

## Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

03957720

Name of Company

1st Class Building & Maintenance Limited t/a Spiller Builders

I/~~We~~

Simon Ashley Rowe, One Redcliff Street, Bristol, BS1 6NP

the liquidator~~(s)~~ of the company attach a copy of my/~~our~~ Progress Report  
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 14/04/2013 to 13/04/2014

Signed

Date

16/5/2014

Milsted Langdon LLP  
One Redcliff Street  
Bristol  
BS1 6NP

Ref STCLPOST/SR/RH/JMY

SATURDAY



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17/05/2014


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COMPANIES HOUSE

**1st Class Building & Maintenance Limited t/a Spiller Builders  
(In Liquidation)  
Liquidator's Abstract of Receipts & Payments**

Statement of Affairs	From 14/04/2013 To 13/04/2014	From 14/04/2010 To 13/04/2014
<b>SECURED ASSETS</b>		
Goodwill	NIL	1,000 00
Intellectual property	NIL	3 00
	NIL	1,003 00
<b>SECURED CREDITORS</b>		
Natwest Bank Plc	NIL	1,003 00
	NIL	(1,003 00)
<b>ASSET REALISATIONS</b>		
NIL Plant & machinery	NIL	NIL
1,250 00 Furniture & equipment	NIL	6,000 00
20,631 00 Motor vehicles	NIL	17,996 00
Stock	NIL	1 00
NIL WIP	NIL	NIL
139,662 00 Book Debts	NIL	86,358 61
NIL Fixtures & fittings	NIL	NIL
Insurance refund	NIL	1,099 77
Cash at bank	NIL	4,353 37
Bank interest gross	44 61	103 45
Sundry refunds	NIL	1,966 10
	44 61	117,878 30
<b>COST OF REALISATIONS</b>		
Specific bond	8 00	48 00
Pre-Appointment fees	NIL	10,000 00
Pre-Appointment expenses	NIL	1,004 59
Office holder's fees	NIL	29,526 16
Office holder's expenses	NIL	1,183 65
Agents/Valuers fees	NIL	1,570 00
Legal fees	21,472 10	71,947 75
Corporation tax	4 60	12 14
Re-Direction of mail	NIL	51 92
Statutory advertising	NIL	226 80
Insurance of assets	NIL	786 81
General buffer	NIL	NIL
	(21,484 70)	(116,357 82)
<b>PREFERENTIAL CREDITORS</b>		
(12,754 76) Employees	NIL	NIL
	NIL	NIL
<b>FLOATING CHARGE CREDITORS</b>		
(421,419 84) NatWest Bank Plc	NIL	NIL
(102,250 00) Etloe Limited	NIL	NIL
	NIL	NIL
<b>UNSECURED CREDITORS</b>		
(324,682 81) Trade & expense creditors	NIL	NIL
(53,010 80) Employees	NIL	NIL
(104,056 00) HM Revenue & Customs (VAT)	NIL	NIL
(141,316 00) HM Revenue & Customs (PAYE/NI)	NIL	NIL
(59,685 00) Inter-Company loans	NIL	NIL

**1st Class Building & Maintenance Limited t/a Spiller Builders  
(In Liquidation)  
Liquidator's Abstract of Receipts & Payments**

Statement of Affairs		From 14/04/2013 To 13/04/2014	From 14/04/2010 To 13/04/2014
		NIL	NIL
	DISTRIBUTIONS		
(800 00)	Ordinary shareholders	NIL	NIL
		NIL	NIL
<b>(1,058,432.21)</b>		<b>(21,440 09)</b>	<b>1,520.48</b>
REPRESENTED BY			
	Vat receivable		349 37
	Bank 1 Current		1,171 11
			<b>1,520.48</b>
			 Simon Ashley Rowe Liquidator

**Liquidator's Annual  
Report to Members and  
Creditors**

**1ST CLASS BUILDING &  
MAINTENANCE LIMITED T/A  
SPILLER BUILDERS  
- IN LIQUIDATION  
13 APRIL 2014**

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## **CONTENTS**

- 1 Introduction
- 2 Realisation of Assets
- 3 Creditors
- 4 Liquidator's Remuneration
- 5 Liquidator's Expenses
- 6 Creditors' Rights
- 7 Next Report

## **APPENDICES**

- A Receipts and Payments Account from 14 April 2013 to 13 April 2014
  - B Time Analysis for the period 14 April 2013 to 13 April 2014
  - C Additional Information in relation to Liquidator's fees pursuant to Statement of Insolvency Practice No 9
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## **1.0 Introduction and Statutory Information**

- 1 1 I, Simon Ashley Rowe, of One Redcliff Street, Bristol, BS1 6NP, was appointed as Liquidator of 1st Class Building & Maintenance Limited t/a Spiller Builders ("the Company") on 14 April 2010. This report provides an update on the progress in the liquidation for the year ended 13 April 2014.
- 1 2 The principle trading address of the Company was 140d Redland Road, Redland, Bristol, BS6 6YA. The business traded under the name Spiller Builders.
- 1 3 The registered office of the Company has been changed to One Redcliff Street, Bristol, BS1 6NP and its registered number is 03957720.

## **2.0 Realisation of Assets**

- 2 1 Attached at Appendix A is my Receipts and Payments Account for the period from 14 April 2013 to 13 April 2014, including a cumulative total for the period of the liquidation.

### **Book Debts and retentions**

- 2 2 As you are aware from my previous reports the sole outstanding assets are the on-going recovery of the Company's book debt ledger. I advised you that the collection of some of these were currently in the hands of my solicitor, Standish Associates.
- 2 3 Since my last report I can advise that my solicitor issued a claim against one debtor with regard to two further claims against it, having reached settlement on other claims in prior periods. These proceedings were necessary in order that the debts did not become statute barred.
- 2 4 An offer of £50,000 was made by the debtor to settle the outstanding claims, this was rejected as it was considerably less than the initial claims. I have been advised that the debtor intends to make a further offer to resolve this matter but at present he is in the process of having accounts prepared, the result of which will determine his ability to increase any further offer.

- 2 5 Creditors were made aware that my solicitor was also dealing with one matter which had gone to arbitration
- 2 6 In order to proceed with the arbitration Milsted Langdon LLP loaned the Company the sum of £9,000 This was used to pay the Arbitrator's costs without which he was unwilling to release his findings
- 2 7 Accordingly, the Arbitrator has now provided his findings which are almost entirely in the Company's favour However, at present the amount awarded for costs has yet to be agreed and apportioned by the Arbitrator Once the quantum of these have been agreed I am hopeful of a settlement in this matter
- 2 8 Having found in the Company's favour the Arbitrator stated that the amount paid over for security for costs to Davies and Partners (the debtor's solicitor) should be released back to the Company This has been used to repay the loan from Milsted Langdon LLP
- 2 9 As you are aware there are limited funds in the estate to fund the necessary legal action to pursue multiple book debts at any one time, recovery action is therefore being prioritised Many of the remaining claims are currently being held in abeyance until such time that the estate has the funds to pursue them
- 2 10 Since my last report I have, unsuccessfully, pursued three further debtors which had outstanding amounts due Unfortunately, it has not proved possible to collect these debts and therefore the amounts have had to be written off

### **3.0 Creditors**

#### **Secured Creditors**

- 3 1 NatWest Bank plc holds a fixed and floating charge over the Company's assets At the date of the liquidation the indebtedness was estimated at £421,419 84

3 2 The Company also granted a fixed and floating charge to Etloe Limited on 9 January 2009 and it has claimed £99,000

3 3 Based on present information, I estimate that there will be insufficient realisations to pay the preferential creditors and Natwest Bank plc in full, thereby allowing a distribution to Etloe Limited. Therefore, it is unlikely that there will be a prescribed part distribution to unsecured creditors

#### **Preferential Creditors**

3 4 A summary of preferential claims is detailed below.

Preferential claim	Claim £	Statement of Affairs Claim £	Dividend paid p in the £
Employee claims (Total number of claims = 4)	3,982 33	} 12,754 76	Nil
Department for Business Innovation & Skills (BIS)	8,124 28		Nil

#### **Unsecured Creditors**

3 5 I have received claims totalling £719,928 58 from 88 creditors. I have yet to receive claims from 88 creditors whose debts total £676,493 04 as per the director's statement of affairs

#### **Dividend**

3 6 Whilst my efforts to realise the Company's book debts continues, there are insufficient funds to enable a distribution to any class of creditors at present

#### **4.0 Liquidator's Remuneration**

4 1 The creditors approved that the basis of my remuneration be fixed by reference to the time properly spent by my staff and I in managing the Liquidation

4 2 My time costs for the period from 14 April 2013 to 13 April 2014 are £16,338.60. This represents 141.61 hours at an average rate of £115.38 per hour. Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during this period in respect of the costs fixed by reference to time properly spent by me in managing the Liquidation. I have not drawn any fees or disbursements during this period.

4 3 Time spent is analysed into different activity codes. A description of the work performed under each code is as follows -

- **Administration and Planning** – This time relates to the administration duties undertaken. It includes all statutory duties in respect of obligations to Companies House and periodic reviews. It also includes time spent dealing with tax and VAT matters.
- **Realisations** – This time relates to the collection of the Company's book debts and retention recovery and dealing with the debtor disputes and write offs.
- **Creditors** – This time relates to dealing with creditors' claims and other general enquiries and correspondence.

4 4 Attached as Appendix C is additional information in relation to this firm's policy on staffing, the use of subcontractors, disbursements and details of our current charge-out rates by staff grade.

4 5 Since the 14 April 2013 the following Category 2 disbursements have incurred but have not been taken

- Mailing Fee £88.00

4 6 A copy of 'A Creditors Guide to Liquidator's Fees' is available on request or can be downloaded from <http://www.milsted-langdon.co.uk/specialisms/insolvency/creditors-guides-to-remuneration/>

## **5.0 Liquidator's Expenses**

- 5 1 Between 14 April 2013 and 13 April 2014 the following expenses have been incurred/ paid or still remain outstanding

Description	Outstanding from prior period	Incurred in this period	Paid in this period	Outstanding
Specific Bond	Nil	£8 00	£8 00	Nil
Legal Fees – Standish Associates	N/A	N/A	£1,390 77	N/A
Legal Fees - Arbitrator	Nil	£20,081 33	£20,081 33	Nil
Liquidator's Fees	£60,871 34	£16,338 60	Nil	£77,209 94
Liquidator's Disbursements	£438 32	£243 70	Nil	£682 02
Archive Management	Nil	£152 70	£152 70	Nil
<b>Total</b>	<b>£61,309.66</b>	<b>£36,824.33</b>	<b>£21,632.80</b>	<b>£77,891.96</b>

- 5 2 Further legal fees have been incurred by Standish Associates during this period but these are under a conditional fee agreement and until the outcome of any litigation is known, it is not possible to assess these

## **Corporation Tax**

- 5 3 A liability for the current year has been calculated at £4 60, this remittance together with the corporation tax return has been submitted to HM Revenue & Customs

## **6.0 Creditors' Rights**

- 6 1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the liquidator provide further information about his remuneration or express which have been itemised in this progress report

6 2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value if the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that the basis fixed for the Liquidator's remuneration, the remuneration charged or the express incurred by the liquidator as set out in this report are excessive

## **7.0 Next Report**

7 1 The next report is anticipated to be after the next anniversary

Yours faithfully

**SIMON ASHLEY ROWE**  
**Liquidator**

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**1st Class Building & Maintenance Limited t/a Spiller Builders  
(In Liquidation)  
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	<u>NIL</u>	<u>1,003 00</u>
<b>SECURED CREDITORS</b>		
Natwest Bank Plc	NIL	1,003 00
	<u>NIL</u>	<u>(1,003 00)</u>
<b>ASSET REALISATIONS</b>		
1,250 00 Furniture & equipment	NIL	6,000 00
20,631 00 Motor vehicles	NIL	17,996 00
Stock	NIL	1 00
139,662 00 Book Debts	NIL	86,358 61
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<b>(1,058,432.21)</b>	<b>(21,440.09)</b>	<b>1,520.48</b>
<b>REPRESENTED BY</b>		
Vat receivable		349 37
Bank 1 Current		1,171 11
		<u>1,520.48</u>

## Notes

This estate is VAT registered and therefore VAT should be recoverable

No dividends have been paid to creditors

**1st Class Building & Maintenance Limited t/a Spiller Builders**  
**Time and disbursement analysis**  
**For the period 14 April 2013 to 13 April 2014**

Charge group	Partner	Manager	Other Senior Professionals	Assistants and Support Staff	Total	Total cost (£)	Avg. Hourly Rate (£)
Administration & planning	3 63	4 13	14 99	3 75	26 50	3,144 15	118 65
Realisations	14 32	5 30	55 91	6 20	81 73	10,098 65	123 56
Creditors	0 00	0 65	32 43	0 30	33 38	3,095 80	92 74
Total time	17 95	10 08	103 33	10 25	141 61	16,338 60	115 38
<b>Disbursements</b>							
Mailing Fee (Insolvency)						88 00	
Legal Fees						9,000 00	
Archive Management (Insolvency)						152 70	
Company Searches						3 00	
Total disbursements						<u>9,243 70</u>	
Amount from previous period(s)						92,194 47	
						<u>117,776.77</u>	

N B For a more detailed explanation of the categories above please see the attached analysis

**ADDITIONAL INFORMATION IN RELATION TO THE  
OFFICE HOLDER'S FEES PURSUANT TO STATEMENT OF  
INSOLVENCY PRACTICE 9**

**APPENDIX C**

**1.0 STAFF ALLOCATION AND THE USE OF SUB-CONTRACTORS**

- 1 1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case
- 1 2 The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment. Our charge-out rate schedule below provides details of all grades of staff and their experience level
- 1 3 We have not utilised the services of any sub-contractors in this case

**2.0 PROFESSIONAL ADVISORS**

- 2 1 On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis

Name of Professional Advisor	Basis of Fee Arrangement
Standish Associates (construction lawyer)	Conditional fee agreement
Soma Contract Services Limited (Arbitrator)	Hourly rate

- 2 2 Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them

**3.0 DISBURSEMENTS**

- 3 1 Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case
- 3 2 Category 2 disbursements do require approval from creditors. These are the costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, faxes and photocopying

- 3 3 We would advise that Category 2 disbursements are currently charged by this firm at the following rates

<b>Disbursement</b>	<b>Charge</b>
Faxes	20p per sheet
Internal room hire for creditors' meetings	£70
Mailing fees (including postage)	
VA Proposals	£3 25 per pack
Large - over 20 pages	£1 00 per pack
Large	80p per pack
Small	60p per pack
Mileage	45p per mile
Photocopies	10p per sheet

#### **4.0 CHARGE-OUT RATES**

- 4 1 A schedule of our charge-out rates for this assignment is detailed below These rates are reviewed on an annual basis but there have been no material increases in these rates since the commencement of this case

	<b>£/hr</b>
Licensed Insolvency Practitioners	200-250
Managers and Supervisors	110-180
Case Administrators and other Administrative staff	30-90

- 4 2 Please note that this firm records its time in minimum units of 1 minute

#### **5.0 CREDITORS' GUIDE TO FEES**

- 5 1 A Creditors' Guide to the manner in which remuneration charged in this case and the rules relating to this area are detailed in the guides available on our website at <http://www.milsted-langdon.co.uk/specialisms/insolvency/creditors-guides-to-remuneration/>