

The Insolvency Act 1986

Notice of move from administration to dissolution**2.35B**

Name of Company
5 Star Windows & Conservatories Limited

Company number
04472514

In the Birmingham District Registry
(full name of court)

Court case number
8372 of 2012

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

~~I~~We (a) Daniel Plant
S F P
9 Ensign House
Admirals Way
Marsh Wall
London
E14 9XQ

Simon Franklin Plant
S F P
9 Ensign House
Admirals Way
Marsh Wall
London

(b) Insert name and address of registered office of company

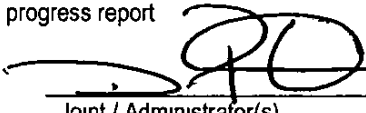
having been appointed administrator(s) of (b) 5 Star Windows & Conservatories Limited SFP 9 Ensign House, Admiral's Way Marsh Wall London E14 9XQ

(c) Insert date of appointment
(d) Insert name of applicant/appointor

on (c) 24 July, 2012 by (d) Birmingham District Registry

hereby give notice that the provisions of paragraph 84(1) of Schedule B1 to the Insolvency Act 1986 apply
attach a copy of the final progress report

Signed


Joint / Administrator(s)
20 January 2014

Dated

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

Daniel Plant
S F P
9 Ensign House
Admirals Way
Marsh Wall
London
E14 9XQ

DX Number

020 7538 2222
DX Exchange

TUESDAY



A21

A301UBS0

21/01/2014

#13

COMPANIES HOUSE

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

**5 Star Windows & Conservatories Limited (In Administration)
Final Progress Report
To 20 January 2014**

Strictly Private and Confidential

5 Star Windows and Conservatories Limited (in Administration)

Final Progress Report to Creditors

**Simon Franklin Plant
MIPA FABRP**

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This report has been written and presented for the sole purpose of complying with the relevant provisions of the Insolvency Act 1986 and the Enterprise Act 2002. It may not be disclosed, disseminated or copied without our prior written permission, other than to those entitled under statute or otherwise as ordered by the Court, and no liability will be accepted to any other person or party who acts or refrains from acting on its contents.

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1. Introduction

- 1.1** This Report is prepared pursuant to Paragraph 84(1) of Schedule B1 to the Insolvency Act 1986 ("the Act") and Rule 2.118 of the Insolvency Rules 1986 ("the Rules") in relation to 5 Star Windows & Conservatories Limited (in Administration) (Co Number 04472514) ("the Company"). The Act and the Rules provide that if the Joint Administrators find that a company has no property which might permit a distribution to its creditors, they shall send Notice of moving from Administration to Dissolution to the Registrar of Companies, together with a final progress Report. Further, that the appointed Joint Administrators should send a copy of the Notice and the Report to, inter alia all creditors.
- 1.2** To date, creditors have received the Joint Administrators' Report and Proposals circulated to creditors on 2 August 2012 ("the First Report"), a six monthly update on 11 February 2013 ("the Second Report"), an annual update on 16 July 2013 and a further progress report provided alongside this final report ("the Fourth Report"). In the light of the information contained in these previous reports, this Report simply provides an additional update.
- 1.3** Following the Second Report, the Joint Administrators sought the consent from the Company's secured creditors to extend the Administration. Consent was subsequently received and the Administration was extended until 23 January 2014.
- 1.4** Following the First Report, the Joint Administrators' proposals were approved. The Joint Administrators are moving the Company from Administration to Dissolution as they are now of the view that there are no further outstanding issues in relation to this matter and do not anticipate any further recoveries.

2 Asset Realisations

The Sale of the Business and Assets

- 2.1** As detailed in the First Report, the possibility of continued trading whilst in Administration was determined not to be a viable option given the lack of available funding. Further, chattel asset valuers, Winterhill Asset Limited ("Winterhill") advised that given the need to conduct a sale of the Company's business and assets as expeditiously as possible in order to maintain goodwill, that a sale to existing management or a known third party represented the best opportunity to maximise realisations.
- 2.2** In the light of this, discussions took place with the Company's director, Richard Manser ("Mr Manser") who advised that he may be interested in making an offer for the business and assets.
- 2.3** Following receipt of Winterhill's valuation, discussions were entered into with Mr Manser, who advised that an associated company, 5 Star Construction Services Limited ("SCS") could be used as a purchasing vehicle.
- 2.4** Following protracted negotiations with SCS, the Joint Administrators elicited a final offer of £40,000, payable on a deferred basis. Security was provided over the deferred payments by way of a personal guarantee from Mr Manser.
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- 2.5 The offer was discussed with Winterhill who advised that it was at an endorsable level and recommended its acceptance
- 2.6 The offer was subsequently accepted and solicitors, Clarke Willmott LLP ("Clarke Willmott") were instructed to draft a sale and purchase agreement. The sale completed on 25 July 2012 and the sale consideration of £40,000 has been received in full

Debtors

- 2.7 As detailed in the First Report, as at the date of the placing of the Company into Administration, its sales ledger was circa £47,000
- 2.8 It was agreed that SCS would collect the outstanding debts on behalf of the Joint Administrators. An entity associated with the Joint Administrators' firm, SFP Recoveries Limited ("SFP Recoveries") was instructed to monitor the position on a weekly basis and to assist if necessary
- 2.9 SFP Recoveries has advised that £35,128 has been collected for the benefit of the estate. The remaining sales ledger has been written off due to valid disputes, insolvency regimes, deficient books and records and payments made pre-appointment. Accordingly, SFP Recoveries has closed its files in this matter

The Company's Trading Premises

- 2.10 As detailed in the First Report, it is understood that the Company traded from premises at Units 1 & 2 Tenants Work, Worcester Road, Worcestershire, DY10 1HY ("the Trading Premises") pursuant to a lease agreement which had terminated prior to the Joint Administrators' appointment
- 2.11 The Company also traded from Summerfield House Post Office, Stanklyn Lane, Summerfield, Kidderminster, DY11 1JR ("the Summerfield Premises"), where it owned the freehold interest subject to outstanding mortgages with Dudley Building Society ("DBS"), Lloyds TSB Bank Plc ("Lloyds") and Conservatory Outlet Limited ("COL")
- 2.12 An entity associated with the Joint Administrators' firm, SFP Property Limited ("SFP Property") was instructed to provide assistance in dealing with both properties
- 2.13 SFP Property established that the lease to the Trading Premises held no value and has since received written confirmation from the landlord that the Company has no further interest in the property
- 2.14 In relation to the freehold interest in the Summerfield Premises, SFP Property concluded that it was highly unlikely there would be any realisable value for the benefit of the Administration. Subsequently, DBS became mortgagee in possession
- 2.15 DBS completed a sale of the Summerfield Premises on 10 January 2014 being repaid in full. Both Lloyds and COL have suffered a shortfall with respect to their liability and accordingly, no surplus funds were available for the Administration estate
-

3 Investigations

3.1 In accordance with the Joint Administrators' duties, investigations are being made into the conduct of the Company's current directors by SFP Corporate Solutions Limited ("SFP Corporate Solutions"). The requisite D Form was submitted to the Insolvency Practitioners Compliance Unit ("IPCU") on 23 January 2013. All information contained in the D Form is strictly confidential and the Joint Administrators are not permitted to divulge details of their recommendations to the IPCU.

3.2 SFP Corporate Solutions' investigations are now complete and there is no prospect of any further recovery for the benefit of creditors.

4. Dividend Prospects / Payments

Fixed Charge Payments

4.1 The Joint Administrators were advised by Winterhill that from the sale of the Company's business and assets, an apportionment should be made for the intangible assets (including goodwill). Accordingly, a first and final fixed charge payment in the sum of £1,500 was remitted to Lloyds under its fixed charge debenture.

Preferential Creditors

4.2 It was anticipated that there would not be any preferential claims in respect of outstanding arrears of wages or holiday pay, given that all employees of the Company transferred to SCS pursuant to the Transfer of Undertakings (Protection of Employment) Regulations.

4.3 The Joint Administrators have not received any preferential claims.

Non-Preferential Claims

4.4 The non-preferential creditors' claims are summarised below:

Creditor	Estimated Statement of Affairs £	Claims Received as at 20 January 2014 £
HM Revenue and Customs – VAT	Combined 450,000	77,079
HM Revenue and Customs – PAYE / NIC		94,083
Conservatories Outlet Limited	51,072	91,645
Trade and Expense	191,972	103,724

4.5 There is no prospect of a dividend to unsecured creditors.

5 The Joint Administrators' Costs

5.1 At Appendix I is the Company's Final Income and Expenditure Account as at 20 January 2014. This is in the main self-explanatory.

- 5.2 At **Appendix II** is a breakdown of the time that has been incurred by the Joint Administrators' firm from 22 December 2013 to date, together with details of charge out rates / activity summaries. At **Appendix VIII** is a Guide to Administrators' Fees, being set out in Statement of Insolvency Practice 9. The Joint Administrators' fees have previously been authorised by the creditors. Time costs during the period since the Fourth Report total £3,275, for the Administration as a whole total £75,115 and fees of £54,747 have been recovered. In addition, as explained in the First Report, pre-Administration costs of £4,490 were incurred and the Joint Administrators received approval to draw these costs in full on 14 August 2012, however these remain unrecovered.
- 5.3 Within 21 days of receipt of a progress report a creditor may request the Administrator to provide further information about the remuneration and expenses set out in the report. A request must be in writing and may be made by either a secured creditor, or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors or the permission of the court.
- 5.4 In accordance with Rule 2.109 of the Rules, any secured creditor, or any unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors, or with the permission of the Court, may apply to the Court on the grounds that the remuneration or other expenses are excessive. Any such application must be made no later than 8 weeks after receipt of this report.
- 5.5 At **Appendix III** is a breakdown of the time that has been incurred by SFP Corporate Solutions from 22 December 2012 to date.
- 5.6 At **Appendix IV** is a breakdown of the time that has been incurred by SFP Recoveries from 22 December 2012 to date.
- 5.7 At **Appendix V** is a breakdown of the time that has been incurred by SFP Property from 22 December 2012 to date.
- 5.8 At **Appendix VI** is a breakdown of the time that has been incurred by SFP Datastore Limited ("SFP Datastore") from 22 December 2012 to date. Details concerning SFP Datastore can be found at paragraph 5.14.
- 5.9 At **Appendix VII** is a breakdown of SFP and its associated entities' charge out rates.
- 5.10 The First Report detailed the position in relation to disbursements and certain types of expenditure. To ensure that creditors are aware of how this operates, this Report reiterates the position. Disbursements and specific expenditure relating to the administration of an insolvent estate and payable to an independent third party are recoverable without creditor approval. Such expenditure is made, if funds are available from the insolvent estate. If funds are not available the payment is made from the Joint Administrators' firm's office account which is reimbursed from the insolvent estate if and when funds become available.
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- 5.11 Payments made out of a firm's office account and re-charged to an insolvent estate are defined as 'Category 1 Disbursements'. This disbursement is explained further under the Expenses and Disbursements heading in the Guide to Administrators' fees, at **Appendix VIII**. The following Category 1 Disbursements have been recovered:

Expenses	£	926 58
Bordereau	£	180 00
Land Registry Search	£	48 00
Company Search	£	32 00

- 5.12 Expenditure incidental to the administration of the insolvent case, which by its nature includes an element of shared or allocated costs, are recoverable with creditor approval. These payments are defined as 'Category 2 Disbursements' and, once again, this disbursement is explained further in the Guide to Administrators' fees, at **Appendix VIII**. The following Category 2 Disbursements have been recovered:

Postage	£	232 20
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As detailed in the First Report, SFP Corporate Solutions, SFP Recoveries, SFP Property and SFP Datastore's remuneration will be treated as a Category 2 Disbursement. Each of the associated entities may incur disbursements in carrying out its function. Creditors have previously provided sanction to recover disbursements of this type. To date, the following expenses have been incurred by the entities associated with the Joint Administrators' firm:

Party	Expenses incurred (£)	Amount outstanding (£)
SFP Property	27 30	-
SFP Datastore	1,602 08	1,602 08

- 5.13 At **Appendix VII**, is a summary of Category 1 and Category 2 Disbursements, detailing the rates of the latter.
- 5.14 The fees incurred by Winterhill, SFP Recoveries, SFP Corporate Solutions, SFP Property and Clarke Willmott are calculated on a time cost basis. SFP Datastore has been employed by the Joint Administrators to store the Company's books and records as well as providing security services (where appropriate). Its fees for storage and security services are both on a fixed fee basis and on a time cost basis for any additional work carried out.

6. Additional Points and Conclusion

- 6.1 The requisite form to dissolve the Company is now in the process of being filed at Companies House.
- 6.2 Should any creditor have any questions or queries in relation to the above, please contact the Senior Administrator dealing with this matter, Michael Ginty on 020 7538 2222.

Dated this 20th day of January 2014


Daniel Plant
Joint Administrator

5 Star Windows and Conservatories Limited (in Administration)

Report to Creditors

APPENDIX I

- **Income and Expenditure Account / Comparison to Estimated Statement of Affairs**

5 Star Windows & Conservatories Limited
(in Administration)

INCOME AND EXPENDITURE ACCOUNT

Statement of Affairs	From 24/07/2012 To 23/01/2013	From 24/01/2013 To 21/06/2013	From 22/06/2013 To 21/12/2013	From 22/12/2013 To 20/01/2014	From 24/07/2012 To 20/01/2014
£	£	£	£	£	£
RECEIPTS					
Sale of Business & Assets	40,000 00	27,500 00	12,500 00	-	40,000 00
Book Debts	30,000 00	34,727 76	400 00	-	35,127 76
Insurance Refund		712 84	600 10	-	1,312 94
Petty Cash		5 44	-	-	5 44
Rent		3,840 00	-	-	3,840 00
Bank Interest Gross		1 13	2 47	1 99	7 56
TOTAL RECEIPTS	66,787 17	13,502 57	1 97	1 99	80,293 70
PAYMENTS					
SFP Corporate Solutions Limited Fees	3,000 00	-	-	-	3,000 00
Joint Administrators' Remuneration	42,820 00	-	-	11,927 16	54,747 16
Joint Administrators' Category 1 Disbursements	1,162 58	-	-	24 00	1,186 58
Joint Administrators' Category 2 Disbursements	144 24	-	-	87 96	232 20
SFP Property Limited Fees	-	4,970 20	1,000 00	-	5,970 20
SFP Property Limited Disbursements	-	27 30	-	-	27 30
Agents / Valuers Fees	5,500 00	-	-	-	5,500 00
Agents / Valuers Disbursements	116 01	-	-	-	116 01
Legal Fees	3,070 00	-	-	-	3,070 00
Legal Disbursements	35 00	-	-	-	35 00
Statutory Advertising	176 62	-	-	-	176 62
Other Property Expenses	232 00	-	-	-	232 00
Insurance of Assets	1,046 75	760 55	-	-	1,807 30
Lloyds TSB Bank Plc	-	-	-	1,500 00	1,500 00
Corporation Tax	-	-	-	2,693 33	2,693 33
TOTAL PAYMENTS	57,303 20	5,758 05	1,000 00	16,232 45	80,293 70
BALANCE AT HAND					-
Interest Bearing Current Account					-
BALANCE AT HAND					-

5 Star Windows and Conservatories Limited (in Administration)

Report to Creditors

APPENDIX II

- **Breakdown of Joint Administrators' Fees / Activity Codes**

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

CLASSIFICATION OF WORK FUNCTION	Director		Senior Manager		Manager		Senior Administrator		Administrator		Assistant	Total	Average rate £	Total Costs £
Administration and Planning														
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.20	0.00	0.10	0.50	0.00	0.40	0.00	0.40	1.60	204.69	327.50
	0.00	0.00	0.00	0.00	0.00	0.40	4.80	0.00	0.00	0.00	0.00	5.20	251.92	1,310.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.50	0.00	0.20	0.00	0.00	0.70	228.57	160.00
	0.00	0.00	0.00	0.00	0.00	0.10	0.00	0.00	0.00	0.00	0.00	0.10	275.00	27.50
	0.00	0.00	0.00	0.00	0.00	0.00	0.50	0.00	0.00	0.00	0.00	0.50	250.00	125.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Administration and Planning														
Investigation														
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.60	8.30	0.00	0.60	0.00	0.40	8.10	240.74	1,950.00
	Investigation													
Pursuing Claims Identified														
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Investigation														

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

[illegible]

5 STAR WINDOWS & CONSERVATORIES LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

CLASSIFICATION OF WORK FUNCTION	Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total	Average rate £	Total Costs £
Creditors									
Communication with Unsecured Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditor Claims	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ERA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property - Negotiations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property - Professional Advice	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Communication with Secured Creditors	0.00	0.00	0.00	4.10	0.00	0.00	4.10	250.00	1,025.00
Corporate Taxation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Creditors	0.00	0.00	0.00	4.10	0.00	0.00	4.10	250.00	1,025.00
Total	0.00	0.00	0.00	11.60	0.60	0.40	13.40		
Average rate £ per hour	0.00	0.00	0.00	250.00	175.00	100.00	244.40		
Total Costs £	0.00	0.00	0.00	2,900.00	105.00	40.00	3,275.00		
Total costs from 24/07/2012 to 21/12/2013							71,840.00		
Total costs from 24/07/2012 to 20/01/2014							75,115.00		
Remuneration drawn on account							54,747.16		

See Appendix for Summary Charge Out Rates for staff

SIP 9 STANDARD ACTIVITY SUMMARIES

Standard Activity	Examples of Work
Administration and Planning	Case Planning Administrative set up Appointment and notification Maintenance of records Statutory reporting Estate accounting Schedule company books and records
Investigation	SIP 2 CDDA report Investigating antecedent transactions
Realisation of assets	Identifying, securing, insuring assets Retention of title Debt collection – pre and post appointment Property, business and asset sales Communication and negotiations with secured creditors
Trading	Planning Management of operation Communication/negotiation with suppliers Communication/negotiation with landlord Communication/negotiation with third parties Monitor goods outward/inwards Stock take On-going employee issues Travel
Creditors	Communication with creditors Creditor claims (including employees and other preferential creditors)

5 Star Windows and Conservatories Limited (in Administration)

Report to Creditors

APPENDIX III

- **Breakdown of SFP Corporate Solutions Limited Fees**

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

[illegible]

[illegible]

See Appendix for Summary Charge Out Rates for staff

5 Star Windows and Conservatories Limited (in Administration)

Report to Creditors

APPENDIX IV

- **Breakdown of SFP Recoveries Limited Fees**

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

[illegible]

[illegible]

5 STAR WINDOWS & CONSERVATORIES LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

CLASSIFICATION OF WORK FUNCTION	Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total	Average rate £	Total Costs £
Creditors									
Communication with Unsecured Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditor Claims	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ERA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property - Negotiations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property - Professional Advice	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Communication with Secured Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Corporate Taxation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average rate £ per hour	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Costs £	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total costs from 24/07/2012 to 21/12/2013							15,945.00		
Total costs from 24/07/2012 to 20/01/2014							15,945.00		
Remuneration drawn on account							0.00		

See Appendix for Summary Charge Out Rates for staff

5 Star Windows and Conservatories Limited (in Administration)

Report to Creditors

APPENDIX V

- **Breakdown of SFP Property Limited Fees**

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

[illegible]

5 STAR WINDOWS & CONSERVATORIES LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

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5 STAR WINDOWS & CONSERVATORIES LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

CLASSIFICATION OF WORK FUNCTION	Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total	Average rate £	Total Costs £
Creditors									
Communication with Unsecured Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditor Claims	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ERA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property - Negotiations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property - Professional Advice	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Communication with Secured Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Corporate Taxation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.40	0.00	0.00	0.00	0.00	0.00	2.00		
Average rate £ per hour	350.00	0.00	0.00	200.00	0.00	0.00	230.00		
Total Costs £	140.00	0.00	0.00	320.00	0.00	0.00	460.00		
Total costs from 24/07/2012 to 21/12/2013							26,236.00		
Total costs from 24/07/2012 to 20/01/2014							26,696.00		
Remuneration drawn on account							5,970.20		

See Appendix for Summary Charge Out Rates for staff

5 Star Windows and Conservatories Limited (in Administration)

Report to Creditors

APPENDIX VI

- **Breakdown of SFP Datastore Limited Fees**

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5 STAR WINDOWS & CONSERVATORIES LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 22 DECEMBER 2013 TO 20 JANUARY 2014

CLASSIFICATION OF WORK FUNCTION	Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total	Average rate £	Total Costs £
Creditors									
Communication with Unsecured Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditor Claims	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ERA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property - Negotiations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property - Professional Advice	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Communication with Secured Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Corporate Taxation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average rate £ per hour	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Costs £	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total costs from 24/07/2012 to 21/12/2013							1,508.20		
Total costs from 24/07/2012 to 20/01/2014							1,508.20		
Remuneration drawn on account							0.00		

See Appendix for Summary Charge Out Rates for staff

5 Star Windows and Conservatories Limited (in Administration)

Report to Creditors

APPENDIX VII

- **SFP and Associated Entity Charge Out Rates**

SFP



Charge out Rates for SFP main practice and associated entities and Schedule of Expenses

SFP and the Associated Entities remuneration is calculated on an hourly time cost basis, divided into 6 minute units calculated as follows:

Main Practice		SFP Corporate Solutions Limited		SFP Property Limited		SFP Recoveries Limited	
Grade	Rate p/hr	Grade	Rate p/hr	Grade	Rate p/hr	Grade	Rate p/hr
Director 2	500	Director	500	Director	350	Director	500
Director 1	450	Senior Manager 2	350	Senior Manager 2	275	Senior Manager 2	350
Senior Manager 2	350	Senior Manager 1	325	Senior Manager 1	250	Senior Manager 1	325
Senior Manager 1	325	Manager 2	300	Manager 2	225	Manager 2	300
Manager 2	300	Manager 1	275	Manager 1	200	Manager 1	275
Manager 1	275	Senior Administrator 2	250	Senior Administrator 2	175	Senior Administrator 2	250
Senior Administrator 2	250	Senior Administrator 1	225	Senior Administrator 1	155	Senior Administrator 1	225
Senior Administrator 1	225	Administrator 2	175	Administrator 2	135	Administrator 2	175
Administrator 2	175	Administrator 1	150	Administrator 1	115	Administrator 1	150
Administrator 1	150	Assistant	100	Assistant	100	Assistant	100
Assistant	100						

SFP Datastore Limited			
Grade	Rate p/hr	Retrieval Rates Guide	Supporting Services
Storage Tasks (Retrieval and collection)		Box Storage	Hire of Security Personnel
Staff costs	25	A4	Mileage
		A3	Chauffeur Services
		Transit Cases	
Inventorising and Additional		Retrieval costs from site	
Staff Costs	75	Same Day Delivery (up to 10 items / £1.50 per item thereafter)	
		Next Day Delivery (up to 10 items / £1.50 per item thereafter)	
		Delivery to third party offices (up to 10 items / £1.50 per item thereafter)	
		Provision of archive boxes	
			£18.50 per hour
			£1.10 per mile
			£1.35 per mile (£50 minimum)

The minimum charge is based on the assumption that the Administration will continue for a period of one year, plus the requirement to then hold records for a further period of one year once the Company has been dissolved. In the event that the Administration is concluded early, the Company is dissolved early and the records are held for less than the anticipated two year period, any fees billed and paid in advance will be credit noted and the funds repaid to the estate as necessary. In the event that the Administration is extended, any additional charges incurred by SFP Datastore Limited will be paid as they are incurred.

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, bonding and other insurance premiums and properly reimbursed expenses

Searches and downloads of documents filed at Companies House are charged at £10 per appointment

The Associated Entities may also incur direct expenses, such as courier charges and Land Registry fees, which will be charged to the insolvent estate

5 Star Windows and Conservatories Limited (in Administration)

Report to Creditors

APPENDIX VIII

- **Guide to Administrators Fees**

A CREDITORS' GUIDE TO ADMINISTRATORS' FEES

ENGLAND AND WALES

1 Introduction

- 1.1 When a company goes into administration the costs of the proceedings are paid out of its assets. The creditors who hope eventually to recover some of their debts out of the assets, therefore have a direct interest in the level of costs and in particular the remuneration of the insolvency practitioner appointed to act as administrator. The insolvency legislation recognises this interest by providing mechanisms for creditors to determine the basis of the administrator's fees. This guide is intended to help creditors be aware of their rights under the legislation to approve and monitor fees, explains the basis on which fees are fixed and how creditors can seek information about expenses incurred by the administrator and challenge those they consider to be excessive.

2 The nature of administration

- 2.1 Administration is a procedure which places a company under the control of an insolvency practitioner and the protection of the court with the following objective:

- rescuing the company as a going concern or
- achieving a better result for the creditors as a whole than would be likely if the company were wound up without first being in administration

or if the administrator thinks neither of these objectives is reasonably practicable

- realising property in order to make a distribution to secured or preferential creditors

3 The creditors' committee

- 3.1 The creditors have the right to appoint a committee with a minimum of 3 and a maximum of 5 members. One of the functions of the committee is to determine the basis of the administrator's remuneration. The committee is normally established at the meeting of creditors which the administrator is required to hold within a maximum of 10 weeks from the beginning of the administration to consider his proposals. The administrator must call the first meeting of the committee within 6 weeks of its establishment, and subsequent meetings must be held either at specified dates agreed by the committee or when a member of the committee asks for one, or when the administrator decides he needs to hold one. The committee has power to summon the administrator to attend before it and provide information about the exercise of his functions.

4 Fixing the administrator's remuneration

- 4.1 The basis for fixing the administrator's remuneration is set out in Rule 2.106 of the Insolvency Rules 1986 which states that it shall be fixed:

- as a percentage of the value of the property which the administrator has to deal with
- by reference to the time properly given by the administrator and his staff in attending to matters arising in the administration or
- as a set amount.

Any combination of these bases may be used to fix the remuneration and different bases may be used for different things done by the administrator. Where the remuneration is fixed as a percentage different percentages may be used for different things done by the administrator.

It is for the creditors' committee (if there is one) to determine on which of these bases or combination of bases the remuneration is to be fixed. Where it is fixed as a percentage (it is for the committee to determine the percentage or percentages to be applied) and where it is a set amount, to determine that amount. Rule 2.106 says that in arriving at its decision the committee shall have regard to the following matters:

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paragraph 4.3 apply the determination may be made by the same creditors as approve the administrator's remuneration.

- 6.3 The administrator must convene a meeting of the committee or the creditors for the purposes of approving the payment of pre-administration costs if requested to do so by another insolvency practitioner who has incurred such costs if there is no determination under these provisions or if there is but the administrator or other insolvency practitioner considers the amount agreed to be insufficient, the administrator may apply to the court for a determination.

7 What information should be provided by the administrator?

7.1 When seeking remuneration approval

- 7.1.1 When seeking agreement to his fees the administrator should provide sufficient supporting information to enable the committee or the creditors to form a judgement as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on:

- the nature of the approval being sought;
- the stage during the administration of the case at which it is being sought; and
- the size and complexity of the case.

- 7.1.2 Where, at any creditors' committee meeting, the administrator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff, including principals, which are likely to be involved on the case.

- 7.1.3 Where the administrator seeks agreement to his fees during the course of the administration, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the administrator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case together with where appropriate such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the administrator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the administrator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the administrator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent:

- Administration and planning
- Investigations
- Realisation of assets
- Trading
- Creditors
- Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff:

- Partner
- Manager
- Other senior professionals
- Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the administrator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain:

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- the complexity (or otherwise) of the case
- any responsibility of an exceptional kind or degree which falls on the administrator
- the effectiveness with which the administrator appears to be carrying out, or to have carried out, his duties
- the value and nature of the property which the administrator has to deal with

- 4.2 If there is no creditors' committee or the committee does not make the requisite determination (and provided the circumstances described in paragraph 4.3 do not apply) the administrator's remuneration may be fixed by a resolution of a meeting of creditors having regard to the same matters as apply in the case of the committee. If the remuneration is not fixed in any of these ways it will be fixed by the court on application by the administrator, but the administrator may not make such an application unless he has first tried to get his remuneration fixed by the committee or creditors as described above and in any case not later than 18 months after his appointment.

- 4.3 There are special rules about creditors' resolutions in cases where the administrator has stated in his proposals that the company has insufficient property to enable a distribution to be made to unsecured creditors except out of the reserved fund which may have to be set aside out of floating charge assets.

In this case, if there is no creditors' committee or the committee does not make the requisite determination, the remuneration may be fixed by the approval of –

- each secured creditor of the company or
- if the administrator has made or intends to make a distribution to preferential creditors –

each secured creditor of the company and preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval.

having regard to the same matters as the committee would.

Note that there is no requirement to hold a creditors' meeting in such cases unless a meeting is requisitioned by creditors whose debts amount to at least 10 per cent of the total debts of the company.

- 4.4 A resolution of creditors may be obtained by correspondence.

5 Review of remuneration

- 5.1 Where there has been a material and substantial change in circumstances since the basis of the administrator's remuneration was fixed, the administrator may request that it be changed. The request must be made to the same body as initially approved the remuneration and the same rules apply as to the original approval.

6 Approval of pre-administration costs

- 6.1 Sometimes the administrator may need to seek approval for the payment of costs in connection with preparatory work incurred before the company went into administration but which remain unpaid. Such costs may relate to work done either by the administrator or by another insolvency practitioner. Details of such costs must be included in the administrator's proposals.

- 6.2 Where there is a creditors' committee (it is for the committee to determine whether, and to what extent, such costs should be approved for payment. If there is no committee or the committee does not make the necessary determination or if it does but the administrator or other insolvency practitioner who has incurred pre-administration costs considers the amount agreed to be insufficient, approval may be given by a meeting of creditors. Where the circumstances described in

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- Any significant aspects of the case, particularly those that affect the amount of time spent.
- The reasons for subsequent changes in strategy.
- Any comments on any figures in the summary of time spent accompanying the request the administrator wishes to make.
- The steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the assignment, budgeting, time recording, fee drawing or fee agreement.
- Any existing agreement about fees.
- Details of how other professionals including subcontractors were chosen, how they were contracted to be paid and what steps have been taken to review their fees.

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases.

- 7.1.4 Where the fee is charged on a percentage basis the administrator should provide details of any work which has been or is intended to be sub-contracted out which would normally be undertaken directly by an administrator or his staff.

7.2 After remuneration approval

Where a resolution fixing the basis of fees is passed at any creditors' meeting held before he has substantially completed his functions, the administrator should notify the creditors of the details of the resolution in his next report or circular to them. In all subsequent reports to creditors the administrator should specify the amount of remuneration he has drawn in accordance with the resolution (see further paragraph 5.1 below). Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 7.1.3. Where the fee is charged on a percentage basis the administrator should provide the details set out in paragraph 7.1.4 above regarding work which has been sub-contracted out.

7.3 Disbursements and other expenses

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements, but there is provision for the creditors to challenge them as described below. Professional guidance issued to insolvency practitioners requires that, where the administrator proposes to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs (such as room hire, document storage or communication facilities provided by the administrator's own firm) they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

8 Progress reports and requests for further information

- 8.1 The administrator is required to send a progress report to creditors at 6-monthly intervals. The report must include:

- details of the basis fixed for the remuneration of the administrator (or if not fixed at the date of the report, the steps taken during the period of the report to fix it)
- if the basis has been fixed, the remuneration charged during the period of the report, irrespective of whether it was actually paid during that period (except where it is fixed as a set amount in which case it may be shown as that amount without any apportionment for the period of the report)
- if the report is the first to be made after the basis has been fixed, the remuneration charged during the periods covered by the previous reports, together with a description of the work done during those periods, irrespective of whether payment was actually made during the period of the report.
- a statement of the expenses incurred by the administrator during the period of the report, irrespective of whether payment was actually made during that period.

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- the date of approval of any pre-administration costs and the amount approved
 - a statement of the creditors' rights to request further information, as explained in paragraph 8.2, and their right to challenge the administrator's remuneration and expenses
- 8.2 Within 21 days of receipt of a progress report a creditor may request the administrator to provide further information about the remuneration and expenses (other than pre-administration costs) set out in the report. A request must be in writing, and may be made either by a secured creditor or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors (including himself) or the permission of the court.
- 8.3 The administrator must provide the requested information within 14 days, unless he considers that:
- the time and cost involved in preparing the information would be excessive, or
 - disclosure would be prejudicial to the conduct of the administration or might be expected to lead to violence against any person, or
 - the administrator is subject to an obligation of confidentiality in relation to the information requested.
- in which case he must give the reasons for not providing the information
- Any creditor may apply to the court within 21 days of the administrator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information.
- 9 Provision of information – additional requirements
- The administrator must provide certain information about time spent on a case free of charge upon request by any creditor, director or shareholder of the company
- The information which must be provided is –
- the total number of hours spent on the case by the administrator or staff assigned to the case
 - for each grade of staff the average hourly rate at which they are charged out;
 - the number of hours spent by each grade of staff in the relevant period
- The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the administrator's appointment, or where he has vacated office, the date that he vacated office
- The information must be provided within 28 days of receipt of the request by the administrator and requests must be made within two years from vacation of office
- 10 What if a creditor is dissatisfied?
- 10.1 If a creditor believes that the administrator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the administrator are in all the circumstances excessive he may, provided certain conditions are met, apply to the court.
- 10.2 Application may be made to the court by any secured creditor or by any unsecured creditor provided at least 10 per cent in value of unsecured creditors (including himself) agree or he has the permission of the court. Any such application must be made within 6 weeks of the applicant receiving the administrator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported (see paragraph 8.1 above). If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the administrator a copy of the application and supporting evidence at least 14 days before the hearing
- 10.3 If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed or the expenses be disallowed or repaid. Unless the court orders otherwise the costs of the application must be paid by the applicant and not as an expense of the administration



- 11 What if the administrator is dissatisfied?
- 11.1 If the administrator considers that the remuneration fixed by the creditors' committee is insufficient or that the basis used to fix it is inappropriate he may request that the amount or rate be increased, or the basis changed by resolution of the creditors. If he considers that the remuneration fixed by the committee or the creditors is insufficient or that the basis used to fix it is inappropriate he may apply to the court for the amount or rate to be increased or the basis changed. If he decides to apply to the court he must give at least 14 days' notice to the members of the creditors' committee and the committee may nominate one or more of its members to appear or be represented on the application. If there is no committee the administrator's notice of his application must be sent to such of the company's creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid as an expense of the administration
- 12 Other matters relating to remuneration
- 12.1 Where there are joint administrators it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute arising between them may be referred to the court, the creditors' committee or a meeting of creditors
- 12.2 If the administrator is a solicitor and employs his own firm to act on behalf of the company profit costs may not be paid unless authorised by the creditors' committee, the creditors or the court
- 12.3 If a new administrator is appointed in place of another, any determination, resolution or court order which was in effect immediately before the replacement continues to have effect in relation to the remuneration of the new administrator until a further determination, resolution or court order is made
- 12.4 Where the basis of the remuneration is a set amount, and the administrator ceases to act before the time has elapsed or the work has been completed for which the amount was set, application may be made for a determination of the amount that should be paid to the outgoing administrator. The application must be made to the same body as approved the remuneration. Where the outgoing administrator and the incoming administrator are from the same firm they will usually agree the apportionment between them
- 13 Effective date
- This guide applies where a company enters administration on or after 6 April 2010, except where
- the application for an administration order was made before that date, or
 - where the administration was preceded by a liquidation which commenced before that date