

High Court of Justice No. 8970 of 2013

IN THE MATTER OF  
MICROPOINT (UK) LIMITED – IN LIQUIDATION  
("THE COMPANY")

COMPANY NO: 04203941

REPORT OF THE JOINT LIQUIDATORS  
PURSUANT TO RULE 4.49B  
OF THE INSOLVENCY RULES 1986 (AS AMENDED)

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## **MICROPOINT (UK) LIMITED – IN LIQUIDATION**

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**MICROPOINT (UK) LIMITED – IN LIQUIDATION****REPORT OF THE JOINT LIQUIDATORS****16 MAY 2016****INTRODUCTION**

I, Adrian Hyde, of CVR Global LLP, New Fetter Place West, 55 Fetter Lane, London, EC4A 1AA, together with my partner, Kevin Murphy, was appointed Joint Liquidator of the Company on 18 March 2014, following a Winding Up Order made in the High Court of Justice on 14 February 2014 under reference number 8970 of 2013.

In accordance with Rule 4.49B of The Insolvency Rules 1986 (as amended) I am pleased to present my report on the progress in the Liquidation. This report relates to the period from 18 March 2015 to 17 March 2016.

**RECEIPTS AND PAYMENTS ACCOUNT**

An abstract of the Joint Liquidators' Receipts and Payments for the period concerned is attached at Appendix 1.

**ASSET REALISATIONS****Cash at Bank**

The Company held three bank accounts with First Curaçao International Bank ("FCIB") which operated in the Netherlands Antilles. Following an investigation by the local authorities, FCIB's banking license was revoked on 9 October 2006 which resulted in all accounts being frozen as at that date.

As advised in my previous report, the Company held three bank accounts with balances of GBP£82,029.79, USD\$9,237.16 and €9,237.16 at the date that emergency measures were put in place. In view of the emergency measures, I instructed Moon Beever solicitors to assist in recovering the funds through FCIB's curators.

Following negotiations, a settlement agreement was reached whereby the Liquidation estate would receive 80% of the balance. As previously advised, FCIB paid three amounts of GBP£65,583.83, USD\$7,339.73 and EUR€24,703.65 to solicitors' clients accounts held by Moon Beever.

Following bank charges, interest and conversion of the foreign currencies, a total of GBP£84,406.92 was paid into the Liquidation account on 14 July 2015.

**Bank Interest**

Bank interest gross totalling £96.34 was earned during the reporting period.

**Potential Future Recoveries**

During the course of my investigations I have identified a number of potential areas which could lead to future recoveries being achieved for the benefit of the Liquidation estate. My enquiries in this regard remain ongoing.

**DIVIDEND PROSPECTS****Secured Creditors**

There is an outstanding charge registered in favour of GMAC Commercial Finance Plc ("GMAC") dated July 2005.

In my previous report I advised that I had written to GMAC seeking confirmation as to the level of indebtedness, if any, under the charge. I have since received confirmation from GMAC that there is no debt due to it.

**Prescribed Part**

Pursuant to Section 176A of The Insolvency Act 1986 (as amended), a Prescribed Part of the Company's net assets should be set aside for the benefit of unsecured creditors. This reduces the funds that would otherwise be made available to any secured creditor under Floating Charges created after 15 September 2003.

As there are no floating charge creditors, the Prescribed Part does not apply in this matter.

**Unsecured Creditors**

The only known creditor is HMRC which has submitted a claim in the sum of £3,599,632.

The Estimated Outcome Statement at Appendix 1 shows £35,683 available to unsecured creditors.

**COSTS OF REALISATION****DTI Cheque Fees**

Cheque fees amounting to £1.25 were incurred.

**Secretary of State Fees**

Fees levied on realisations by the Secretary of State totalled £15,213.60.

**Petitioner's Costs**

The petitioning creditor's costs in this matter totalled £2,710.71 and were paid during the year.

**Specific Bond**

Bonding costs of £20 were incurred.

**Corporation Tax**

A corporation tax liability in the sum of £14 53 was paid

**Statutory Advertising**

Statutory Advertising costs of £145 were paid during the reporting period

**Bank Charges**

Bank charges totalled £252.58 during the year.

**JOINT LIQUIDATORS' REMUNERATION AND DISBURSEMENTS**

At the Meeting of Creditors held on 6 May 2014 creditors passed a resolution enabling the Joint Liquidators to draw their remuneration based on their firm's time costs, and to draw Category 2 disbursements.

A summary of the Liquidators' time costs, covering the period since my appointment and the period covered by this report, analysed by grade of staff, are attached at Appendix 2

In accordance with the Statement of Insolvency Practice 9 issued by the Association of Business Recovery Professionals and adopted by my professional licensing body, I advise that the overall time spent during the period of the Liquidation to 17 March 2016 and charge out value of that time is 72.20 hours and £15,875.50 respectively

This equates to an average hourly charge out rate of £219.88 These figures do not include VAT.

In relation solely to the period covered by this report, I advise that the overall time spent and charge out value of that time is 28 60 hours and £7,257 50 respectively

This equates to an average hourly charge out rate of £253.76 These figures do not include VAT

To date, the Joint Liquidators have drawn fees in the sum of £12,980 50, which have been drawn since the date of my last report.

The work we have carried out as Joint Liquidators is derived from the responsibilities placed upon us by the underlying legal and regulatory framework for work of this nature It has been performed by the Joint Liquidators and by the assignment manager and administrator Their work has been supported by secretarial staff and the cashiers All personnel were charged directly to the assignment for all of the time relating to the case.

Disbursements represent the reimbursement of actual out-of-pocket payments made on behalf of the assignment These are outlined in the cost breakdown attached as outlined above

**CHARGE OUT RATES**

In common with other professional firms, our charge out rates increase from time to time over the period of the administration of the case. I enclose an explanation of office holders charging and disbursement recovery policies for your reference as Appendix 3.

A Creditors' Guide to Joint Liquidators' Fees, which provides information for creditors in relation to the remuneration of the Joint Liquidators, can be accessed at the website of the Association of Business Recovery Professionals at:

<https://www.r3.org.uk/what-we-do/publications/professional/fees>

Alternatively, I can provide you with a copy on written request.

I believe this case generally to be of average complexity with no exceptional responsibility having to date fallen upon us as Joint Liquidators.

**RIGHT TO REQUEST FURTHER INFORMATION**

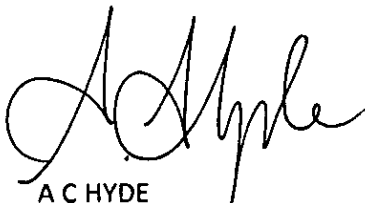
I would draw your attention to Rule 4.49E and Rule 4.131 of the Insolvency Rules 1986 (as amended), the text of which is reproduced at Appendix 4. These Rules set out the circumstances under which creditors may request further information in relation to the Joint Liquidators' remuneration and expenses and their right to challenge the Joint Liquidators' remuneration and expenses.

**INVESTIGATIONS**

In accordance with the Directors Disqualification Act 1986, the Official Receiver is responsible for submitting a report in relation to the Director's conduct. If creditors have any information they believe should be brought to the Official Receiver's attention, please forward such details to me in writing.

**CONCLUSION**

Should you require any further information, in addition to that already given, please contact Lee Spencer at this office, on 020 3794 8732.



A C HYDE

Joint Liquidator

Licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

**Micropoint (UK) Limited**  
**(In Liquidation)**

**Summary of Receipts & Payments**

<b>RECEIPTS</b>	<b>Statement of Affairs (£)</b>	<b>From 18/03/2014 To 17/03/2015 (£)</b>	<b>From 18/03/2015 To 17/03/2016 (£)</b>	<b>Total (£)</b>
Cash at Bank		0 00	87,406 92	87,406 92
Deposit on Creditor's Petition		1,165 00	0 00	1,165 00
Bank Interest Gross		0 00	96 34	96 34
Realisation of Assets		966 49	0 00	966 49
		<b>2,131.49</b>	<b>87,503 26</b>	<b>89,634 75</b>
<b>PAYMENTS</b>				
O R 's Company Liquidation Admin Fee		2,235 00	0 00	2,235 00
DTI Cheque Fees		0 00	1 25	1 25
Sec of State Fees		0 00	15,213 60	15,213 60
Petitioners Costs		0 00	2,710 71	2,710 71
Specific Bond		0 00	20 00	20 00
Office Holders Fees		0 00	12,980 50	12,980 50
Corporation Tax		0 00	14 53	14 53
Statutory Advertising		0 00	145 00	145 00
Bank Charges		88 00	252 58	340 58
		<b>2,323 00</b>	<b>31,338 17</b>	<b>33,661 17</b>
<b>Net Receipts/(Payments)</b>		<b>(191.51)</b>	<b>56,165 09</b>	<b>55,973.58</b>
<b>MADE UP AS FOLLOWS</b>				
Vat Receivable		0.00	2,629.10	2,629 10
ISA NIB		(191.51)	53,535 99	53,344 48
		<b>(191 51)</b>	<b>56,165 09</b>	<b>55,973 58</b>

**Micropoint (UK) Limited - In Liquidation**

**Estimated Outcome Statement**

**17 March 2016**

	<b>Receipts &amp; Payments to date (Net of VAT)</b>	<b>Estimated Future Receipts and Payments (net of VAT)</b>	<b>Estimated Total Receipts and Payments (net of VAT)</b>
<b>ASSET REALISATIONS</b>			
Cash at Bank	87,407	-	87,407
Potential Future Recoveries	-	Uncertain	-
Deposit on Creditor's Petition	1,165	-	1,165
Official Receiver Realisation	966	-	966
Bank Interest Gross	96	Uncertain	96
	<hr/>	<hr/>	<hr/>
	89,635	-	89,635
<b>COSTS OF REALISATIONS</b>			
Official Receiver's Admin Fee	(2,235)	-	(2,235)
Liquidators' Fees	(12,981)	(20,000)	(32,981)
DTI Cheque Fees	(1)	(3)	(4)
Secretary of State Fees	(15,214)	Uncertain	(15,214)
Petitioner's Costs	(2,711)	-	(2,711)
Specific Bond	(20)	(20)	(40)
Corporation Tax	(15)	(15)	(30)
Statutory Advertising	(145)	(88)	(233)
Bank Charges	(253)	(253)	(506)
	<hr/>	<hr/>	<hr/>
	(33,573)	(20,379)	(53,952)
 Funds available to unsecured creditors			35,683
<b>UNSECURED CREDITORS</b>			
HM Revenue & Customs		(3,599,632)	(3,599,632)
			<hr/>
			(3,563,949)
<b>ISSUED &amp; CALLED-UP CAPITAL</b>			
Ordinary share capital			(5,809,176)
Deficiency as regards members			<hr/>
			(9,373,125)



## MICROPOINT (UK) LIMITED COMP - MICR61005

Time and Chargeout Summary for the period 18/03/2014 to 17/03/2016							
Classification of work function	Hours					Time Cost £	Average hourly rate £
	Partner / Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & Planning	0 20	16 70	15 40	19 70	52 00	10,448 50	200 93
Investigations	0 00	4 30	1 90	0 00	6 20	1,780 00	287 10
Realisation of Assets	0 00	3 00	1 00	0 10	4 10	1,157 00	282 20
Creditors	0 00	2 10	4 20	1 00	7 30	1,802 00	246 85
Case Specific Matters	0 50	1 50	0 00	0 60	2 60	688 00	264 62
Total Hours	0 70	27 60	22 50	21 40	72 20	15,875 50	219 88
Total fees Claimed	315 00	7,856 50	5,730 00	1,974 00	15,875 50		

Category 2 Disbursements	
Other amounts paid or payable to the office holder's firm or to any party in which the office holder or his firm or any associate has an interest	
Type and Purpose	£
Other	0 00

## MICROPOINT (UK) LIMITED COMP - MICR61005

Time and Chargeout Summary for the period 18/03/2015 to 17/03/2016							
Classification of work function	Hours					Time Cost £	Average hourly rate £
	Partner / Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & Planning	0 00	10 50	2 50	3 40	16 40	4,021 50	245 21
Investigations	0 00	3 50	0 00	0 00	3 50	1,085 00	310 00
Realisation of Assets	0 00	0 60	0 00	0 00	0 60	165 00	275 00
Creditors	0 00	1 60	3 80	0 70	6 10	1,531 00	250 98
Case Specific Matters	0 00	1 50	0 00	0 50	2 00	455 00	227 50
Total Hours	0 00	17 70	6 30	4 60	28 60	7,257 50	253 76
Total fees Claimed	0 00	5,060 00	1,669 50	528 00	7,257 50		

Category 2 Disbursements	
Other amounts paid or payable to the office holder's firm or to any party in which the office holder or his firm or any associate has an interest	
Type and Purpose	£

## CVR GLOBAL LLP

### CHARGE-OUT RATES AND DISBURSEMENT RECOVERY POLICIES

#### Charge-out Rates

In accordance with the provisions of Statement of Insolvency Practice 9 ("SIP 9"), the firm's charge-out rates applicable to this appointment, exclusive of VAT, are as follows

	From 6 January 2016 £ per hour	From 1 January 2015 £ per hour	From 1 August 2013 £ per hour	From 1 August 2011 £ per hour
Partners / Office Holders	390 - 495	370 - 475	350 - 450	350 - 450
Consultants	390 - 495	370 - 475	350 - 450	350 - 450
Directors	360 - 390	340 - 370	325 - 350	325 - 340
Senior Manager	330 - 360	315 - 340	300 - 325	300 - 315
Managers	300 - 330	295 - 315	280 - 295	280 - 295
Assistant Managers	290 - 310	275 - 295	260 - 280	260 - 275
Senior Executive / Analyst	240 - 275	230 - 265	220 - 250	220 - 250
Executive	155 - 190	150 - 190	135 - 180	125 - 175
Cashier	135 - 185	130 - 175	125 - 165	120 - 160
Secretaries / Support / Junior Analyst	90 - 125	85 - 120	80 - 115	80 - 110

Charge-out rates are normally reviewed annually when rates are adjusted to reflect such matters as inflation, increases in direct wage costs, and changes to indirect costs such as Professional Indemnity Insurance. It is the firm's policy for the cashier's time spent on an assignment to be charged to the case. However, secretarial and office admin support time is charged only in respect of identifiable blocks of time devoted to the case where we consider it to be viable to do so. All time is recorded in 6 minute units.

#### Direct expenses ("Category 1 Disbursements")

Category 1 disbursements as defined by SIP 9, which can be specifically identified as relating to the administration of the case, will be charged to the estate at cost, with no uplift. These include but are not limited to such items as advertising our appointment, meetings and requesting claims from creditors, storage in relation to the books and records of the company or individuals and the assignment records, online reporting facilities in relation to the uploading of documents and reports for creditors, bonding and other insurance premiums to protect the estate and its assets, and properly reimbursed expenses incurred by personnel in connection with the case.

#### Indirect expenses ("Category 2 Disbursements")

It is our normal practice to also charge the following indirect disbursements ("Category 2 Disbursements as defined by SIP 9) to the case, where appropriate

#### **Circulars to creditors**

Plain/headed paper including photocopying	12p per side
Envelopes	12p each
Postage	Actual cost

#### **Room Hire**

For the convenience of creditors and to save the cost of booking an outside hotel room, meetings of creditors are occasionally held internally at our offices. Where meetings of creditors are held in one of our internal meeting rooms, a charge of £100 plus VAT may be levied to cover the cost of booking the room.

#### **Travel**

Mileage incurred as a result of any necessary travelling is charged to the estate at the HM Revenue & Customs approved rate, currently 40p per mile.

All of the above costs are subject to amendment by the firm at any time and if amended will be notified to creditors with the next circular sent to all creditors.

#### **Company Searches & Electronic Verification of Identity**

Included in expense and/or disbursements, Company Searches and electronic Verification of Identity include an element of shared costs. Such expenses are of an incidental nature but are generally incurred on each case. In line with the cost of the external provision of such services, a charge of £15 plus VAT is levied to cover the cost of these searches.

#### **Work involved in the administration of the case**

The main work involved relates to realisation of the assets of the company or individual, agreement of claims and payment of dividends or distributions to creditors and where possible members. As part of this work the office holder is required by statute and best practice to undertake work in providing reports, convening meetings and investigating the affairs of the company or indeed individual, prior to the commencement of the insolvency process.

In order to provide an explanation of the work involved by the office holder such work is broadly split into six categories, a narrative explanation of the work involved in each of these is provided below. The office holders' remuneration can be approved on a set fee, percentage or time cost basis, or indeed a combination of these. Where remuneration is requested on a time costs basis, creditors are provided with information regarding time intended to be spent in administering the insolvency process, and in some instances are provided with an overall estimate of the cost. Depending on the type and age of the case, creditors may be contacted to approve an increased estimated cost and will be provided with the reasons for the increase.

#### ***Administration and Planning***

Work involved in this category relates mainly to routine and statutory functions. It does not necessarily provide financial benefit to creditors, but ensures that the case is managed and administered in accordance with legislation and in a professional manner. It includes but is not limited to the following areas: statutory and general notifications, advertising, filing of statutory forms, case management, cashing requirements and management of estate funds, general tax and VAT matters, pension matters, general correspondence, case reviews, and reporting.

#### ***Investigation***

The office holders are required to undertake an investigation into the affairs of the company or individual prior to the commencement of the insolvency process. In the case of Creditors Voluntary Liquidations and Administrations an office holder is required to submit a report on the conduct of the Directors who were in office in the period three years prior to the commencement of the insolvency process, to the Insolvency Service, in accordance with legislation. Occasionally such investigations identify further potential asset recoveries.

#### ***Assets***

This involves work in realising assets of the company or individual, which are known and stated in the statement of affairs. It may also include work involved in asset recoveries identified post appointment, which were either unknown or identified during the office holders' investigations.

#### ***Creditors***

This involves work in dealing with creditor queries and correspondence, including reports and where funds permit agreeing creditor claims and provision of dividends to creditors. This may also involve assisting employees with the calculation of their statutory entitlements and agreeing subsequent claims of employees and of the redundancy payments service and payment of any dividend, should funds allow. The category may also include work in connection with secured creditors, including correspondence and reporting.

#### ***Trading***

In some instances it will be necessary to assist in the trading of a business post commencement of an insolvency process. Should this be necessary, detailed further information will be provided.

#### ***Case specific matters***

This category includes areas of work of a specific nature and may include legal matters and preparation of tax returns and payment of tax liabilities.

#### **CVR GLOBAL LLP**

***Updated 6 January 2016***

CVR GLOBAL is a limited liability partnership registered in England and Wales (NoOC398681) whose registered office is at New Fetter Place West, 55 Fetter Lane, London, EC4A 1AA. The term "partner" denotes a member of a limited liability partnership. A list of members of CVR Global LLP is available at our registered office.

## **Extracts of 4.49E and 4.131 of The Insolvency Rules 1986 (as amended)**

### **4.49E Creditors' and Members' request for further information**

#### **4.49E(1) [Duty of Liquidator re remuneration or expenses] 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 that 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)(e) 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

#### **4.49E(2) [Period for compliance with r.4.49E(1)] 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 which 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

#### **4.49E(3) [How liquidator to comply] The liquidator complies with this paragraph by either-**

- (a) providing all 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,

giving reasons for not providing all of the information

**4.49E(4) [Application to court by creditors and members]** 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

**4.49E(5) [Court may extend period in rr.4.131(1B), 4.148C(2)]** 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.

**4.49E(6) [Non-application to official receiver]** This Rule does not apply where the liquidator is the official receiver

#### **4.131 Creditors' claim that remuneration is or other expenses are excessive**

**4.131(1) [Secured or certain unsecured creditors may apply to court]** 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)

**4.131(1A) [Grounds for application]** Applications 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 circumstances, excessive or, in the case of an application under sub-

paragraph (b), inappropriate.

**4.131(1B) [Time limit for application]** The application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or, in the 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")

**4.131(2) [Power of court to dismiss etc.]** 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 hearing, of which he has been given at least 5 business days' notice but which is without notice to any other party

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

**4.131(3) [Notice to liquidator]** 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.

**4.131(4) [Court order]** 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

**4.131(5) [Costs of application]** 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