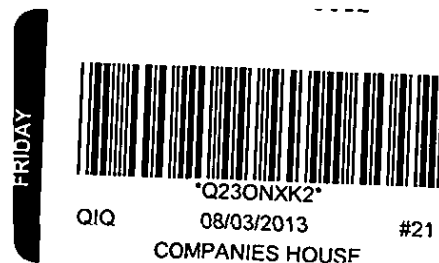


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**Liquidator's Annual Progress Report to Creditors**

**For the year ended 22 January 2013**

**Ashtonleigh Nursing Home Limited - In Liquidation**



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## **1 Introduction**

The Company was incorporated on 2 August 2000 and carried on business as a nursing care home

On 30 March 2011, HM Revenue & Customs presented a Winding Up Petition in the High Court of Justice. At a hearing on 24 August 2011, a Winding Up Order was made against the Company. I was subsequently appointed as Liquidator on 23 January 2012

This is my first progress report to Creditors pursuant to Rule 4.49B of the Insolvency Rules 1986 ("the Rules") covering my first year as Liquidator

## **2 Statutory Information**

Ashtonleigh Nursing Home Limited ("The Company")

### Court Reference

- High Court of Justice No 2481 of 2011

### Company Number

- 04048475

### Registered Address

- Griffins, Tavistock House South, Tavistock Square, London, WC1H 9LG

### Previous Registered Addresses

- Oakwood House, Guildford Road, Bucks Green, Horsham, West Sussex, RH12 3JJ

### Previous Trading Addresses

- 3 Richmond Road, Horsham, RH12 2EG

## **3 Asset Realisations in Liquidation**

There have been no asset realisations during the last year from my appointment

A breakdown of the Receipts & Payments Account is appended in Appendix A

## **4 Investigations**

Following my appointment, I have obtained and reviewed certain records of the Company's and those of its advisors to ascertain the causes of the Company's failure

The Company owned a property at 3 Richmond Road, Horsham, West Sussex, RH12 2EG ("The Property"), from which it traded as a care home. This was sold for £2.2 million on 13 August 2010. I noted that another company, Ashtonleigh Residential Care Home Limited ("ARCH"), instructed the same solicitors as the Company for the sale of a different property owned by ARCH. The Company and ARCH share a common director and are as such associated companies under section 435 of the Insolvency Act 1986.



Upon review of the solicitor's client account, I have identified several transactions disposing of the equity realised upon sale of the nursing home in the combined sum of £992,124 00, none of which appear to have been for the benefit of the Company

I am continuing to make enquiries of persons capable of providing assistance to my investigations in relation to the above transactions. At this time, these avenues of enquiry are ongoing. Therefore, I will update creditors further in my next report

## **5 Liquidators' Remuneration**

At a meeting of creditors held on 27 March 2012, it was resolved that "the Liquidator be authorised to fix his remuneration by reference to the time properly given by him and his staff in attending to matters arising in the liquidation"

The time recorded by myself and my staff to 22 January 2013 totals £38,637 71, which represents 130 33 hours at an average charge out rate of £296 45 per hour

Attached at Appendix B is my Time Analysis Report providing details of the activity costs, incurred by staff grade to date, together with details of current charge out rates

I confirm that the time costs incurred have not been drawn on account since there are insufficient funds in the liquidation

## **6 Liquidator's Expenses**

During the year to 22 January 2013, expenses have been incurred in the liquidation as detailed below

- |                         |        |
|-------------------------|--------|
| • Bond Charges          | £20 00 |
| • Statutory Advertising | £69 75 |
| • Courier               | £25 74 |

Since there are currently insufficient funds in the liquidation, these expenses have been borne by Griffins and will be reimbursed when funds permit.

## **7 Creditors**

Claims of £1,110,185 59 have been received from unsecured creditors

These claims have yet to be formally adjudicated. At present, there are insufficient funds for a distribution to be paid to creditors and the likelihood of future dividends remains uncertain

## **8 Additional Information**

Creditors and members may request information from me in writing pursuant to Rule 4 49E within 21 days of receipt of this progress report. Furthermore



creditors are reminded that Rule 4 131 is available in circumstances where a creditor wishes to challenge my remuneration

If you have any matters requiring clarification, please contact this office

## **9 Meeting of Creditors**

I provide creditors with notice of a meeting of creditors to be held on 5 April 2013 at 10 00am. A copy of the Notice has been appended at Appendix E

At the meeting, it is my intention to propose the following resolution

*Resolution 1 To resolve that the Liquidator's remuneration, which has already been approved by creditors on a time costs basis, be uplifted by 75%*

As previously stated, creditors have already approved my remuneration on the basis of the time costs incurred in dealing with matters arising in the liquidation

As noted in paragraph 4, I am in the process of commencing proceedings in this matter. These will involve cross-jurisdictional claims against respondents who may not be of means to repay the sum of the claims being brought. The risk that funds paid, and time costs incurred, by my firm in continuing with these actions as going unpaid are greatly increased.

Given the lack of assets and the uncertainty surrounding potential recoveries in this case, I therefore believe that in the circumstances it would be appropriate to charge a 75% uplift on my firm's usual fees and intend to put this to a creditor vote.

If you are intending on attending the meeting, please provide my office with notice of your attendance. Should you wish to vote on the resolution without attending the meeting, then please complete and return of the enclosed Proxy and Proof of Debt forms enclosed at Appendix F and G.

I would be grateful if you could forward any completed Proxy forms to me before 12 noon on the last business day prior to the date of the meeting in order for your vote to be validly included at the meeting.

## **10 Next Report**

I will report again following the next anniversary of my appointment as Liquidator or sooner if the administration of the liquidation is complete.

Yours faithfully

  
**Kevin Goldfarb**  
**Liquidator**



## **Appendix A**

### **Ashtonleigh Nursing Home Limited - In Liquidation**


Receipts and Payments Account for the period 23 January 2012 to 22 January  
2013



**Ashtonleigh Nursing Home Limited**  
**(In Liquidation)**  
**Liquidator's Abstract of Receipts & Payments**

| Statement<br>of Affairs     | From 23/01/2012<br>To 22/01/2013 | From 23/01/2012<br>To 22/01/2013 |
|-----------------------------|----------------------------------|----------------------------------|
| <b>COST OF REALISATIONS</b> |                                  |                                  |
| O R Remuneration            | 2,235 00                         | 2,235 00                         |
| Petitioners Deposit         | (1,000 00)                       | (1,000 00)                       |
| Stationery & Postage        | 25 74                            | 25 74                            |
| Statutory Advertising       | 69 75                            | 69 75                            |
| Bank Charges                | 80 00                            | 80 00                            |
|                             | <u>(1,410 49)</u>                | <u>(1,410 49)</u>                |
|                             | <b>(1,410.49)</b>                | <b>(1,410.49)</b>                |
| <b>REPRESENTED BY</b>       |                                  |                                  |
| VAT Receivable              |                                  | 19 10                            |
| No 2 Account                |                                  | (114 59)                         |
| ISA NIB                     |                                  | (1,315 00)                       |
|                             |                                  | <u>(1,410.49)</u>                |

Note

  
 Kevin Goldfarb  
 Liquidator

**Ashtonleigh Nursing Home Limited - In Liquidation**

Griffins Time Analysis for the period 23 January 2012 to 22 January 2013 together with details of charge out rates provided in accordance with the Statement of Insolvency Practice (SIP) 9





# Time Entry - Detailed SIP9 Time & Cost Summary

ASHTO01 - Ashtonleigh Nursing Home Limited  
To 22/01/2013  
Project Code POST

| Classification of Work Function      | Partner     | Manager      | Other Senior Professionals | Assistants & Support Staff | Total Hours   | Time Cost (£)    | Average Hourly Rate (£) |
|--------------------------------------|-------------|--------------|----------------------------|----------------------------|---------------|------------------|-------------------------|
| STAT Statutory                       | 0.08        | 0.00         | 0.00                       | 0.25                       | 0.33          | 103.75           | 311.25                  |
| TAX Tax                              | 0.33        | 0.00         | 0.00                       | 0.67                       | 1.00          | 337.91           | 337.91                  |
| CASG Cashiering Functions            | 0.00        | 0.08         | 0.42                       | 1.42                       | 1.92          | 516.68           | 269.58                  |
| SIP7 R&P Accounts                    | 0.00        | 0.00         | 0.00                       | 0.17                       | 0.17          | 41.86            | 249.96                  |
| ADMIN Administration Work            | 0.17        | 1.33         | 1.17                       | 6.42                       | 9.08          | 2,502.10         | 275.46                  |
| REVIEWS Case Reviews                 | 0.17        | 4.58         | 0.00                       | 3.50                       | 8.25          | 2,586.65         | 313.53                  |
| SIP12 Records of Meetings            | 0.08        | 0.00         | 0.00                       | 0.00                       | 0.08          | 41.25            | 495.00                  |
| MTGS Meetings                        | 0.00        | 0.17         | 0.00                       | 0.00                       | 0.17          | 58.33            | 349.98                  |
| SPECBOND Specific Bond               | 0.00        | 0.00         | 0.00                       | 0.08                       | 0.08          | 20.63            | 249.96                  |
| ADVERT Advertising                   | 0.00        | 0.00         | 0.00                       | 0.58                       | 0.58          | 145.81           | 249.96                  |
| DIARY Case Diary                     | 0.00        | 0.08         | 1.92                       | 1.92                       | 2.33          | 608.26           | 260.88                  |
| TELS Telephone calls                 | 0.00        | 0.00         | 0.33                       | 0.00                       | 0.33          | 91.87            | 275.01                  |
| SIP9 Preparation of Remuneration     | 0.00        | 0.00         | 0.00                       | 0.08                       | 0.08          | 20.83            | 249.96                  |
| <b>Administration &amp; Planning</b> | <b>0.83</b> | <b>6.25</b>  | <b>2.25</b>                | <b>15.08</b>               | <b>24.42</b>  | <b>7,075.71</b>  | <b>289.79</b>           |
| CRED Creditor Related Work           | 0.00        | 1.08         | 0.83                       | 4.25                       | 6.17          | 1,872.90         | 271.28                  |
| SIP10 Proxy Form Use                 | 0.00        | 0.00         | 0.00                       | 0.17                       | 0.17          | 41.87            | 250.02                  |
| PROREPORT Progress Report            | 0.00        | 0.17         | 0.00                       | 1.50                       | 1.67          | 470.83           | 282.50                  |
| CMETG Creditors Meetings             | 0.00        | 0.00         | 0.00                       | 2.92                       | 2.92          | 729.16           | 250.00                  |
| CREDITORS Creditors                  | 0.00        | 0.00         | 0.00                       | 0.33                       | 0.33          | 87.51            | 262.53                  |
| <b>Creditors</b>                     | <b>0.00</b> | <b>1.25</b>  | <b>0.83</b>                | <b>9.17</b>                | <b>11.25</b>  | <b>3,002.07</b>  | <b>266.85</b>           |
| INV Investigation                    | 3.08        | 6.67         | 0.50                       | 31.50                      | 41.75         | 11,872.06        | 284.36                  |
| ANTE Antecedent Transactions         | 0.00        | 0.00         | 0.00                       | 0.75                       | 0.75          | 187.50           | 250.00                  |
| SIP2 Investigation into Affairs      | 0.00        | 1.42         | 17.50                      | 0.83                       | 19.75         | 6,404.17         | 324.26                  |
| INVTGS Internal Meetings             | 0.00        | 1.25         | 2.50                       | 0.00                       | 3.75          | 1,250.01         | 333.34                  |
| INTERVIEWS Interviews                | 0.00        | 0.00         | 0.00                       | 1.17                       | 1.17          | 291.87           | 250.00                  |
| INVBKY Investigations in Bankruptcy  | 0.00        | 0.00         | 1.92                       | 0.00                       | 1.92          | 622.92           | 325.00                  |
| <b>Investigations</b>                | <b>3.08</b> | <b>9.33</b>  | <b>22.42</b>               | <b>34.25</b>               | <b>69.08</b>  | <b>20,628.33</b> | <b>298.60</b>           |
| LEGALBOND Bond Legal                 | 0.00        | 0.00         | 0.58                       | 0.00                       | 0.58          | 189.58           | 324.89                  |
| LEGL Legal Issues                    | 0.25        | 0.00         | 0.00                       | 7.75                       | 8.00          | 2,061.22         | 257.65                  |
| LEGALSANC Sanctions                  | 0.00        | 0.17         | 0.33                       | 0.00                       | 0.50          | 166.67           | 333.34                  |
| INVLEGAL Legal                       | 0.42        | 0.33         | 14.92                      | 0.08                       | 15.75         | 5,191.63         | 329.63                  |
| <b>Legal &amp; Litigation</b>        | <b>0.67</b> | <b>0.50</b>  | <b>15.83</b>               | <b>7.83</b>                | <b>24.83</b>  | <b>7,609.10</b>  | <b>306.41</b>           |
| PROPERTY Property                    | 0.17        | 0.00         | 0.25                       | 0.00                       | 0.42          | 157.50           | 378.00                  |
| ASST Asset Realisation               | 0.33        | 0.00         | 0.00                       | 0.00                       | 0.33          | 165.00           | 495.00                  |
| <b>Realisations of Assets</b>        | <b>0.50</b> | <b>0.00</b>  | <b>0.25</b>                | <b>0.00</b>                | <b>0.75</b>   | <b>322.50</b>    | <b>430.00</b>           |
| <b>Total Hours</b>                   | <b>5.08</b> | <b>17.33</b> | <b>41.58</b>               | <b>66.33</b>               | <b>130.33</b> | <b>38,637.71</b> | <b>298.45</b>           |
| <b>Total Fees Claimed</b>            |             |              |                            |                            |               | <b>0.00</b>      |                         |

Time Entry - Detailed SIP9 Time & Cost Summary

ASHTO01 - Ashtonleigh Nursing Home Limited  
To 22/01/2013  
Project Code POST

| Classification of Work Function | Partner | Manager | Other Senior Professionals | Assistants & Support Staff | Total Hours | Time Cost (£) | Average Hourly Rate (£) |
|---------------------------------|---------|---------|----------------------------|----------------------------|-------------|---------------|-------------------------|
|---------------------------------|---------|---------|----------------------------|----------------------------|-------------|---------------|-------------------------|

## GRIFFINS POLICY ON CHARGEOUT RATES AND DISBURSEMENTS

### SCHEDULE OF STANDARD CHARGEOUT RATES IN RESPECT OF GRIFFINS PARTNERS AND STAFF AS AT 1 OCTOBER 2012.

In accordance with Statement of Insolvency Practice 9 "Remuneration of Insolvency Office Holders" the following hourly charge-out rates will be applied when fixing the Officeholders Remuneration

| Grade of staff                             | Hourly Rate |
|--|-------------|
| Partners                                   | £495 - £545 |
| Managers                                   | £300 - £395 |
| Senior Investigators                       | £325 - £380 |
| Administrators/Investigators               | £200 - £300 |
| Junior Administrators/Junior Investigators | £145 - £250 |
| Support Staff                              | £70 - £180  |

The above rates are reviewed annually on 1 October.

It is not our policy to charge for support staff (secretarial, filing, reception) unless such staff are working on an individual matter for more than 7 hours in which case the rate for an Administrator may be applied

Time is charged in minimum units of 5 minutes for all staff

### DISBURSEMENTS

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 make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance<sup>1</sup> requires that such charges should be disclosed to those who are responsible for approving his remuneration, together with an explanation of how those charges are made up and the basis on which they are arrived at

### DEFINITIONS

Practice guidance<sup>1</sup> classifies expenses into two broad categories

- *Category 1 expenses (approval not required)* – specific expenditure that is directly related to a particular insolvency case, where the cost of the expense incurred is referable against an independent external suppliers' invoice or published tariff of charges,
- *Category 2 expenses* Griffins' policy is not to charge for Category 2 disbursements

### CHARGING POLICY

- *Category 1 expenses (approval not required)* – all such items are re-charged to the case as they are incurred

<sup>1</sup> Statement of Insolvency Practice 9 (England and Wales)

**Ashtonleigh Nursing Home Limited - In Liquidation**

Rule 4 131 of the Insolvency Act 1986



**4.130.— Recourse to the court**

[ (1) If the liquidator considers that the basis of remuneration fixed by the liquidation committee, or by resolution of the creditors, or as under Rule 4.127(5A) or (6), is insufficient or inappropriate, the liquidator may apply to the court for an order changing it or increasing its amount or rate ]<sup>1146</sup>

(2) The liquidator shall give at least 14 days' notice of his application to the members of the liquidation committee; and the committee may nominate one or more members to appear or be represented, and to be heard, on the application

(3) If there is no liquidation committee, the liquidator's notice of his application shall be sent to such one or more of the company's creditors as the court may direct, which creditors may nominate one or more of their number to appear or be represented

(4) The court may, if it appears to be a proper case, order the costs of the liquidator's application, including the costs of any member of the liquidation committee appearing [ or being represented ]<sup>1147</sup> on it, or any creditor so appearing [ or being represented ]<sup>1147</sup>, to be paid [as an expense of the liquidation] <sup>1148</sup>

**Commencement**

Pt 4(11) rule 4.130(1)-(4). December 29, 1986

**4.131.— Creditors' claim that remuneration is [ or other expenses are ]<sup>1149</sup> excessive**

[ (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the 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) Application may be made on the grounds that—

- (a) the remuneration charged by the liquidator,
- (b) the basis fixed for the liquidator's remuneration under Rule 4.127, or
- (c) expenses incurred by the liquidator,

is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate.

(1B) The application must, subject to any order of the court under Rule 4.49E(5), be made no later than 8 weeks (or, in a case falling within Rule 4.108, 4 weeks) after receipt by the applicant of the progress report, or the draft report under Rule 4.49D, which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report") ]<sup>1150</sup>

<sup>1146</sup> Substituted by Insolvency (Amendment) Rules 2010/686 Sch 1 para 221(2) (April 6, 2010 substitution has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>1147</sup> Words inserted by Insolvency (Amendment) Rules 1987/1919 Sch 1(1)(5) para 65 (January 11, 1988)

<sup>1148</sup> Words substituted by Insolvency (Amendment) Rules 2008/737 rule 7(1) (April 6, 2008)

<sup>1149</sup> Words inserted by Insolvency (Amendment) Rules 2010/686 Sch 1 para 222(2) (April 6, 2010 insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>1150</sup> Rule 4.131(1)-(1B) substituted for rule 4.131(1) by Insolvency (Amendment) Rules 2010/686 Sch 1 para 222(3) (April 6, 2010 substitution has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had an opportunity to attend the court for [a]<sup>1151</sup> hearing, of which he has been given at least [5 business ]<sup>1152</sup> days' notice [ but which is without notice to any other party]<sup>1153</sup> .

If the application is not dismissed under this paragraph, 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 liquidator 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 liquidator 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 liquidation;
- (e) an order that the liquidator or the liquidator'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

] <sup>1154</sup>

(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 liquidation]<sup>1155</sup> .

#### Commencement

Pt 4(11) rule 4 131(1)-(5) December 29, 1986

#### [4.131A Review of remuneration

(1) Where, after the basis of the liquidator's remuneration has been fixed, there is a material and substantial change in the circumstances which were taken into account in fixing it, the liquidator may request that it be changed

<sup>1151</sup> Words substituted by Insolvency (Amendment) Rules 2010/686 Sch 1 para 222(4)(a) (April 6, 2010: substitution has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>1152</sup> Word substituted by Insolvency (Amendment) Rules 2010/686 Sch 1 para.222(4)(b) (April 6, 2010: substitution has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>1153</sup> Words added by Insolvency (Amendment) Rules 2010/686 Sch 1 para 222(4)(c) (April 6, 2010: insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>1154</sup> Substituted by Insolvency (Amendment) Rules 2010/686 Sch.1 para 222(5) (April 6, 2010, substitution has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>1155</sup> Words substituted by Insolvency (Amendment) Rules 2008/737 rule 7(1) (April 6, 2008)

- (2) The request must be made—
- (a) where the liquidation committee fixed the basis, to the committee,
  - (b) where the creditors fixed the basis, to the creditors,
  - (c) where the court fixed the basis, by application to the court;
  - (d) where the remuneration was determined by application of the realisation scale under Rule 4.127A, to the liquidation committee if there is one or otherwise to the creditors,
- and subject to paragraph (3), Rules 4.127 to 4.131 apply as appropriate
- (3) Where Rule 4.129A is applied in accordance with paragraph (2) of this Rule, ignore the words “in which the administrator had not requested an increase under Rule 2.107”
- (4) Any change in the basis for remuneration applies from the date of the request under paragraph (2) and not for any earlier period.
- (5) This Rule does not apply where the liquidator is the official receiver

#### **[4.131B Remuneration of new liquidator]**

- (1) If a new liquidator is appointed in place of another, any determination, resolution or court order in effect under the preceding provisions of this Section of this Chapter immediately before the former liquidator ceased to hold office continues to apply in respect of the remuneration of the new liquidator until a further determination, resolution or court order is made in accordance with those provisions
- (2) This Rule does not apply where the new liquidator is the official receiver.

#### **[4.131C Apportionment of set fee remuneration]**

- (1) In a case in which the basis of the liquidator's remuneration is a set amount under Rule 4.127(2)(c) and the liquidator (“the former liquidator”) ceases (for whatever reason) to hold office before the time has elapsed or the work has been completed in respect of which the amount was set, application may be made for determination of what portion of the amount should be paid to the former liquidator or the former liquidator's personal representative in respect of the time which has actually elapsed or the work which has actually been done.
- (2) Application may be made—
- (a) by the former liquidator or the former liquidator's personal representative within the period of 28 days beginning with the date upon which the former liquidator ceased to hold office, or
  - (b) by the liquidator for the time being in office if the former liquidator or the former liquidator's personal representative has not applied by the end of that period
- (3) Application must be made—
- (a) where the liquidation committee fixed the basis, to the committee;

<sup>1156</sup> Added by Insolvency (Amendment) Rules 2010/686 Sch 1 para 223 (April 6, 2010 insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>1157</sup> Added by Insolvency (Amendment) Rules 2010/686 Sch 1 para 223 (April 6, 2010 insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

- (b) where the creditors fixed the basis, to the creditors for a resolution determining the portion,
  - (c) where the court fixed the basis, to the court for an order determining the portion.
- (4) The applicant must give a copy of the application to the liquidator for the time being in office or to the former liquidator or the former liquidator's personal representative, as the case may be ("the recipient")
- (5) The recipient may within 21 days of receipt of the copy of the application give notice of intent to make representations to the liquidation committee or the creditors or to appear or be represented before the court, as the case may be.
- (6) No determination may be made upon the application until expiry of the 21 days referred to in paragraph (5) or, if the recipient does give notice of intent in accordance with that paragraph, until the recipient has been afforded the opportunity to make representations or to appear or be represented, as the case may be
- (7) If the former liquidator or the former liquidator's personal representative (whether or not the original applicant) considers that the portion determined upon application to the liquidation committee or the creditors is insufficient, that person may apply—
- (a) in the case of a determination by the liquidation committee, to the creditors for a resolution increasing the portion,
  - (b) in the case of a resolution of the creditors (whether under paragraph (1) or under sub-paragraph (a)), to the court for an order increasing the portion;
- and paragraphs (4) to (6) apply as appropriate

<sup>1158</sup>

## SECTION E SUPPLEMENTARY PROVISIONS

### 4.132.— Liquidator deceased (NO CVL APPLICATION)

(1) Subject as follows, where the liquidator (other than the official receiver) has died, it is the duty of his personal representatives to give notice of the fact to the official receiver, specifying the date of the death

This does not apply if notice has been given under any of the following paragraphs of this Rule.

(2) If the deceased liquidator was a partner in [ or an employee of]<sup>1159</sup> a firm, notice may be given to the official receiver by a partner in the firm who is qualified to act as an insolvency practitioner, or is a member of any body recognised by the Secretary of State for the authorisation of insolvency practitioners

(3) Notice of the death may be given by any person producing to the official receiver the relevant death certificate or a copy of it.

<sup>1158</sup> Added by Insolvency (Amendment) Rules 2010/686 Sch 1 para 223 (April 6, 2010: insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>1159</sup> Words inserted by Insolvency (Amendment) Rules 2010/686 Sch 1 para 224(2) (April 6, 2010: insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)



**Ashtonleigh Nursing Home Limited - In Liquidation**

Rule 4 49E of the Insolvency Act 1986



(3) The liquidator may not send a draft report to creditors under this Rule before giving notice under Rule 4.186 of intention to declare a final dividend or that no dividend or further dividend will be declared.

(4) If any creditor has applied to the court under Rule 4.131 and given a copy of the application to the liquidator, the final meeting may not be held until the application (including any appeal) has been disposed of and the liquidator has complied with any order of the court

(5) This Rule does not apply where the liquidator is the official receiver.

<sup>946</sup>

#### **[4.49E Creditors' and members' request for further information**

(1) If—

(a) within the period mentioned in paragraph (2)—

(i) a secured creditor, or

(ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or

(iii) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company, or

(b) with the permission of the court upon an application made within the period mentioned in paragraph (2)—

(i) any unsecured creditor, or

(ii) any member of the company in a members' voluntary winding up,

makes a request in writing to the liquidator for further information about remuneration or expenses set out in a progress report in accordance with Rule 4.49B(1)(c) or (f) (including by virtue of Rule 4.49C(5)) or in a draft report under Rule 4.49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter in a draft report under Rule 4.49D or a progress report required by Rule 4.108 which (in either case) was previously included in a progress report not required by Rule 4.108.

(2) The period referred to in paragraph (1)(a) and (b) is—

(a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4.108, and

(b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft report in any other case

(3) The liquidator complies with this paragraph by either—

(a) providing all of the information asked for, or

(b) so far as the liquidator considers that—

(i) the time or cost of preparation of the information would be excessive, or

(ii) disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or

(iii) the liquidator is subject to an obligation of confidentiality in respect of the information,

<sup>946</sup> Added by Insolvency (Amendment) Rules 2010/686 Sch 1 para 174 (April 6, 2010 insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

giving reasons for not providing all of the information

(4) Any creditor, and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within 21 days of—

(a) the giving by the liquidator 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

(5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4.131(1B) or 4.148C(2) by such further period as the court thinks just.

(6) This Rule does not apply where the liquidator is the official receiver.

]<sup>947</sup>

**[4.49F Arrangements under s 110 (acceptance of shares, etc., as consideration for sale of company property)**

(1) Where there has been an arrangement under section 110 and a distribution to members has taken place pursuant to subsection (2) or (4) of that section, the liquidator must comply with paragraph (2) in respect of any account or report which the liquidator is required to prepare pursuant to any of the following—

- (a) section 92A (progress report to company at year's end);
- (b) section 94 (final meeting prior to dissolution — members' voluntary winding up);
- (c) section 104A (progress report to company and creditors at year's end);
- (d) section 106 (final meeting prior to dissolution — creditors' voluntary winding up);
- (e) Rule 4.49B (reports to creditors and members — winding up by the court);
- (f) Rule 4.49D (final report to creditors);
- (g) Rule 4.108 (creditors' meeting to receive liquidator's resignation),
- (h) Rule 4.126 (final meeting — creditors' voluntary liquidation);
- (i) Rule 4.142 (company meeting to receive liquidator's resignation).

(2) The liquidator must—

(a) in any account or summary of receipts and payments which is required to be included in the account or report, state the estimated value of—

- (i) the property transferred to the transferee;
- (ii) the property received from the transferee; and
- (iii) the property distributed to members pursuant to section 110(2) or (4), during the period to which the account or report relates, and

(b) as a note to the account or summary of receipts and payments, provide details of the basis of the valuation

]<sup>948</sup>

<sup>947</sup> Added by Insolvency (Amendment) Rules 2010/686 Sch.1 para 174 (April 6, 2010: insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

<sup>948</sup> Added by Insolvency (Amendment) Rules 2010/686 Sch 1 para.174 (April 6, 2010: insertion has effect subject to savings and transitional provisions specified in SI 2010/686 Sch 4 and Sch 5 and SI 2010/734 rule 13)

**Ashtonleigh Nursing Home Limited - In Liquidation**

Notice of a Meeting of Creditors



## **Notice to Creditors of Meeting of Creditors**

**In the matter of the Insolvency Act 1986**

**and In the High Court of Justice No. 2481 of 2011**

### **Ashtonleigh Nursing Home Limited - In Liquidation**

**Previous names: (N/A)**

**Trading Names: Ashtonleigh Nursing Home Limited**

**Company Number: 04048475**

**Registered Address: Griffins, Tavistock House South, Tavistock Square, London, WC1H 9LG**

**Previous Registered Address: Oakwood House, Guildford Road, Bucks Green, Horsham, West Sussex, RH12 3JJ**

**Previous Trading Address: 3 Richmond Road, Horsham, RH12 2EG**

A meeting of creditors of the above-named company has been summoned by the liquidator for the purpose of agreeing the amended basis on which the liquidator is to be remunerated

The meeting will be held as follows -

Date 12 April 2013

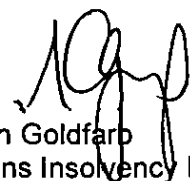
Time 10 00 am

Place Griffins, Tavistock House South, Tavistock Square, London WC1H 9LG

A proxy form is enclosed which must be lodged with the Liquidator no later than at 12 noon on the business day before the meeting to entitle you to vote by proxy at the meeting

A proof of debt form is also enclosed for your completion if you have not already lodged one

Dated 1 March 2013



Kevin Goldfarb  
Griffins Insolvency Practitioners  
Tavistock House South  
Tavistock Square  
London  
WC1H 9LG  
(IP Number 8858)

**Ashtonleigh Nursing Home Limited - In Liquidation**

Proxy form for Meeting of Creditors



**Insolvency Act 1986**

**Form  
8.4**

**Proxy (Winding up by the Court or Bankruptcy)**

**Ashtonleigh Nursing Home Limited**

Please give full  
name and  
address for  
communication

**Name of Creditor** \_\_\_\_\_

**Address of Creditor** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please insert name  
of person (who must  
be 18 or over) or the  
"chairman of the  
meeting" (see note  
below) If you wish  
to provide for  
alternative proxy-  
holders in the  
circumstances that  
your first choice is  
unable to attend  
please state the  
name(s) of the  
alternatives as well  
Please delete words  
in brackets if the  
proxy-holder is only  
to vote as directed  
ie he has no  
discretion

**Name of Proxy Holder**

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

I appoint the above person to be my/the creditor's/proxy-holder at the meeting of creditors to be held on **12 April 2013**, or at any adjournment of that meeting. The proxy-holder is to propose or vote as instructed below (and in respect of any resolution for which no specific instruction is given, may vote or abstain at his/her discretion)

**Voting Instructions for resolutions**

Any resolutions  
which the proxy-  
holder is to propose  
or vote in favour of  
or against should be  
set out on the  
reverse side of this  
form

Resolution 1 To resolve that the Liquidator's remuneration, which has already been approved by creditors on a time costs basis, be uplifted by 75%

**IN FAVOUR OF / AGAINST THE RESOLUTION (delete as applicable)**

This form must be  
signed

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Name in CAPITAL LETTERS** \_\_\_\_\_

**Position with creditor or relationship to creditor or other authority for signature**

\_\_\_\_\_

\_\_\_\_\_

Only to be completed if the creditor has not signed in person

**Ashtonleigh Nursing Home Limited - In Liquidation**

Proof of Debt Form





## PROOF OF DEBT - GENERAL FORM

**In the matter of Ashtonleigh Nursing Home Limited - In Liquidation  
and in the matter of The Insolvency Act 1986**

Date of Winding up Order 24 August 2011

|                              |  |                           |
|------------------------------|--|---------------------------|
| 1                            | Name of Creditor<br>(If a company please also give company registration number)  |                           |
| 2                            | Address of Creditor for correspondence   | Creditor ref              |
| 3                            | Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the date of the bankruptcy order   |                           |
| 4                            | Details of any documents by reference to which the debt can be substantiated [Note there is no need to attach them now but the trustee may call for any document or evidence to substantiate the claim at his discretion as may the official receiver whilst acting as receiver and manager, or the chairman or convenor of any meeting] |                           |
| 5                            | If amount in 3 above includes outstanding uncapitalised interest please state amount   | £                         |
| 6                            | Particulars of how and when debt incurred (If you need more space append a continuation sheet to this form)  |                           |
| 7                            | Particulars of any security held, the value of the security, and the date it was given   |                           |
| 8                            | Particulars of any reservation of title claimed, in respect of goods supplied to which the claim relates   |                           |
| 9                            | Signature of creditor or person authorised to act on his behalf  |                           |
|                              | Name in BLOCK LETTERS  |                           |
|                              | Position with or in relation to creditor<br>_____  |                           |
|                              | Address of person signing (if different from 2 above)  |                           |
| Admitted to vote for         |  | Admitted for dividend for |
| £                            |  | £                         |
| Date                         |  | Date                      |
| Official Receiver/Liquidator |  | Liquidator                |