

CVA3

Notice of supervisor's progress report in voluntary arrangement



Companies House

THURSDAY



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A03

04/03/2021

#47

COMPANIES HOUSE

1 Company details

Company number 0 4 5 6 8 9 0 4

Company name in full C P Berry Groundworks Limited

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Supervisor's name

Full forename(s) Nathan

Surname Jones

3 Supervisor's address

Building name/number Jupiter House

Street Warley Hill Business Park

Post town The Drive

County/Region Brentwood

Postcode E s s e x

Country

4 Supervisor's name^①

Full forename(s) John Anthony

Surname Lowe

① Other supervisor
Use this section to tell us about
another supervisor.

5 Supervisor's address^②

Building name/number Jupiter House

Street Warley Hill Business Park

Post town The Drive

County/Region Brentwood

Postcode E s s e x

Country

② Other supervisor
Use this section to tell us about
another supervisor.

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6 Date of voluntary arrangement

Date

d	0	d	8	m	0	m	1	y	2	y	0	y	1	y	4
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

7 Period of progress report

Date from

d	0	d	8	m	0	m	1	y	2	y	0	y	2	y	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Date to

d	0	d	7	m	0	m	1	y	2	y	0	y	2	y	1
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

8 Progress report

I attach a copy of the progress report

9 Sign and date

Supervisor's signature

Signature	X		X
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Signature date

d	0	d	2	m	0	m	3	y	2	y	0	y	2	y	1
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

CVA3

Notice of supervisor's progress report in voluntary arrangement



Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name Laura Gilbertson

Company name FRP Advisory Trading Limited

Address Suite 2
2nd Floor, Phoenix House

Post town 32 West Street

County/Region Brighton

Postcode B N 1 2 R T

Country

DX cp.brighton@frpadvisory.com

Telephone 01273 916666



Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- The company name and number match the information held on the public Register.
- You have attached the required documents.
- You have signed and dated the form.



Important information

All information on this form will appear on the public record.



Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.



Further information

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

**Voluntary Arrangement of
C P Berry Groundworks Limited
Joint Supervisors' Summary of Receipts & Payments**

Statement of Affairs £	From 08/01/2020 To 07/01/2021 £	From 08/01/2014 To 07/01/2021 £
	PROPERTY & LAND	
325,000.00	NIL	NIL
(400,441.00)	NIL	NIL
	NIL	NIL
	ASSET REALISATIONS	
	NIL	82,854.98
	NIL	779.03
114,820.00	NIL	NIL
188.00	NIL	NIL
	NIL	2,818.52
	NIL	176,000.00
186,539.00	NIL	112,731.41
4,000.00	NIL	NIL
7,500.00	NIL	NIL
7,000.00	NIL	NIL
NIL	NIL	NIL
NIL	NIL	NIL
166,146.00	NIL	93,034.00
	NIL	40,726.00
7,180.00	NIL	NIL
NIL	NIL	NIL
	NIL	508,943.94
	COST OF REALISATIONS	
	NIL	250.00
	NIL	5.00
	NIL	483.52
	NIL	2,530.00
	NIL	7,500.00
	NIL	688.00
	NIL	94,265.37
	NIL	549.00
	NIL	(106,270.89)
	PREFERENTIAL CREDITORS	
(35,200.00)	NIL	NIL
	NIL	NIL
	UNSECURED CREDITORS	
(35,106.00)	NIL	NIL
(248,373.24)	NIL	NIL
(66,000.00)	NIL	NIL
	NIL	4,268.86
(303,683.00)	NIL	83,512.84
(245,306.00)	NIL	95,186.48
(7,160.84)	NIL	NIL
(249,621.43)	NIL	91,545.30
	NIL	(274,513.48)
	DISTRIBUTIONS	
(10.00)	NIL	NIL
	NIL	NIL
(772,528.51)	NIL	128,159.57
	REPRESENTED BY	
		131,205.17

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Joint Supervisors' Summary of Receipts & Payments**

Statement of Affairs £	From 08/01/2020 To 07/01/2021 £	From 08/01/2014 To 07/01/2021 £
REPRESENTED BY CONTINUED Unclaimed Dividends		(3,045.60)
		128,159.57

Nathan Jones
Joint Supervisor



Due to the current situation responding to the global Coronavirus epidemic there may be some delay in receiving any replies sent by post. Accordingly, we would request that if this letter requires a response, that you reply by email to Brighton@frpadvisory.com wherever possible. If you respond by email, we shall assume that you agree to the future use of email communication between us where practicable. If you cannot respond by email and the matter is time critical please telephone my office.

2nd Floor
Phoenix House
32 West Street
Brighton BN1 2RT
Tel: +44 (0)1273 916 666

frpadvisory.com

To all members and creditors

Your Ref:

Our Ref: ZC023/CVA049/LJG/LJG

Please Contact: Laura Gilbertson

Telephone Number: 01273 916682

Email Address: Laura.Gilbertson@frpadvisory.com

Date: 2 March 2021

Dear Sirs

C P BERRY GROUNDWORKS LIMITED (Under a Voluntary Arrangement) ("CVA") ("THE COMPANY")

I was appointed Joint Supervisor of the above CVA by a Court Order dated 21 December 2018. As stated previously, upon the application of to Court by the former Joint Supervisors, Tyrone Courtman and Lee Brocklehurst, this case was transferred to me and John Lowe as at 21 December 2018, whereupon the former Joint Supervisors ceased to act.

I now give my report in accordance with the Insolvency Rules on the progress of the CVA for the 12-month period ended 7 January 2021. This report should be read in conjunction with previous progress reports.

PURPOSE OF THE CVA

Under the terms of the Company's modified proposals as approved by creditors the CVA was to last for no more than 80 months and its purpose was for the Company to continue to trade on and pay a monthly contribution into the CVA of £3,000 per month.

PROGRESS OF THE CVA TO DATE

Creditors will be aware that that Ruth Harris and Nicola Kirk of Abbey Taylor Limited were appointed as Joint Administrators of the Company on 20 August 2018. The Company has since moved to liquidation on 22 August 2019.

The CVA shall be terminated after all costs have been paid and the surplus funds have been distributed to the creditors bound by the CVA.

It was anticipated that a second and final dividend was to be paid to creditors towards the end of 2019. However, this was not possible as it was brought to our attention that the Supervisors had not received the S455 tax repayment payable due to the CVA following the director's loan repayments. From a telephone conversation with HM Revenue & Customs [HMRC] on 27 November 2019, we were advised that the benefit of the S455 tax repayment had not been included in HMRC's final claim in the CVA. As the Company is now in liquidation, HMRC have closed their CVA case and are unable to revise their claim.

The Joint Supervisor's initial view was that as the S455 tax repayment arose due to the directors' loan repayment into the CVA of £112,731.41, prior to the date of the company's liquidation, the S455 tax repayment

CVA049

was due to the CVA. As discussed in my last report the Joint Supervisor were seeking legal advice in this respect.

The legal advice received indicated that, in line with agreed modifications to the original proposal, as the S455 refund was not realised at the point the CVA terminated, it is not included as an asset in the trust. Therefore any refund due would be an asset of the liquidation.

We have advised the Liquidators accordingly and have issued a further notice of intended dividend. This notice expired on 1 March 2021 and a second and final dividend will be issued shortly.

The creditor claims have been admitted in the sum of £780,039.55 and a first dividend of 35p in the pound was paid in May 2017. The second dividend is estimated to be in the region of 15p in the pound.

SUPERVISORS' RECEIPTS AND PAYMENTS ACCOUNT

A copy of my receipts and payments account for the 12 month period to 7 January 2021 is attached at Appendix A.

No further assets are anticipated to be realised in the CVA.

PROSPECTS FOR THE FULL IMPLEMENTATION OF THE CVA

As the Directors placed the Company into Administration on 20 August 2018, the CVA has failed and we are taking steps to terminate the arrangement.

SUPERVISORS REMUNERATION AND DISBURSEMENTS

In accordance with the variation to the terms of the CVA as agreed by creditors on 5 December 2016, Joint Supervisors' fees (inclusive of Nominees fees) are restricted to 20% of the total amount of asset realisations. Fees of £94,265.37 have been drawn in the CVA and no further fees will be taken.

The Supervisors' disbursements are a recharge of actual costs incurred by the Supervisors in dealing with this matter. Mileage payments made for expenses relating to the use of private vehicles for business travel, which is directly attributable to the insolvency estate, are paid by FRP Advisory Trading Limited at the HMRC approved mileage rate prevailing at the time the mileage was incurred. No disbursements have been incurred in this matter.

A Creditors' Guide to Fees can be accessed using the following link <https://creditors.frpadvisor.com/info.aspx> and selecting the one for voluntary arrangements. Alternatively, a hard copy of the relevant guide will be sent to you on request.

Should you have any queries concerning this report please contact Laura Gilbertson using the above contact details.

Yours faithfully

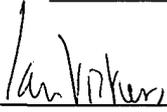


Nathan Jones
Joint Supervisor

Licensed in the United Kingdom by the Institute of Chartered Accountants in England & Wales and bound by the Insolvency Code of Ethics

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Nathan Jones
Joint Supervisor