

4592566

863 A  
No of 2-011

IN THE HIGH COURT OF JUSTICE

BIRMINGHAM DISTRICT REGISTRY

CHANCERY DIVISION

AND IN THE MATTER OF PETER DURHAM (A BANKRUPT) AND OTHERS

AND IN THE MATTER OF ALTURA EXTRUSIONS LIMITED (IN CREDITORS' VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF IPSEN ABAR UK LIMITED (IN MEMBERS' VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF SIMON ROBBINS T/A ARRON CARPETS (SUBJECT TO AN INDIVIDUAL VOLUNTARY ARRANGEMENT)

AND IN THE MATTER OF GREGSON'S SOLICITORS (SUBJECT TO A PARTNERSHIP VOLUNTARY ARRANGEMENT)

AND IN THE MATTER OF PREMIER PRINT FINISHERS LIMITED (IN ADMINISTRATION) AND OTHERS

AND IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN.

- (1) PAUL DAVID MASTERS
- (2) COLIN ANDREW PRESCOTT
- (3) NEIL ANDREW BENNETT
- (4) JOHN MALCOLM TITLEY
- (5) ANDREW POXON



Applicants

and

ALAN ROY CLIFTON

Respondent

ORDER

WEDNESDAY



\*A11B79PD\*

AIQ

25/01/2012

#61

COMPANIES HOUSE

**BEFORE DISTRICT JUDGE GRIFFITH IN THE BIRMINGHAM COUNTY COURT ON THE 23  
DECEMBER 2011**

**AND UPON READING THE PAPERS IT IS ORDERED THAT**

- 1 The Applicants have permission to make this composite application in respect of each of the insolvency proceedings identified in the attached schedules
- 2 Each of the insolvency proceedings identified in the attached schedules as commencing or proceeding in a County Court be transferred, pursuant to Rule 7 11(4) of the Insolvency Rules 1986 ("the Rules") and/or section 41 of the County Court Act 1984 to the High Court for the purposes only of this application
- 3 In relation to each of the insolvency proceedings in the attached schedules
  - 3 1 in each creditors or members voluntary liquidation referred to in the attached schedules and pursuant to section 108(2) of the Insolvency Act 1986 ("the Act")
    - 3 1 1 The Respondent be removed from the office of liquidator of the relevant company, and
    - 3 1 2 The First Applicant be appointed as liquidator in place of the Respondent for the cases listed in the attached Schedule and marked accordingly with "A", and
    - 3 1 3 The Third Applicant be appointed as liquidator in place of the Respondent for the cases listed in the attached Schedule and marked "B" representing each of the office holders who are to take conduct of these matters
    - 3 1 4 The Fifth Applicant be appointed as liquidator in place of the Respondent for the cases listed in the attached Schedule and marked "C" representing each of the office holders who are to take conduct of these matters
  - 3 2 in the compulsory liquidation referred to in the attached schedules and pursuant to section 168(3) and section 172(2) of the Act
    - 3 2 1 The Respondent be removed from the office of liquidator of the relevant company subject to a compulsory winding up order, and
    - 3 2 2 The Fifth Applicant be appointed as liquidator in place of the Respondent for the case listed in the attached Schedule and marked accordingly with "C",
  - 3 3 in each bankruptcy referred to in the attached schedules and pursuant to section 298(1) and section 303(2) of the Act and Rule 7 10B(2)(a) of the Rules
    - 3 3 1 The Respondent be removed from the office of Trustee in Bankruptcy of the relevant individual, and
    - 3 3 2 The First Applicant be appointed as Trustee in Bankruptcy in place of the Respondent for the cases referred to in the attached schedule "D",

- 3 3 3 The Fourth Applicant be appointed as Trustee in Bankruptcy in place of the Respondent for the cases referred to in the attached schedule "E",
- 3 3 4 The Fifth Applicant be appointed as Trustee in Bankruptcy in place of the Respondent for the cases referred to in the attached schedule "F",
- 3 4 in each individual voluntary arrangement referred to in Schedule G, the First Applicant be appointed as supervisor of the individual voluntary arrangement in place of the Respondent pursuant to section 263(5) of the Act and Rule 7 10B(2)(d) of the Rules
- 3 5 In the partnership voluntary arrangement referred to in Schedule H the Fifth Applicant be appointed as supervisor of the partnership voluntary arrangement in place of the Respondent pursuant to section 7(5) and paragraph 39(6) of Schedule A1 of the Act and rule 7 10B(2)(d) of the Rules
- 3 6 In each administration referred to in Schedule I pursuant to paragraph 88 of Schedule B1 to the Act, the Respondent be removed as administrator of the companies listed in Schedule I
- 3 7 The Fifth Applicant be appointed as administrator of the relevant company in administration in place of the Respondent pursuant to paragraph 95(b) of Schedule B1 to the Act and Rule 7 10B(2)(b) of the Rules
- 3 8 In relation to the companies listed in Schedule I, pursuant to Rule 7 10C(1)(e), the Court dispenses of the requirement imposed on the Fifth Applicant under Rule 2 125 to provide a Form 2 2B on the basis that the Fifth Applicant has provided his consent to act as detailed at page 14 of PDM1
- 4 Where, in each of the relevant insolvency proceedings set out in the schedules, there is no case number or the proceedings have not yet been issued before a court, the High Court has jurisdiction
- 5 With regards to any administration referred to in Schedule I where the appointment of the office holder was made under paragraph 12 of Schedule B1 of the Act, notice hereto be given to any person who is or may have been entitled to appoint an administrator under paragraph 14 of Schedule B1 of the Act
- 6 Pursuant to Rule 7 10C(1)(e) and the Insolvency (Amendment) Rules 2009, the creditors in each of the insolvency proceedings set out in the schedules hereto shall be deemed to have been given notice of this order by the Applicants at the first reasonable opportunity to do so and in any event within 3 months of the date of this order by placing a block advertisement in the London Gazette in the form of the draft notice at page 31 of "PDM1"
- 7 The Respondent be released from all liability in respect of his acts and omissions in the administration of the companies listed in Schedule I hereto and in relation to his conduct as office holder of the companies listed in Schedule I hereto with effect from 28 days after the relevant notice referred to in paragraph 6 above has been advertised, save in respect of any claim notified to the Respondent or (where appropriate) his joint appointee or replacement

office holder by that date pursuant to the Act and/or pursuant to such other provision as may apply

- 8 The Respondent shall not be at liberty to apply to the Secretary of State for his release from his position as liquidator (whether voluntary or compulsory) or as Trustee in Bankruptcy until after the expiry of 42 days from the date when the relevant notice referred to in paragraph 6 above has been advertised
- 9 Subject to complying with paragraphs 6 to 14, the Applicants are not obliged to make a further advertisement or provide a further notice to creditors or members concerning the removal of the Respondent and the appointment of the Applicants
- 10 Pursuant to Rule 7 10C(1)(e) all bankruptcy cases transferred pursuant to this order shall retain their original reporting dates pursuant to Rule 6 78A
- 11 The Applicants shall when the next annual or other report (whichever is first) is due to the creditors of each bankruptcy, give written notice of the making of this order to each such creditor of each of the bankruptcies, such notice to include the following matters
  - 11 1 An explanation of the effect of any such order made,
  - 11 2 Express reference to the permission to apply set out in paragraph 1
- 12 Pursuant to Rule 7 10C(1)(e) all administration cases transferred pursuant to this order shall retain their original reporting dates pursuant to Rule 2 47
- 13 The Applicants shall when the six monthly report or other report (whichever is first) is due to the creditors of each administration, give written notice of the making of this order to each such creditor of each of the administrations, such notice to include the following matters
  - 13 1 An explanation of the effect of any such order made,
  - 13 2 Express reference to the permission to apply set out in paragraph 1
- 14 Pursuant to Rules 7 10(1)(e) all compulsory and voluntary liquidation cases transferred pursuant to this order will retain their original reporting dates
- 15 The Applicants shall when the next annual or other report (whichever is first) is due to the creditors of each compulsory liquidation or voluntary liquidation give written notice of the making of this order to each such creditor of each of the compulsory liquidations or voluntary liquidations, such notice to include the following matters
  - 15 1 An explanation of the effect of the order,
  - 15 2 Express reference to the permission to apply set out in paragraph 1
  - 15 3 In the case of creditors' voluntary liquidations and compulsory liquidations where liquidation or creditors' committees have been appointed, an explanation that (to the extent that any information which would otherwise be required to be provided under Rule 4 108(3) which has not already been provided as part of that report) it is open to

the committee to require the Applicants appointed to provide an account of the administration of the estate, including

15 3 1 A summary of receipts and payments,

15 3 2 A statement that he has reconciled his accounts

15 4 In the case of creditors' voluntary liquidations and compulsory liquidations where no liquidation or creditors' committees have been appointed, an explanation that, to the extent that such information has not already been provided as part of the routine report, it is open to any creditor to apply for an order that the Applicants do provide such information as might otherwise be required by Rule 4 108(3), that is to say an account of the administration of the estate, including

15 4 1 A summary of receipts and payments,

15 4 2 A statement that he has reconciled his accounts

15 5 Notification that if the Applicants have been required to provide the information referred to in 15 3 and 15 4 above, whether by the liquidation/creditors' committee or by court order on the application of any individual creditor, the Applicants' costs of complying with such request or order shall, unless good reasons to the contrary are demonstrated, be paid as an expense of the winding up

15 6 In the case of the creditors voluntary liquidations and compulsory liquidations, notification to each creditor of their right under Rule 11(1)(compulsory liquidation), Rules 11(2)(voluntary winding up) to require the Applicants to supply a statement of receipts and payments free of charge

16 Permission to each creditor of each estate to apply to vary or discharge any order made pursuant to this application within 21 days of receipt of the notices directed to be sent under paragraph 6 above

17 That a sealed copy of any order made pursuant to this application is lodged with the court having jurisdiction over each case affected by this order for filing on the court file relating to that case

18 The Applicants shall serve a copy of this order on

18 1 The Respondent,

18 2 The Secretary of State

18 3 Each company referred to in the schedules marked A to I

19 Pursuant to Rule 7 10D(4) of the Rules the costs of this application in relation to paragraphs 3 1 to 3 5 be apportioned equally and payable as an expense of the insolvency proceedings to which the application relates save that where such apportioned costs would exceed 10% of the value of realised assets in such proceedings those costs shall be apportioned equally and payable as an expense of the remaining insolvency proceedings

20 Pursuant to Rule 7 10D(5) of the Rules the costs of this application in relation to paragraph 3 6 and as detailed in Schedule I be paid as an expense of the administration to which the application relates

Signed

Dated

**Clarke Willmott LLP**  
**138 Edmund Street**  
**Birmingham**  
**B3 2ES**

**Tel: 0845 209 1059**  
**Fax: 0845 209 2507**

**Ref: KD**

The address for service of the Respondent Leonard Curtis of Bamfords Trust House, 85-89 Colmore Row, Birmingham B3 2BB

The address for service of the First Applicant Leonard Curtis of Bamfords Trust House, 85-89 Colmore Row, Birmingham B3 2BB

The address for service of the Second Applicant Leonard Curtis of Second Floor, 30 Queens Square, Bristol, BS1 4ND

The address for service of the Third Applicant Leonard Curtis of 1 Great Cumberland Place, London, W1H 7LW

The address for service of the Fourth Applicant Leonard Curtis of Hollins Mount, Hollins Lane, Bury, Lancashire, BL9 8DG

The address for service of the Fifth Applicant Leonard Curtis of Hollins Mount, Hollins Lane, Bury, Lancashire, BL9 8DG

**SCHEDULE A**

**REFERRED TO IN THE APPLICATION AND WITNESS STATEMENT OF PAUL DAVID MASTERS**  
**LIQUIDATIONS TO BE TRANSFERRED TO PAUL DAVID MASTERS**

MERCATOR EUROPE SERVICES LIMITED

GLULAM TIMBER SYSTEMS LIMITED

WAVEFORM SOLUTIONS LIMITED

ALTURA EXTRUSIONS LIMITED

BAR CODA LIMITED

CLERES CONSTRUCTION LIMITED

CAGINTERNET LIMITED

CHOICEBUY LIMITED

CFPI LIMITED

D J LOW DECORATING LIMITED

DUNOAK (UK) LIMITED

EXPRESS ONE PRINT FINISHERS LIMITED

FLOWERS AND BALLONS BY VAL LIMITED

HI-SPEC COATINGS LIMITED

J M ROBERTS STEEL LIMITED

KENDALL & PITT LIMITED

LEWIS TRAVEL U K LIMITED

MALVERN ASSOCIATES LIMITED

OCEAN CARGO COMPANY LIMITED

ONSITE SPECIALIST SPRAYING LIMITED

PEERLESS TRADING LIMITED

PRECISION LOUVRE COMPANY LIMITED

ROBERTS STEELS LIMITED

ROMANS COACHWORKS LIMITED

R WILLIAMS-HUBBARD AND SON LIMITED  
REX CLOTHING LIMITED  
RIDGECOLNE CONSTRUCTION PERSONNEL LIMITED  
SWOTBOOKS COM LIMITED  
SOLL (DAVENTRY) LIMITED  
SPECIALIST POWER COATERS LIMITED  
S PITT PROJECT MANAGEMENT LIMITED  
TOWN AND COUNTRY LIGHTING LIMITED  
CHILLQUIP LIMITED  
ID EST BRISTOL LIMITED



**SCHEDULE C**

**REFERRED TO IN THE APPLICATION AND WITNESS STATEMENT OF PAUL DAVID MASTERS**

**LIQUIDATIONS TO BE TRANSFERRED TO ANDREW POXON**

GFX CAPITAL MARKETS LIMITED (High Court Case Number 12498 of 2009 – Compulsory Liquidation)

A H & P LIMITED

AQUA FORTIS LIMITED

ANTONELLA'S LIMITED

ALERT SECURE GUARDING LIMITED

CADCO MANAGEMENT LIMITED

CAREERWEAR LIMITED

EX MILITARY PERSONNEL TRADING CENTRE LIMITED

FORTWILL LIMITED

GREENACRE DEVELOPMENTS (BLOOR) LIMITED

P IRON LIMITED

S & P PLUMBING & HEATING SERVICES LIMITED

STEVE HARRIS BUILDING LIMITED

3 NET MEDIA GROUP LIMITED

BTML REALISATIONS LIMITED (FORMERLY BOURNE TECHNICAL MOULDING)

MOSELEY BROTHERS TOOLS LIMITED

APERTURE SYSTEMS LIMITED

BBi BUSINESS INTERIORS LIMITED

DONGRAY INDUSTRIAL LIMITED

ESSANEL LIMITED

FLOWONICS LIMITED

505 UK LIMITED

HIGGS REFRACTORIES LIMITED

JDS PRECISION LIMITED

LOCWIL LIMITED

LANDBEE SERVICES LIMITED

OUT OF THE BLUE SOFA COMPANY LIMITED

S D BODYSHOP LIMITED

WILKAT DEVELOPMENTS LIMITED

IPSEN ABAR UK LIMITED

PRIPEAR FIFTEEN LIMITED

**SCHEDULE I**

**REFERRED TO IN THE APPLICATION AND WITNESS STATEMENT OF PAUL DAVID MASTERS  
ADMINISTRATIONS TO BE TRANSFERRED TO ANDREW POXON**

PREMIER PRINT FINISHERS LIMITED (Birmingham District Registry Case Number 8341 of 2011)

ALFRED SARGENT & SONS LIMITED (Birmingham District Registry Case Number 9968 of 2010)

BAREFOOT LIMITED (Worcester County Court Case Number 87 of 2011)

KEYS OF STEEL LIMITED (Birmingham District Registry Case Number 8195 of 2011)

MYONA LIMITED (Birmingham District Registry Case Number 8140 of 2011)

PHM DISTRIBUTION LIMITED (Birmingham District Registry Case Number 8389 of 2010)

RM BIRCH HAULAGE LIMITED (Birmingham District Registry Case Number 8327 of 2011)

S A S CLEANSING & SERVICES LIMITED (Birmingham District Registry Case Number 8174 of 2010)

T S REALISATIONS LIMITED (FORMERLY TOTAL SURVEYS LIMITED) (Worcester County Court Case Number 582 of 2010)

THE FLAME LILY FLEXIBLE STAFFING LIMITED (Birmingham District Registry Case Number 8058 of 2011)

TECNOPALI UK LIMITED (Birmingham District Registry Case Number 8494 of 2011)

UNIBROOK LIMITED (Birmingham District Registry Case Number 8438 of 2011)