In accordance with Rule 18.7 of the Insolvency (England & Wales) Rules 2016 and Sections 92A, 104A and 192 of the Insolvency Act 1986.

# LIQ03 Notice of progress report in voluntary winding up



For further information, please refer to our guidance at www.gov.uk/companieshouse

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LIQ03
Notice of progress report in voluntary winding up

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# LIQ03

Notice of progress report in voluntary winding up

# **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 MATTHEW WELDEN Company name KROLL ADVISORY LTD THE CHANCERY 58 SPRING GARDENS Post town MANCHESTER **GREATER MANCHESTER** Postcode E | W M 2 Country **UNITED KINGDOM** Telephone +44 (0) 161 827 9000 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.

## 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.

## **7** 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

You have attached the required documents.

 $\square$  You have signed the form.

# KROLL

13 July 2022

# Progress Report to Creditors

Pennine Manor Hotel Limited (In Creditors' Voluntary Liquidation)

Joint Liquidators' Progress Report to Creditors for the period from 17 June 2021 to 16 June 2022

Kroll Advisory Ltd The Chancery 58 Spring Gardens Manchester M2 1EW

### **Definitions**

Word or Phrase	Definition
the Act	The Insolvency Act 1986 (as amended)
the Appointment Date	17 June 2021, being the date of appointment of the Joint Liquidators
the Administration Appointment Date	16 July 2019, being the date of appointment of the Former Joint Administrators
Assured	Assured Hotel Limited, independent agents who were instructed to oversee the management of the Company
Category 1 Expenses	The Joint Liquidators' expenses, in dealing with the Liquidation, to persons providing the service to which the expense relates and who are not an associate of the Liquidator. These expenses can be paid without prior approval
Category 2 Expenses	The Joint Liquidators' expenses, in dealing with the liquidation, to associates or where there is an element of shared costs. Such expenses require approval by Creditors before payment
the Company	Pennine Manor Hotel Limited (In Creditors' Voluntary Liquidation) (Company Number: 04640106)
CVL	Creditors' Voluntary Liquidation
the Directors	Gavin Lee Woodhouse and Iain Shelton the directors of the Company. Gavin Woodhouse was removed as Director of the Company and Iain Shelton was appointed by the Interim Managers of NPD in their capacity as shareholders of the Company
EC Regulation	EC Regulation of Insolvency Proceedings 2000
the Former Joint Administrators	Phillip Duffy and Sarah Bell of Kroll
Giant	Giant Hospitality Limited
the Hotel	Pennine Manor Hotel
HMRC	HM Revenue and Customs
Interim Managers	Philip Duffy and Sarah Bell of Kroll



Word or Phrase	Definition
the Joint Liquidators (including contact details)	Robert Armstrong and Andrew Knowles of Kroll Office telephone: 020 7089 4700 / 0161 827 9000 Office email: london@kroll.com manchester@kroll.com or Tel: +44 1618804562 Email: Matthew.Welden@kroll.com Contact name: Matthew Welden
Kroll	Kroll Advisory Ltd.
NPD	Northern Powerhouse Developments Limited (Company Number: 09940469) (In Administration)
Preferential Creditor/s	A creditor with a claim that ranks in priority to other unsecured creditors, to floating charge holders and the prescribed part. Preferential debts are either 'ordinary', such as certain employee claims, or 'secondary', such as HMRC's claims for VAT and PAYE income tax, which will rank for payment after the ordinary preferential claims are paid in full
Prescribed Part	Pursuant to Section 176A of the Act, where a floating charge is created after 15 September 2003, a designated amount of the Company's net property (floating charge assets less costs of realisation) shall be made available to Unsecured Creditors
the Reporting Period	The period from 17 June 2021 to 16 June 2022
the Rules	The Insolvency (England & Wales) Rules 2016 (as amended)
the Secured Creditor	Assetz Capital Trust Company Limited, the holder of a fixed and floating charge over the Company's assets
SIP 9	Statement of Insolvency Practice 9 – Industry Best Practice for Insolvency Practitioners in relation to disclosure of remuneration and expenses



#### **Contents**

- 1. Introduction
- 2. Progress of the Liquidation
- 3. Investigations
- 4. Liabilities and Dividends
- 5. Costs and Expenses
- 6. Joint Liquidators' Receipts and Payments Account
- 7. Creditors' Rights
- 8. Conclusion

### **Appendices**

- 1. Joint Liquidators' Receipts and Payments Account
- 2. Analysis of Expenses Incurred
- 3. Analysis of Time Charged
- 4. Statement of Creditors' Rights



#### 1. Introduction

As you are aware, Philip Duffy and Sarah Bell were appointed as Joint Administrators of the Company on the Administration Appointment Date by the Secured Creditor of the Company.

Following the Block Transfer Order passed in the High Court of Justice, Manchester District Registry, Chancery Division, No. 000356 of 2021, Robert Armstrong and Andrew Knowles replaced the Former Joint Administrators on 16 June 2021.

Following the filing of Form AM22, being the notice of move from Administration to CVL, Robert Armstrong and Andrew Knowles were appointed Joint Liquidators of the Company on 17 June 2021.

The purpose of this progress report is to detail the Joint Liquidators' acts and dealings together with the conduct of the Liquidation since the Appointment Date and should be read in conjunction with the Former Joint Administrators' previous progress reports.

The Joint Liquidators have also explained the exit route from the Liquidation and the outcome for each class of Creditor.

You will find other important information in this progress report such as the costs the Joint Liquidators have incurred.

Please also note that an important legal notice about this Progress Report to Creditors is attached at Appendix 4.

#### 2. Progress of the Liquidation

This section provides an update on the progress of the Liquidation. Realisations during the Reporting Period are set out in the attached Receipts and Payments account at Appendix 1.

#### 2.1 Asset Realisations

Summaries of the most significant realisations during the Liquidation are provided below:

#### 2.1.1 Trading Period / Business Interruption Claim

The Former Joint Administrators traded the Hotel until the date of closure on 24 March 2020.

Following a reconciliation of trading the Company is due sales receipts of c £52,000 from The Old Golf House Hotel Management Ltd (In Liquidation), therefore the overall trading deficit is estimated be c £186,000.

The Former Joint Administrators submitted a claim for business interruption against their insurance policy in respect of the losses suffered during the period of the closure of the Hotel following the COVID-19 lockdown imposed by the Government. The claim was successful and the net sum of £50,913 has been received in this regard during the Reporting Period.

Details of the above are set out in the Receipts and Payments Account at Appendix 1.



#### 2.1.2 Administration Estate Surplus

In the Former Joint Administrators' final report, it was advised that the balance £32,647 held in the Former Joint Administrators' bank account would be transferred into the Liquidation bank account. The actual balance of monies transferred to the Liquidation estate totals £35,859 as shown in the Receipts and Payments account at Appendix 1.

The difference in the balance reported is due to various transactions that have occurred between the period of the final report and the date upon which the case converted to Liquidation. Please see below a reconciliation of the difference:

Balance of monies per final Joint Administrators' Report	<b>£</b> 32.647
Plus:	32,047
Sale of stock	4,103
Less: IT Costs	(806)
Credit Card Refunds	(85)
Balance transferred to the Liquidation Estate	35,859

#### 2.1.3 Freehold Property

The Former Joint Administrators completed the sale of the Hotel during the Administration for a total consideration of £900,000 including the freehold property and the chattels (exclusive of VAT).

#### 2.1.4 Debtors

According to the Company's books and records the outstanding debts to the Company totalled £9,183 as at the Administration Appointment Date. These related to debts connected with the trading of the Hotel such as bookings and events.

Debtor collections to date total £3,720. There have been no realisations in respect of the remaining debtor balances in the Reporting Period.

During the Reporting Period, the Joint Liquidators have been advised by Assured that the debtor ledgers had multiple errors and that the remaining balances were uncollectable, therefore the remaining debtor balance will be written off.

There will be no further realisations to be made in this regard.

#### 2.2 Statutory and Compliance Matters

Certain work has been performed solely to comply with statutory and compliance requirements. Whilst many of these tasks do not have a direct benefit in enhancing realisations, they assist in the efficient compliant progress of the Liquidation, ensuring that work is carried out to a high professional standard.



#### 3. Investigations

Following the previous Administration, the Joint Liquidators' investigations into the Company affairs remain ongoing. The Joint Liquidators cannot, at this stage detail the nature of these investigations as it may hamper any further action that may be required. However, should any of the Company's Creditors have information concerning the Company's affairs that they would like to bring to the Joint Liquidators' attention, please contact this office.

The Joint Liquidators are reviewing the affairs of the Company to ascertain any action which could be taken against third parties to increase recoveries for Creditors. As such, further reports may be submitted to BEIS following these investigations if necessary.

The Joint Liquidators have completed the analyses of the Company's bank accounts, to the extent that the required bank statement data could be obtained.

The Joint Liquidators have sought Counsel's advice on the merits of the claims against third parties from the ongoing investigations and the information gathered to date. The Joint Liquidators have now received Counsel's opinion on certain claims against third parties. The Joint Liquidators are assessing this advice with their lawyers and are liaising with Litigation Funders/Insurers to assess these funding options.

Further advice from Counsel is expected in respect of other claims and these will be assessed for merits and funding in due course. As previously advised, the details of the claims remain highly confidential, and the Joint Liquidators cannot give exact details of such claims as this may hamper any legal actions. A further update will be provided in the next progress report.

#### 4. Liabilities and Dividends

#### 4.1 Secured Creditor

The Company granted the Secured Creditor a debenture, which conferred fixed and floating charges over all the assets of the Company, created on 14 January 2019.

The Company further granted the Secured Creditor a fixed charge over the Hotel property on 14 January 2019. Given the Company's records at the date of appointment, the Company's indebtedness to the Secured Creditor totalled approximately £750,000 subject to accruing interest and charges.

It was subsequently confirmed the balance due to the Secured Creditor, as at 15 July 2020, inclusive of interest, legal charges and additional charges totalled £834,000.

Following the sale of the Hotel, the sum of £644,000 was distributed to the Secured Creditor under its fixed charge.

Any further distribution to the Secured Creditor is subject to the outcome of the settlement of outstanding professional costs and further realisations, an update will be provided in this regard in future progress reports to creditors.

#### 4.2 Preferential Creditors

As previously advised the Company's 34 employees were made redundant on 3 July 2020.



As the employees had been retained by the Former Joint Administrators since the Administration Appointment Date, wages and holiday pay were paid up to date and therefore no preferential claims are anticipated.

#### 4.3 Unsecured Creditors

The Company's books and records indicate Unsecured Creditors total £276,775, and claims received to date total £36.531.

Based on current information available to the Joint Liquidators, it is currently uncertain whether there will be sufficient realisations to enable a distribution to the Unsecured Creditors. This is dependent on asset realisations, costs of the Liquidation and quantum of Creditor claims, once adjudicated.

An update will be provided in the Joint Liquidators' next progress report to Creditors.

#### 4.4 Prescribed Part

For all charges dated post 15 September 2003, a Prescribed Part needs to be calculated and made available to Creditors.

As detailed above, the Company granted a floating charge to the Secured Creditor on 14 January 2019 and therefore, Prescribed Part provisions will apply.

As previously reported, following the sale of the Hotel, the hotel fixtures and fittings were negligible and due to the costs in realising these, a Prescribed Part from these realisations is unlikely to be available and it is uncertain whether the Prescribed Part provisions will apply to any future proceeds.

#### 5. Costs and Expenses

#### 5.1 Joint Liquidators' Remuneration

It is proposed that the Joint Liquidators' fee basis be based on time costs and the remuneration be drawn on the basis of time properly given by the Joint Liquidators and their staff in accordance with the fee estimate provided and Kroll's usual charge out rates for work of this nature.

On 3 December 2020 the Secured Creditor approved the Former Joint Administrators' resolution to draw 75% of the total fee estimate totalling £469,570 and also agreed a fixed fee of 1.5% in regard to realisations made by the Former Joint Administrators of any assets subject to fixed charge security, the approval of which carries over to the Liquidation.

Time has been charged in six-minute units. Further details are shown at Appendix 3.

The time costs incurred by the Joint Liquidators during the Reporting Period total £13,080. This relates to 46 hours at an average hourly rate £284 and specialist investigation time totalling £7,796 representing 16 hours at an average hourly rate of £484.

In accordance with SIP 9, additional information regarding the major areas of time costs incurred during the Reporting Period has been provided overleaf:



- Time costs of £4,519 have been incurred under the heading Cashiering & Accounting representing 13 hours at an average hourly rate of £356. This relates to time incurred in raising payments in order to settle ongoing liabilities and the journaling of receipts received during the Reporting Period.
- Time costs of £3,332 have been incurred under the heading Strategy, Planning and Control, representing 13 hours at an average hourly rate of £261. This relates to time incurred in gathering relevant information and holding discussions both internally and externally with third parties in order to formulate a strategy for the Liquidation to ensure it is dealt with in an efficient and timely manner.
- Time costs of £2,011 have been incurred under the heading Case Review and Diary Management representing 10 hours at an average hourly rate of £207. This relates to time spent on the completion of periodical reviews as required by the Joint Liquidators' regulatory body in accordance with best practice. Furthermore, time under this heading has also been incurred in completing regular monitoring of internal case diary prompts and the review of outstanding matters to ensure the case is progressed in an efficient and timely manner.
- Time costs of £433 have been incurred under the heading Statutory Matters representing 3 hours at an average hourly rate of £157. This relates to time spent dealing with all statutory matters required for the Liquidation during the Reporting Period including the filing of statutory notices, preparing correspondence to be sent to Creditors and attending to all other matters required of the Joint Liquidators under statute.

No remuneration has been drawn by the Joint Liquidators during the Reporting Period.

#### 5.2 Expenses

Expenses are any payments from the Liquidation which are neither a Liquidator's remuneration nor a distribution to a creditor or member. Expenses also include disbursements. Disbursements are payments which are first met by the Liquidator and then reimbursed to the Liquidator from the Liquidation.

Expenses are divided into those that do not need approval before they are charged to the Liquidation (Category 1) and those that do (Category 2).

Category 1 expenses are payments to persons providing the service to which the expense relates who are not an associate of the Liquidator.

Category 2 expense are payments to associates or which have an element of shared costs and require approval from Creditors in the same manner as the Liquidator's remuneration, whether paid directly from the estate or as a disbursement.

In the Reporting Period, Category 1 expenses of £11,036 were incurred and paid in full.

No Category 2 expenses were incurred in the Reporting Period.

#### 5.3 Other costs

The Company has made various intercompany loan to companies within the NPD group totalling £10,500 during the Reporting Period, in order to assist the respective companies in settling certain liabilities.



The intercompany loan will be repaid by the NPD group companies once the assets of the respective estates have been realised. A summary of the intercompany loans can be found in the Receipts and Payments account at Appendix 1.

#### 6. Joint Liquidators' Receipts and Payments Account

A detailed Receipts and Payments Account for the Reporting Period is shown in Appendix 1.

#### 7. Creditors' Rights

Information regarding the fees and expenses of Liquidators, including the rights to challenge such costs, are attached at Appendix 4.

#### 8. Conclusion

The Joint Liquidators will continue to conduct their investigations into the Company and the wider NPD Group of companies with a view to recovery action against third parties as detailed above.

Creditors will receive formal reports annually until the conclusion of the Liquidation.

In the meantime, if you require any further information, please contact Matthew Welden of this office.

) Luciency

Robert Armstrong

Joint Liquidator



Appendix 1 - Joint Liquidators' Receipts and Payments Account



# Pennine Manor Hotel Limited (In Liquidation) Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £	From 17/06/2021 To 16/06/2022 £	From 17/06/2021 To 16/06/2022 £
SECURED ASSETS		
Bank Interest	0.98	0.98
	0.98	0.98
COSTS OF REALISATION		
Agents/Valuers Fees	9,875.00	9,875.00
Agents/Valuers Disbursements	343.00	343.00
•	(10,218.00)	(10,218.00)
ASSET REALISATIONS	,	, ,
Bank Interest Gross	1.68	1.68
Business Interruption Claim	50,913.00	50,913.00
Funds from ADM	35,858.95	35,858.95
Trading Surplus/(Deficit)	(288.14)	(288.14)
VAT control from ADM	(34,256.59)	(34,256.59)
	52,228.90	52,228.90
COST OF REALISATIONS		
Legal Disbursements	111.00	111.00
Loan to Fishguard	5,000.00	5,000.00
Loan to Old Golf House	500.00	500.00
Loan to Queens	5,000.00	5,000.00
Media Agents	627.08	627.08
Stationery & Postage	91.90	91.90
Statutory Advertising	99.45	99.45
	(11,429.43)	(11,429.43)
DEDDEGENTED DV	30,582.45	30,582.45
REPRESENTED BY Fixed account		7,343.41
Fixed charge VAT control account		10,944.68
Floating/main current account		55,223.10
General VAT control account		(45,105.88)
VAT receivable		2,177.62
		30,582.93

### Appendix 2 – Analysis of Expenses Incurred

### Joint Liquidators' Expenses: comparison with estimate

Expenses	Original expenses estimate £	Actual expenses incurred in the Reporting Period £	Actual expenses incurred to date £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Hewlett Swanson	16,000	-	-	N/A
Sanderson Weatherall	14,000	10,218	10,218	N/A
Addleshaw Goddard	-	111	111	
Assured Hotel	10,000	-	-	N/A
Insolvency Risk Service	8,000	-	-	N/A
Courts Advertising Ltd	225	99	99	N/A
Bank Charges	2,000	-	-	N/A
Bonding	225	-	-	N/A
Accurate Mailing Services Ltd	-	92	92	Incurred remote postage costs as a result of restrictions.
Northern Powerhouse Developments Ltd	-	627	627	This is repayment to the NPD following the re-charge for PR costs attributable to the Company.
TOTAL	50,450	11,147	11,147	

#### Notes

The above costs exclude VAT

Previous Progress Reports have informed creditors of an increase in the original estimate.



#### Joint Liquidators' Expenses: Category 1

Category 1			C	urrent period	Cumu	ılative period
Expenses						
Company	Activity	Fee Basis	Incurred (£)	Paid (£)	Incurred (£)	Paid (£)
Sanderson Weatherall LLP	Legal Advice	Time Costs	10,218	10,218	10,218	10,218
Northern Powerhouse Developments Ltd	Media Agents	As Incurred	627	627	627	627
Courts Advertising Ltd	Statutory Advertising	Fixed Fee	99	99	99	99
Bonding	Statutory bond premium	Fixed fee	225	-	225	-
Accurate Mailing Services Ltd	Stationery and Postage	Fixed fee	92	92	92	92
Total		`	11,261	11,036	11,261	11,036

#### Notes

The above costs exclude VAT

The Joint Liquidators' choice of professional advisors was based on their perception of the experience and ability of the respective firms/individuals to perform their work, the complexity and nature of the assignment and the basis of their fee.

Kroll Advisory Ltd, being the employer of the Liquidator and the staff working on the liquidation, is considered an associate of the Liquidator.

It is considered that these expenses are fair and reasonable and proportionate to the liquidation.

There have been no Category 2 expenses incurred in the Liquidation.



### Appendix 3 – Analysis of Time Charged

### Joint Liquidators' Fees

Refer to the table overleaf for a detailed breakdown on the Joint Liquidators' time and cost summary in accordance with SIP 9.



### 106417 PENNINE MANOR HOTEL LIMITED

### ANALYSIS OF LIQUIDATORS TIME COSTS FOR THE PERIOD 17/06/2021 to 16/06/2022

CVL-Creditors Vol Liquidation - Post Appt

			Hours			Total	Time	Avg Hourly
Classification of Work Function	Managing Director	Manager	Senior	Assistant	Support	Hours	Cost £	Rate £
Administration and Planning								
Case review & Case Diary management	0.00	1.50	0.00	8.20	0.00	9.70	2,011.00	207.32
Cashiering & accounting	0.00	7.95	0.00	4.75				
Insurance	0.00	3.25	0.00	0.00	0.00		,	
Statutory matters (Meetings & Reports & Notices)	0.00	0.00	0.00	2.75	0.00	2.75	432.50	157.27
Strategy planning & control (incl engagement financial control)	0.00	2.40	0.70	9.65	0.00	12.75	3,331.50	261.29
Tax Compliance / Planning	0.00	0.35	0.00	2.20	0.00	2.55	494.50	193.92
Creditors								
Dealings with creditors and employees	0.00	0.00	0.00	0.50			75.00	150.00
Non Pref Creditors / Employee claims handling	0.00	0.00	0.00	0.30	0.00	0.30	57.00	190.00
Trading								
Trading - Accounting	0.00	1.50	0.00	0.00	0.00	1.50	892.50	595.00
Total Hours:	0.00	16.95	0.70	28.35	0.00	46.00		284.35
Total Fees Claimed: £	0.00	7,670.00	416.50	4,993.50	0.00		13,080.00	

### 106417 PENNINE MANOR HOTEL LIMITED

### ANALYSIS OF TIME COSTS FOR THE PERIOD 17/06/2021 to 16/06/2022

Investigations

			Hours	Total	Time	Avg Hourly		
Classification of Work Function	Managing Director	Manager	Senior	Assistant	Support	Hours	Cost £	Rate £
	0.00	11.60	0.00	4.50	0.00	16.10	7,796.00	484.22
Total Hours:	0.00	11.60	0.00	4.50	0.00	16.10		484.22
Total Fees Claimed: £	0.00	7,076.00	0.00	720.00	0.00		7,796.00	

#### Appendix 4 - Statement of Creditors' Rights

#### STATEMENT OF CREDITORS RIGHTS

Rule numbers refer to Insolvency (England & Wales) Rules 2016 (as amended) Section numbers refer to Insolvency Act 1986

'Office-holder' is the current Administrator or Liquidator as applicable

#### Information for creditors on remuneration and expenses of liquidators

Information regarding the fees and expenses of Liquidators, including details of the Kroll' expenses policy and hourly charge out rates for each grade of staff that may undertake work on this case, is in a document called "Liquidation: A Guide for Creditors on Insolvency Practitioner Fees". This can be viewed and downloaded from the Joint Liquidators' website at:

https://www.kroll.co.uk/services/restructuring/corporate-restructuring-and-debt-advisory/creditor-guides-and-employee-fact-sheets

(click on 'Liquidations'). Should you require a copy, please contact this office.

#### Creditors have the right to request information from the office-holder under rule 18.9

A secured creditor, an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question) or any unsecured creditor with the permission of the court may make a written request to the office-holder for further information concerning remuneration or expenses. Such a request must be made within 21 days of receipt of this report and a response will be provided within 14 days of receipt of the request.

Creditors have recourse to court, application to be made within 21 days of the office-holder giving reasons for not providing all the information requested or the expiry of the 14 days within which an office-holder must respond to a request.

### Creditors have the right to challenge the office-holder's remuneration and expenses under rule 18.34

A secured creditor, an unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or any unsecured creditor with the permission of the court, may make an application to court on the grounds that the remuneration charged or expenses incurred are excessive and/or that the basis fixed for the office-holder's remuneration is inappropriate. The application to court must be made no later than eight weeks after receipt of the Progress Report where the charging of the remuneration or the incurring of expenses in question occurs.

