court case number

501 of 2012

We

Howard Smith KPMG LLP

1 The Embankment Neville Street

Leeds

LS1 4DW United Kingdom Mark Granville Firmin

KPMG LLP

1 The Embankment

Neville Street

Leeds

LS1 4DW United Kingdom Paul Andrew Flint

KPMG LLP

1 The Embankment

Neville Street

Leeds LS1 4DW

United Kingdom

Administrators of the above company attach a progress report for the period

from

to

5 October 2012

28 March 2013

Signed

Joint Administrator

Dated

28 March 2013

#### **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

Richard Starkey

KPMG LLP

1 The Embankment

Neville Street

Leeds

LS1 4DW United Kingdom

DX Number DX 724440 Leeds

Tel 0113 231 3079

DX Exchange

When you have completed and signed this form, please send it to the Registrar of Companies at -

Companies House, Crown Way, Cardiff CF14 3UZ

DX 33050 Cardiff



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## Inman & Co. (Electrical) Limited - in Administration

Final Report for the period 5 October 2012 to 28 March 2013

Pursuant to Rules 2.47 and 2.110 of the Insolvency Rules 1986 (as amended)

> KPMG LLP 28 March 2013

#### HS\GB\RS



28 March 2013

### Notice: About this Report

This Report has been prepared by Howard Smith, Mark Granville Firmin and Paul Andrew Flint, the Joint Administrators of Inman & Co (Electrical) Limited, solely to comply with their statutory duty to report to creditors under the Insolvency Rules 1986 on the progress of the administration, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This Report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in Inman & Co (Electrical) Limited

Any estimated outcomes for creditors included in this Report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors

Any person that chooses to rely on this Report for any purpose or in any context other than under the Insolvency Rules 1986 (as amended) does so at their own risk. To the fullest extent permitted by law, the Joint Administrators do not assume any responsibility and will not accept any liability in respect of this Report to any such person.

Mark Granville Firmin and Paul Andrew Flint are authorised to act as insolvency practitioners by The Institute of Chartered Accountants in England and Wales Howard Smith is authorised to act as an insolvency practitioner by The Insolvency Practitioners Association

The Joint Administrators act as agents for Inman & Co (Electrical) Limited and contract without personal liability. The appointments of the Joint Administrators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the administration.



### Glossary

Administration Order The Administration Order granted by the High Court of Justice,

Chancery Division, Leeds District Registry, in respect of Inman & Co (Electrical) Limited on 5 April 2012 Court

Administration Order number 501 of 2012

Agents or Edward

Symmons

Edward Symmons LLP

the Company Inman & Co (Electrical) Limited

(Company registered number 03902678)

the Directors Sally Belinda Brown, Stephan Hollingshead, Richard Mark

Lobar, Peter Norman Edward Wright, Christopher Charles

Wright and Charles Lawrence Hastings Wright

HMRC Her Majesty's Revenue & Customs

IA 86 The Insolvency Act 1986

IR 86 The Insolvency Rules 1986 (as amended)

Joint Administrators Howard Smith, Mark Granville Firmin, and Paul Andrew Flint

of KPMG LLP, 1 The Embankment, Neville Street, Leeds LS1

4DW

KPMG LLP

RBSIF or the Bank Royal Bank of Scotland Invoice Finance Ltd

ROT Retention of Title

Solicitors or DLA DLA Piper UK LLP

VAT Value Added Tax



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### 1 Executive Summary

- Howard Smith, Mark Granville Firmin and Paul Andrew Flint of KPMG LLP were appointed as Joint Administrators of the Company by RBSIF, who hold a qualifying floating charge over the Company's assets, pursuant to Paragraph 14 of Schedule B1 to the IA 86 on 5 April 2012
- The notice of appointment, Form 2 6B, was lodged at the Leeds District Registry on 5 April 2012 and the Joint Administrators were duly appointed
- In accordance with Paragraph 100(2) of Schedule B1 to the Insolvency Act 1986 the functions of the Joint Administrators may be exercised by any or all of them
- This progress report covers the period from 5 October 2012 to 28 March 2013
- The Joint Administrators' Statement of Proposals was approved on 11 June 2012 and has not been modified
- There was no prospect of saving the Company Accordingly, the Joint Administrators' role has been limited to the realisation of the Company's assets (see Section 3 Progress of the administration to 28 March 2013) Therefore, the purpose of the administration, in accordance with Paragraph 3(1)(b) of The Insolvency Act 1986, is achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up
- Based on the current level of realisations and repayment in full of the secured creditor, RBSIF, and the Company's preferential creditors, there will be sufficient funds available to facilitate a distribution to the Company's unsecured creditors
- Full details of the Joint Administrators' progress report are attached together with all the relevant statutory information included by way of Appendices (see Section 4 Comments on the Appendices and the Appendices)
- This progress report should be read in conjunction with our previous report sent to the Company's creditors
- In accordance with the Joint Administrators' original proposals the Company has been placed into creditors' voluntary liquidation upon the filling of the Form 2 34B at Companies House Accordingly Howard Smith and Mark Granville Firmin were appointed Joint Liquidators on 28 March 2013

Joint Administrator - Howard Smith

1



#### 2 Introduction

Further to my previous report dated 1 November 2012, I write to provide my final report on the outcome of the administration in accordance with Rules 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)

The Joint Administrators' proposals have now been completed and are attached at Appendix 7. There have been no amendments or major deviations from the proposals

The Company has been placed into creditors' voluntary liquidation upon the filing of Form 2 34B at Companies House In accordance with the proposals, Mark Granville Firmin and I were appointed Joint Liquidators on 28 March 2013

For your information, the final abstract receipts and payments account for the period 5 October 2012 to 28 March 2013 is attached at Appendix 2

Cash held as at 28 March 2013 totalled £776,483. All funds including VAT receivable and payable arising in the administration will be transferred to the liquidation

As previously reported, Howard Smith, Mark Granville Firmin and Paul Andrew Flint of KPMG LLP were appointed as Joint Administrators of the Company by RBSIF, who hold a qualifying floating charge over the Company's assets, pursuant to Paragraph 14 of Schedule B1 to the IA 86 on 5 April 2012

The notice of appointment, Form 2 6B, was lodged at the Leeds District Registry on 5 April 2012 and the Joint Administrators were duly appointed

Howard Smith is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association Mark Granville Firmin and Paul Andrew Flint are authorised to act as insolvency practitioners by the Institute of Chartered Accountants of England and Wales

In accordance with Paragraph 100(2) of Schedule B1 to the IA 86 the functions of the Joint Administrators may be exercised by any or all of them

This report also includes certain information required to be provided to creditors in accordance with Rule 2 33 of the IR 86

The appropriate statutory information is set out in Appendix 1

Please note that unless stated otherwise, all amounts in this report and appendices are stated net of VAT

If you have any queries in relation to the report please contact Richard Starkey of my office on 0113 231 3079



28 March 2013

### 3 Progress of the administration to 28 March 2013

All outstanding matters can now be dealt with following the liquidation of the Company As such, in accordance with the Joint Administrators' Proposals, the Company has been placed into creditors' voluntary liquidation upon the filing of Form 2 34B at Court and with Companies House Accordingly, Howard Smith and Mark Granville Firmin were appointed as Joint Liquidators on 28 March 2013

#### 3.1 **Initial strategy**

Upon their appointment, the Joint Administrators and their representatives attended the Company's leasehold premises in Sheffield, Bristol and London to secure the sites, address the employees and to take control of the business. The Joint Administrators undertook an initial review of the Company's position with regards to stock levels and ROT issues at the three sites.

Following the initial review, the Joint Administrators concluded that returns to creditors as a whole would be maximised if the Company ceased to trade upon the Joint Administrators' appointment A controlled disposal of the stock could then be carried out while we sought to collect out the book debt ledger

However, it was evident that a significant amount of stock held at the Company's premises was subject to ROT and as a result it was essential that the stock was identified and split very quickly between that owned by the Company and that which was subject to potential ROT claims

Of the stock held at the Company's three premises of approximately £2 6 million at cost, it was identified that circa £1 6 million was potentially subject to ROT, this left stock of approximately £1 0 million at cost which was potentially realisable. The Joint Administrators remained in occupation of the Company's premises in order to undertake formal valuations, maximise recoveries from the Company's principle assets and to market these for sale. Continued occupation of the premises also allowed the Company's credit control function to be maintained which greatly assisted with debtor collections.

The majority of the Company's 73 employees were made redundant with the exception of 15 members of staff who were initially retained across the three sites to assist the Administrators in dealing with the high volume of stock located in the Company's warehouses at the date of appointment. Seven members of staff were subsequently retained to help finalise this process, in addition to assisting with the managed wind down of the business. All staff have now been made redundant.

The Company's main assets at the date of appointment were as follows

 Book debts - The Company's book debt ledger, as per the Company's records, showed an outstanding balance of £2,594,793 on appointment The Company's



28 March 2013

book debts are covered by the Bank's security Further details are provided at 3 4 6

- Motor vehicles At the date of the Joint Administrators' appointment the Company had in its possession 24 motor vehicles comprising 11 cars and 13 vans
  - Two of the vans were held on hire purchase agreements Settlement figures were obtained from the finance company and it was apparent that there is no equity in the agreements, therefore these vehicles were returned
  - Four of the cars and five of the vans were held on hire agreements. These vehicles were returned to the hire companies shortly after the appointment of the Joint Administrators.
  - The remaining vehicles were removed from the Company's premises and sold by Edward Symmons by way of private treaty sales and through an auction A total of £72,150 has been realised in relation to the sale of the Company's motor vehicles
- Office furniture and equipment, plant and machinery, business equipment and
  portable site tools were sold by Edward Symmons by way of private treaty sales
  and at an auction held during June 2012 A total of £81,295 has been received in
  relation to the sale of the Company's office furniture and equipment and plant
  and machinery

Please see section 3.4 of this report for further information regarding the Company's assets

#### 3 2 Sale of business and stock

Following discussions with management and a review of internal KPMG databases, the Joint Administrators held discussions with a number of potentially interested parties, six of which attended the premises to inspect the Company's assets although none expressed a direct interest in acquiring the Company as a going concern. The majority were either interested in the Company's stock, certain assets on a break-up basis or the customer lists.

The Company's stock with a finalised cost value of £937,511 was sold, with final realisations totalling £530,544 The stock was sold via private treaty sales, auction and in the ordinary course of business No further realisations are anticipated in relation to the Company's stock

Following the sale of the Company's stock and assets, the Joint Administrators exited the Company's Bristol and Enfield premises on 21 May 2012 and exited the Sheffield premises on 15 June 2012



#### 3.3 Communication

The Joint Administrators wrote to all known creditors on 5 April 2012 advising them of their appointment

The Joint Administrators' Statement of Proposals was circulated to all known creditors of the Company on 24 May 2012 together with notice of a meeting of creditors

All known creditors of the Company were subsequently notified on 14 June 2012 that the proposals were approved at the meeting of creditors held on 11 June 2012

On 1 November 2012, the Joint Administrators circulated their 6 month progress report for the period 5 April 2012 to 4 October 2012

#### 3.4 Assets

#### 3 4 1 Plant and machinery

Funds of £2,900 have been received in the period in relation to the sale of the Company's remaining plant and machinery. These items were disposed of via an online auction. Total funds of £29,650 have been received in relation to the sale of the Company's plant and machinery.

#### 3 4 2 Furniture and equipment

As previously reported, funds of £51,645 have been received in relation to the sale of the Company's office furniture and equipment

#### 3 4 3 Motor Vehicles

As previously reported, funds of £72,150 have been received in relation to the sale of the Company's motor vehicles, comprising cars and commercial vehicles.

#### 3.4 4 Stock

Funds of £9,975 have been received in the period in relation to the sale of the Company's stock. This amount has previously been incorrectly paid into the Company's pre appointment bank account and these funds have now been transferred to the Joint Administrators. Total stock sales of £530,544 have been received by the Joint Administrators.

#### 3 4 5 Other debtors

As previously reported, funds of £145 have been received in relation to other debtors

#### 3 4 6 Book Debts

As previously reported, the Company's debtors' ledger at the date of appointment had a gross book value of £2,594,793



28 March 2013

The Company were provided with an invoice discounting facility by RBSIF, who hold a qualifying floating charge over the assets of the Company RBSIF were owed £855,658 as at the date of the appointment of the Joint Administrators, including management fees of £160,826

The Joint Administrators received confirmation from RBSIF that it has received sufficient realisations to discharge its lending in full

The remaining book debts are being collected by KPMG's Receivables Realisation Group and Ward Hadaway Solicitors Book debts of £432,899 have been received by the Joint Administrators in the period, which brings the net amount realised during the administration to £833,190

The remaining books debts will continue to be collected by KPMG's Receivables Realisation Group and Ward Hadaway Solicitors in the liquidation proceedings

Ward Hadaway are currently holding funds totalling £14,747 which will be transferred to the Joint Liquidators in due course

#### 3 4 7 Stock Handling Fee

As previously reported, funds of £20,333 have been received in relation to a stock handling fee charged to ROT creditors upon collection of their goods. The Joint Administrators incurred substantial costs in relation to holding this stock and as such suppliers were charged a handling fee to cover a proportion of these costs.

#### 348 Cash in hand

As previously reported, petty cash of £1,237 has been realised by the Joint Administrators

#### 3 4 9 Property rights/Intellectual Property

Funds of £369 have been received in the period in relation to the sale of the Company's software licences

#### 3 4 10 Cash at bank

Funds of £20,771 have been received in the period by the Joint Administrators in relation to cash held in the Company's bank accounts at the date of appointment

Of these funds some a may be due to third parties This position will be finalised in the liquidation proceedings

#### 3 4 11 Insurance refund

A refund of £2,313 was received in the period in relation to a repayment from the Company's pre appointment insurance provider



#### 3 4.12 Other Receipts

Other receipts totalling £1,017 have been received in the period £978 in relation to bank interest and £39 in relation to sundry refunds

#### 3.5 Liabilities

#### 351 Secured creditors

As previously reported, RBSIF have the benefit of a debenture dated 30 October 2008 providing a fixed and floating charge over the Company's assets

The amount outstanding to the bank at the date of appointment was approximately £855,658 (including interest and charges)

The Bank have confirmed that it has recovered its lending in full

The Joint Administrators' Solicitors, DLA Piper UK LLP, have reviewed the Bank's debenture and confirmed its validity

#### 3 5 2 Preferential creditors

All employees of the Company were ultimately made redundant by the Joint Administrators Preferential creditors of the Company received a first and final dividend of 100p/£ in February 2013, totalling £66,475

#### 353 Prescribed Part

The Insolvency Act 1986 (Prescribed Part) Order 2003 does apply in this case as the security held by the Bank was created after 15 September 2003. The prescribed part is calculated as a percentage of the Company's net property. The Company's net property is the net amount available to the floating charge holder(s) after the payment of costs and preferential creditors.

However, as no floating charge liability remains outstanding in this instance, a prescribed part payment will be unnecessary and any payment to unsecured creditors will be made as an unsecured dividend as detailed in section 3 5 4

#### 3 5.4 Unsecured creditors

The director's statement of affairs details unsecured creditors of £4,044,171

Due to the level of book debt collections to date and the level of realisations with regards to the Company's stock, there will be sufficient funds available, following the payment of costs of the administration and liquidation, to enable a distribution to be made to the Company's unsecured creditors. However, the quantum and timing of any such distribution is currently uncertain



#### 3.6 Expenses for the period

The receipts and payments for the period are set out in the attached Receipts and Payments Account (see Appendix 2)

The office holders' time costs for the period of this report are also attached (see Appendix 3)

The statutory provisions relating to remuneration are set out in Rule 2 106 of the Insolvency Rules 1986. A creditors guide to fees can be found at

http://www.r3.org.uk/media/documents/technical\_library/SIPS/SIP\_9\_EW\_Nov\_2011.pdf

However, if you are unable to access this guide and would like a copy, please contact Richard Starkey on 0113 231 3079

During the period we have incurred time costs of £122,639, representing 512 hours at an average rate of £240 per hour. This includes the Tax, VAT, Health and Safety and Pensions advice from KPMG LLP in-house specialists.

A detailed breakdown of the charge out rates for the duration of the administration is included in Appendix 3 to this Report

Please note that all staff who have worked on this assignment, including cashiers and secretarial staff have charged time directly to the assignment and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to this assignment but is reflected in the general level of charge out rates.

The Joint Administrators' proposals included the following resolutions which were approved at the meeting of creditors on 11 June 2012

- that in the event that no creditors' committee is formed, the Joint Administrators will be authorised to draw fees on account from the assets of the Company from time to time during the period of the administration based on time properly spent at KPMG LLP charge out rates that reflect the complexity of the assignment. In the event that Mark Granville Firmin and Howard Smith be appointed Joint Liquidators then they will be able to draw fees on the same basis as the Joint Administrators as agreed by the Company's creditors. Also, the Joint Administrators will be authorised to draw disbursements from time to time to include category 2 disbursements, and
- that the costs of KPMG LLP in respect of HSE, Pension, Tax, Receivables Realisation Group and VAT advice provided to the Joint Administrators be based upon time costs and shall be paid out of the assets of the Company

A creditors' committee was not formed

The Joint Administrators have incurred time costs of £122,639 in the period and have drawn fees of £100,000 during the period covered by this report



28 March 2013

The Joint Administrators have incurred disbursements of £1,208 in the period and have drawn £764

Details of the Joint Administrators' expenses incurred in the period are included in Appendix 5

Expenses for this period total £19,209 including amounts not yet paid (see Appendix 4 for details)

Additional information about the expenses charged for the period is available from the office holder upon request by any secured creditor, and any other creditor or creditors owed 5% or more in value of the unsecured liabilities listed. Full details of the process to obtain more information under Rule 2 48A of the Insolvency Rules 1986 and to challenge the Joint Administrators' remuneration and expenses under Rule 2 109 of the Insolvency Rules 1986 are included in Appendix 4 should creditors wish to do so

### 4 Comments on the Appendices

### 4.1 Receipts and payments

The following information provides a brief description of the Receipts and Payments Account to 28 March 2013, attached as Appendix 2

#### 4.2 Receipts

Please see section 3.4 for comments on the receipts during the period

#### 4.3 **Payments**

#### 4 3.1 Funds transferred to Liquidation

The Joint Administrators have transferred funds of £776,483 to the Joint Liquidators' bank account and these funds will be utilised in the course of the liquidation

#### 432 VAT funds transferred to Liquidation

The Joint Administrators have transferred an outstanding VAT refund to the Company in liquidation. This is made up of £24,946 of VAT receivable.

#### 4 3.3 PAYE/NIC funds transferred to Liquidation

The Joint Administrators have transferred an outstanding PAYE/NIC overpayment of £43 to the Company in liquidation

#### 4 3 4 Debt collection fees and disbursements

The Joint Administrators instructed Ward Hadaway Solicitors to assist with the collection of the remaining book debts



Payments totalling £11,311 have been made during the period in relation to debt collection fees and £1,320 in respect of debt collection disbursements

As previously reported, the Joint Administrators accrued for £5,992 in relation to debt collection fees in respect of cost incurred in the prior period

The Joint Administrators have also accrued £500 in the period in relation to debt collection fees and £1,610 in relation to debt collection disbursements, however, these costs have not been paid during the period and will be paid in the liquidation proceedings

#### 4.3.5 Contractors' costs

The amount of £203 has been paid in the period in relation to final work carried out to bring the Company's books and records up to date as at the date of appointment

As previously reported, the Joint Administrators accrued £203 in relation to contractors' costs in respect of costs incurred in the prior period

#### 4 3 6 Joint Administrators' fees and disbursements

Joint Administrators' fees of £100,000 and disbursements of £764 have been paid during the period. Further details are provided in Section 3.6 of this report.

As previously reported, the Joint Administrators accrued £230,591 in relation to Joint Administrators fees and £4,089 in relation to Joint Administrators disbursements in respect of costs incurred in the prior period

#### 4.3 7 Agents' fees and disbursements

Edward Symmons have provided asset disposal advice and valuation reports in respect of the leasehold property, office equipment, plant and machinery, stock and motor vehicles

Edward Symmons also marketed the assets for sale and organised collection from the Company's premises. They also arranged for the stock, office equipment and plant and machinery located at the Company's premises in Bristol and Enfield to be transported to the Company's head office in Sheffield to enable their sale to take place.

They also arranged for the collection and destruction of all confidential waste held at the leasehold premises

Agent's fees of £4,930 and disbursements of £215 have been paid during the period

As previously reported, the Joint Administrators accrued £5,000 in relation to agent's fees in respect of costs incurred in the prior period

#### 4 3 8 Legal fees and disbursements

DLA Piper UK LLP has provided legal advice to the Company in respect of the following



- validity of the appointment of the Administrators,
- validity of security,
- preparation of sales contracts in relation to the bulk sales of the Company's stock, and
- general advice in the administration

Legal fees of £17,000 and disbursements of £28 have been paid to DLA Piper UK LLP during the period

As previously reported the Joint Administrators accrued £17,595 in relation to legal fees and £28 in relation to legal disbursements in respect of costs incurred in the prior period

The Joint Administrators have also accrued £8,000 in the period in relation to legal fees and £100 in relation to legal disbursements, however, these costs have not been paid during the period and will be paid in the liquidation proceedings

#### 439 Sundry Expenses

The Joint Administrators have paid £44 in the period in relation to sundry expenses

As previously reported, the Joint Administrators accrued for £44 in relation to sundry expenses in respect of costs incurred in the prior period

#### 4 3 10 Telephone/Telex/Fax

In the period £2,300 has been paid in relation to the continuation of telephone and internet access during the Joint Administrators occupation of the Company's premises

As previously reported, the Joint Administrators had accrued for £1,643 in respect of costs incurred in the prior period

#### 4311 Heat & light

In the period £1,549 was paid in respect of heat & light for the period of occupation of the Company's premises

As previously reported, the Joint Administrators accrued £3,302 in relation to heat and light in respect of costs incurred in the prior period

#### 4 3 12 Rent

Payments totalling £11,632 have been made during the period in relation to the Joint Administrators occupation of the Company's leasehold premises during the period

As previously reported, the Joint Administrators accrued for £11,962 in relation to rent in respect of costs incurred in the prior period



28 March 2013

#### 4 3 13 Insurance of assets

The Joint Administrators have paid £8,849 in relation to the insurance of the Company's assets during the administration

As previously reported, the Joint Administrators accrued for £15,000 relation to the insurance of the Company's assets in respect of costs incurred in the prior period

The Joint Administrators have also accrued £1,000 in the period in relation to insurance of the Company's assets, however, these costs have not been paid during the period and will be paid in the liquidation proceedings

#### 4 3.14 Wages & salaries

As detailed in section 3.1 above the Joint Administrators conducted a managed winddown of the Company while realising the Company's assets. During the period wages of £461 have been paid to retained staff to complete this process.

As previously reported, the Joint Administrators had accrued for £461 in relation to wages & salaries in respect of costs incurred in the prior period

#### 4 3 15 Storage costs

As previously reported, the Joint Administrators accrued for £3,500 in relation to storage costs in respect of costs incurred in the prior period. No amounts have been paid in the period in relation to storage costs.

The Joint Administrators have also accrued £400 in the period in relation to storage costs, however, these costs have not been paid during the period and will be paid in the liquidation proceedings

#### 4316 Other Payments

In addition to the above, repayment of third party funds of £39 and bank charges of £20 have been paid in the period

As previously reported, the Joint Administrators accrued for £20 in relation to bank charges in respect of cost incurred in the prior period

### 4 4 Analysis of office holders' time costs

#### 4 4 1 Asset Realisation

In relation to book debts, £44,822 (218 hours) has been incurred in the period by the Joint Administrators in connection to the collection of the Company's outstanding book debts. This includes time spent liaising with debtors and Ward Hadaway Solicitors who have assisted the Joint Administrators with the debt collection process.



#### 4 4 2 Agreeing employee claims

Time costs of £2,996 (13 hours) have been incurred by the Joint Administrators during this period in relation to agreeing employee claims

#### 4 4.3 General correspondence

To date time costs of £16,336 (69 hours) have been incurred in relation to dealing with general correspondence with creditors

#### 444 Statutory reporting

In November 2012 the Joint Administrators circulated their Progress Report to all known creditors of the Company The Joint Administrators have also prepared this Final Report to advise creditors of the Company on the move to creditors voluntary liquidation. Time costs of £10,088 (41 hours) were incurred in relation to the preparation and circulation of these reports

#### 4 4 5 Statutory and Compliance

Time costs of £22,547 (77 hours) have been incurred by the Joint Administrators during the period in relation to the Joint Administrators fulfilling their statutory duties

#### 4.5 Expenses for the period

Expenses for the period are summarised in Appendix 5 which includes the outstanding time costs as analysed in Appendix 3

### 5 Outstanding matters

The Joint Administrators' Proposals have now been completed. The following matters remain outstanding and will be finalised in the creditors' voluntary liquidation.

- realisation of the remaining pre-appointment book debts,
- realisation of the remaining Intellectual Property rights,
- settlement of outstanding costs of the administration,
- finalisation of third party claims to cash received,
- agreement of unsecured creditor claims and payment of a dividend, and
- VAT and Tax clearance



28 March 2013

## Appendix 1 - Statutory information

Date of Incorporation

5 January 2000

Company number

03902678

Previous registered office

2-4 Orgreave Place

Sheffield South Yorkshire S13 9LU

Present registered office

KPMG LLP 1 The Embankment Neville Street

Leeds LS1 4DW

Trading addresses

2-4 Orgreave Place Sheffield

South Yorkshire S13 9LU

Unit 7

Old Station Business Park

Wells Road Hallatrow Bristol BS39 6EN

65 Millmarsh Lane

Brimsdown Industrial Estate

Enfield EN3 7UY

Called up share capital

6,033 Ordinary £1 shares

Members

White Rose Holdings Limited (100%)

Directors

Sally Belinda Brown Stephan Hollingshead Richard Mark Lobar

Charles Lawrence Hastings Wright
Christopher Charles Wright

Christopher Charles Wright Peter Norman Edward Wright

Company Secretary

Sally Belinda Brown

Employees

73

Previous name(s)

Festeasy Limited



## Appendix 2 - Receipts and Payments account for the period to 28 March 2013

#### Inman & Co. (Electrical) Limited (In Administration) Administrators' Abstract of Receipts & Payments

Statement of Affairs		From 05/10/2012 To 28/03/2013	From 05/04/2012 To 28/03/2013
_	FIXED CHARGE ASSETS		
1,921,479.30	Book debts	NIL	M
14,000 00	Motor Vehicles	NIL	NI
		NIL	NI
	FIXED CHARGE CREDITORS		
(864,628 39)	RBS Invoice Finance Limited	NIL	M
(11,605 00)	Paccar Financial Hire Purchase	NIL NIL	NI
	A CONCENTRAL TO A MINOR TO	- <del>-</del>	
	ASSET REALISATIONS	* ***	20.000
15,000 00	Plant & machinery	2,900,00	29,650 (
20,000 00	Furniture & equipment	NIL	51 644 9
55,509 00	Motor vehicles	NIL	72,150.0
2,233,000 00	Stock	9,975 00	530,544
	Other debtors	NIL	145 1
	Book debts	432,899,04	833,190.3
	Stock handling fee	NIL.	20,333
I,636 00	Cash in hand	NIL	1,236
10,000 00	Property rights/Intellectual Property	369 00	3691
13,125 00	Cash at bank	20,771 43	20,771
	Insurance refund	2,312.88	2,312
		469,227 35	1,562,347
	OTHER REALISATIONS	****	
	Bank interest, gross	978.05	1,517
	Prepayments	38 64	38
	Sundry refunds	NIL 1916 CO	401
		1,016.69	1,957
	COST OF REALISATIONS		
	Debt collection fees	5,318 62	11,311
	Debt collection disbursements	1,320 00	1,320
	Administration surplus to Liquidation	776,483 36	776,483
	Repayment of third party funds	38.64	38
	Statement of affairs work	NIL	4,500
	Contractors costs	203 04	1,903
	Administrators' fees	100,000.00	400,000
	Administrators' expenses	763 64	4,715
	Funds to liquidation - VAT	24,945 88	24,945
	Irrecoverable VAT	NIL	107
	Forklift truck hire	MIT	1,755
	Agents fees	4,930 00	25,944
	Agents' disbursements	214.61	19182
	Legal fees	17,000.00	32,240
	Legal disbursements	28.00	88
	Funds to liquidation - PAYE/NIC	42.60	4:
	Sundry Expenses	44 49	1,010
	ROT settlement	NIL	21,12
	Telephone/Telex/Fax	706.93	3,93
	Subcontractor Costs	NIL	7,07
	Heat & light	27 27	3,87

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#### Inman & Co. (Electrical) Limited (In Administration) Administrators' Abstract of Receipts & Payments

Statement of Affairs		From 05/10/2012 To 28/03/2013	From 05/04/2012 To 28/03/2013
	Statutory advertising	NIL.	354 82
	Rent	NIL	68,022.50
	Rates	NIL.	22.589 00
	Insurance of assets	NIL	8,484 52
	Wages & salaries	461 46	55,586.77
	Bank charges	20 00	1,080.00
		(932,548 54)	(1,497,830 18)
	PREFERENTIAL CREDITORS		
	Subrogated EP(C)A claim	41,511 73	41,511 73
(66,918 69)	Employees' wage and holiday pay arrears	24,963 05	24,963.05
		(66,474 78)	(66,474 78)
	UNSECURED CREDITORS		
(2,451,325 80)	Trade & expense	NIL	NIL
(401,028 21)	Employees	NIL.	NIL NIL
(25,348 00)	Inman Properties Limited	NII.	NIL NIL
(46,653 25)	Non-preferential NIC/PAYE	NIL	NIL NIL
(167,726 73)	Non-preferential VAT	NII.	NIL
(95.38)	Child Support Agency Deductions	NIL	NIL NIL
(8,841 44)	Employee Pension & Health Scheme	NIL	
·	• •	NIL	NIT I
	DISTRIBUTIONS		
(6,033 00)	Ordinary shareholders	NIL	ΝШ
( ,	<b>)                                </b>	NIL	
233,545 41		(528,779 28)	(0 00)
	REPRESENTED BY		
			NIL



## Appendix 3 – Joint Administrators' time costs as at 28 March 2013

	Partner / Director	Manager	Administrator	Support 7	Total hours	Time cost	Average hourly rate
Administration & planning							
Cashiering							
General (Cashiering)	4 10	100	6.20		11.30	£3,656.50	1323.58
Reconculations (&IPS accounting review	vs)		2 <i>2</i> 0		2.20	£537 00	£244 09
General							
Fees and WIP			4 00		4.00	£1000 00	£250 00
Statutory and compliance Checklist & reviews	3.20	4 60			22.22	00	2222.2
Closure and related formalities	3.20 2.30	1110	21.10 27.50		28.90 40.90	£8,116.50 £11,843.00	£280.85
Reports to debenture holders	0.50	IL IV	27.50		0.50	£10843.00 £242.50	£289.56
Statutory receipts and payments account			100		1.00	£250 00	£485 00 £250 00
Strategy documents	1.70	200	200		570	£2,094.50	£25000 £367.46
Tax	p. v	200	200		3.0	12,034.00	2007 40
Post appointment corporation tax	0.50	13 80			14,30	25,560 00	£388 81
Post appointment VAT	130	5 00	9.85		16 15	£4,277 75	£264.88
Creditors							0_0 1,40
Creditors and claims							
General correspondence		8 00	60 50		68 50	£ 16,335 50	£238 47
l'ayment of dividends	0 10				0.10	£48 50	£485 00
ROT Claims			110		1.10	£203 50	£185 00
Statutoryreports	200	6 00	32 00	0.50	40.50	£10,087.50	£249 07
Employees							
Agreeing employee chims			13 10		13 10	£2,995.50	£228 66
Correspondence			2 00	7.25	9.25	£1,262,25	£13646
Pension funds			2 00		200	£500 00	£250 00
Pensions reviews		1.90	11.00		12 90	£3 059,50	£237 17
Realisation of assets							
Asset Realisation							
Cash and investments	0.50	100	3.00		4.50	£1,357.50	£30167
Debtors		22 00	195 40	0.50	217.90	£44 82150	£205 70
Leasehold property			500		5.00	£1,250 00	£250 00
Open co ver insurance Other assets		100	300		300	£750 00	£250 00
Pre appointment tax & VAT refunds		roo	3 10 4 00		4 10 4,00	£1,140,00	£278 05
Rent			100		100	£1,000,00	2250.00
Total in period			100	-		£250 00	
totat tu pertod				=	511.90	£ 122,639 00	£239.58
		Fees draw	n		Hou	rs/Costs to dat	e
1	B/f		00 000,002		2 036 70	530 773.50	£260.60
1	h the period		00 000,0013	_	511.9	122,639.00	£239.58
(	C/f	-	£400,000.00	-	2,548 60	653,412 50	£256 38



## Joint Administrators' charge out rates

Grade	From 1 October 2010 £/hr	From 1 October 2012 £/hr
Partner	535	565
Associate Partner	460	485
Director	460	485
Senior Manager	425	450
Manager	345	365
Senior Administrator	240	250
Administrator	175	185
Support	110	115

	KPMG LLP Corporation Tax Team	KPMG LLP VAT Team	KPMG LLP Pensions Team
Grade	From 1 October 2008 £/hr	From 1 October 2008 £/hr	From 1 October 2008 £/hr
Partner	595	900	465
Associate Partner	535	900	465
Director	535	805	400
Semor Manager (> 2 years)	470	705	365
Senior Manager (< 2 years)	375	565	365
Manager (> 2 years)	305	455	290
Manager (< 2 years)	255	385	290
Semor Administrator (Yr 3)	220	330	205
Senior Administrator (Yr 2)	205	310	205
Senior Administrator (Yr 1)	185	280	205
Administrator (Yr 4)	185	280	150
Administrator (Yr 3)	165	245	150
Administrator (Yr 2)	125	185	150
Administrator (Yr 1)	85	125	150



## Appendix 4 – Joint Administrators' disbursements for the period 5 October 2012 to 28 March 2013

Expense name	Expense Amount		
	<b>(£)</b>		
Specialist staff costs	742 45		
Mileage costs	453 60		
Other transport	12.38		
Total	1,208.43		

Where funds permit the officeholder will look to recover both category 1 and category 2 disbursements from the estate For the avoidance of doubt, such expenses are defined within SIP 9 as follows

Category 1 disbursements These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the officeholder or his or her staff

Category 2 disbursements These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Any disbursements to be paid from the estate are disclosed within the summary of disbursements above

The only Category 2 disbursements that KPMG Restructuring currently charges is mileage, this is calculated as follows:

Mileage claims fall into three categories

Use of privately-owned vehicle or car cash alternative – 40p per mile

Use of company car - 60p per mile

Use of partner's car - 60p per mile

For all of the above car types, when carrying passengers an additional 5p per mile per passenger will also be charged where appropriate



## Appendix 5 - Schedule of expenses for the period 5 October 2012 to 28 March 2013

Section	Account	Accrued	Paid	Undisclosed in prior	Total
Cost of realisations	Debt collection fees	500 00	5,318 62	in prior	5,818 62
	Debt collection disbursements	1,610 00	1,320 00		2,930 00
	Repayment of third party funds		38 64		38 64
	Agents' disbursements		214 61		214 61
	Legal fees	8,000 00			8,000 00
	Legal disbursements	100.00			100 00
- - -	Storage Costs	400 00			400 00
	Insurance of assets	1,000 00			1,000 00
	Telephone/Telex/Fax		706 93		706 93
		11,610.00	7,598.80		19,208.80
TOTAL		11,610.00	7,598.80		19,208.80

Creditors are reminded that the basis on which fees have been reported has been agreed by the secured creditor and preferential creditors

However to determine if the quantum of the fees to be taken is reasonable the analysis included at Appendix 3 should be reviewed and any additional information can be requested by any secured creditor or any unsecured creditor(s) with at least 5% in value of the unsecured debt in accordance with rule 2 48A IR86 This request must be made within 21 days receipt of the progress report. The full text of that rule can be provided on request.

In addition creditors are reminded that the quantum can be challenged by unsecured creditor(s) with at least 10% in value excluding that creditors claim by making an application to court in accordance with rule 2 109 IR86. The full text of this rule can also be provided on request



### Appendix 6 - Extract from the Insolvency Rules 1986

Insolvency Rules 1986

- 2 48A Creditors' request for further information
- (1) If- (a) within 21 days of receipt of a progress report under Rule 2 47-
- (1) a secured creditor, or
- (11) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or

with the permission of the court upon an application made within that period of 21 days, any unsecured creditor, the administrator for further information about remuneration or expenses (other than pre-administration costs) set out in a statement required by Rule 2 47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2)

The administrator complies with this paragraph by either—

- (a) providing all of the information asked for, or
- (b) so far as the administrator considers that-
- (1) the time or cost of preparation of the information would be excessive, or
- (11) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or
- (iii) the administrator is subject to an obligation of confidentiality in respect of the information.
- giving reasons for not providing all of the information
- (3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of—
- (a) the giving by the administrator of reasons for not providing all of the information asked for, or



(b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just

- (4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2 109(1B) by such further period as the court thinks just
- 2 109 Creditors' claim that remuneration is or other expenses are excessive
- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)
- (1A) An application may be made on the grounds that—
- (a) the remuneration charged by the administrator,
- (b) the basis fixed for the administrator's remuneration under Rule 2 106,
- (c) expenses incurred by the administrator,
- is or are in all the circumstances, excessive, or in the case of an application under subparagraph (b), inappropriate
- (1B) The application must, subject to any order of the court under Rule 2 48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")
- (2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss it without a hearing but it shall not do so without giving the applicant at least 5 business days' notice, upon receipt of which the applicant may require the court to list the application for a without notice hearing. If the application is not dismissed, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly
- (3) The applicant shall, at least 14 days before the hearing, send to the administrator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it
- (4) If the court considers the application to be well-founded, it must make one or more of the following orders—
- (a) an order reducing the amount of remuneration which the administrator was entitled to



charge,

- (b) an order fixing the basis of remuneration at a reduced rate or amount,
- (c) an order changing the basis of remuneration,
- (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration,
- (e) an order that the administrator or the administrator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

(5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the administration



#### **Appendix 7 – Joint Administrators' proposals**

The Joint Administrators have concluded to pursue the second prescribed objective (b) under Paragraph 3(1) of Schedule B1 to IA 86, achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up

The Joint Administrators propose the following two resolutions

#### Resolution 1:

- to continue to do all such things reasonably expedient and generally exercise all their powers as contained in Schedule B1 to the Insolvency Act 1986 as Joint Administrators as they, in their absolute discretion, consider desirable in order to maximise realisations from the assets of the Company,
- e to investigate and, if appropriate, pursue any claims the Company may have,
- to seek an extension to the administration period if deemed necessary by the Joint Administrators pursuant to Paragraph 76 of Schedule B1 to the Insolvency Act 1986,
- to allow the administration to cease to have effect following its 12 month period or any extension thereof,
- to seek if appropriate, permission of the Court to make a distribution to unsecured creditors of the Company pursuant to Paragraph 65 of Schedule B1 to the Insolvency Act 1986 and to seek, if appropriate, any other directions from the Court,
- when it is considered that no further distributions to creditors will be made and that the Joint Administrators have concluded their duties, to take the necessary steps to move the Company from administration to dissolution, pursuant to Paragraph 84 of Schedule B1 to the Insolvency Act 1986,
- if the Joint Administrators consider that a distribution will be made to unsecured creditors of the Company, and if deemed appropriate by the Joint Administrators, to take the necessary steps to move the Company into creditors' voluntary liquidation pursuant to Paragraph 83 of Schedule B1 to the Insolvency Act 1986,
- if creditors' voluntary liquidation is deemed appropriate, the Joint Administrators will seek the appointment of Howard Smith and Mark Firmin of KPMG LLP as Joint Liquidators of Carleton Furniture Group Limited without any further recourse to creditors. In accordance with Paragraph 83(7) of Schedule B1 to the Insolvency Act 1986 and Rule 2 117(3) of the Insolvency Rules 1986 (as amended), creditors may nominate a different person as the proposed liquidator, provided that the nomination is made after the receipt of the proposals and before the proposals are approved,
- If one of the criteria set out in Paragraph 79(2) of Schedule B1 to the Insolvency Act 1986 apply to the Company, the Joint Administrators can make an application to Court to end the administration and, if deemed appropriate, to petition the Court for the winding up of



the Company If appropriate, the Joint Administrators will, at the same time, apply to be appointed as Joint Liquidators under Section 140(1) of the Insolvency Act 1986, and the Joint Administrators will seek a resolution from creditors to be discharged from liability 14 days after the cessation of their appointment as Joint Administrators, in respect of any action of The Joint Administrators pursuant to Paragraph 98(1) of Schedule B1 to the Insolvency Act 1986,

- in the event that Howard Smith and Mark Firmin and are appointed Joint Liquidators then they will be allowed to act jointly and severally, and
- the Joint Administrators will be discharged from liability under Paragraph 98 of Schedule B1 to the Insolvency Act 1986 immediately upon their appointment as Joint Administrators ceasing to have effect

#### **Resolution 2:**

- that in the event that no creditors' committee is formed, the Joint Administrators will be authorised to draw fees on account from the assets of the Company from time to time during the period of the administration based on time properly spent at KPMG LLP charge out rates that reflect the complexity of the assignment. In the event that Howard Smith and Mark Firmin be appointed Joint Liquidators then they will be able to draw fees on the same basis as the Joint Administrators as agreed by the Company's creditors. Also, the Joint Administrators will be authorised to draw disbursements from time to time to include category 2 disbursements, and
- that the costs of KPMG LLP in respect of HSE, Pension, Tax, Receivables Realisation Group and VAT advice provided to the Joint Administrators be based upon time costs and shall be paid out of the assets of the Company