

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

SATURDAY



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17/10/2020

#182

COMPANIES HOUSE

### 1 Company details

Company number 0 4 6 4 3 4 0 2

Company name in full PHOENIX SCAFFOLDING (SW) LIMITED

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

### 2 Liquidator's name

Full forename(s) Michelle Anne

Surname Weir

### 3 Liquidator's address

Building name/number First Floor, Envoy House

Street Longbridge Road

Post town Plymouth

County/Region Devon

Postcode P L 6 8 L U

Country United Kingdom

### 4 Liquidator's name ①

Full forename(s)

Surname

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

### 5 Liquidator's address ①

Building name/number

Street

Post town

County/Region

Postcode

Country

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

LIQ03

Notice of progress report in voluntary winding up

**6** Period of progress report

From date	<sup>d</sup> 1	<sup>d</sup> 0	<sup>m</sup> 0	<sup>m</sup> 9	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9
To date	<sup>d</sup> 0	<sup>d</sup> 9	<sup>m</sup> 0	<sup>m</sup> 9	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0

**7** Progress report

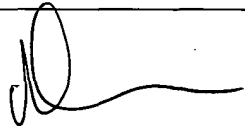
☒ The progress report is attached

**8** Sign and date

Liquidator's signature

Signature

X



X

Signature date

<sup>d</sup> 1	<sup>d</sup> 6	<sup>m</sup> 1	<sup>m</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0
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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 Ben Hoolash

Company name Lameys

Address First Floor

Envoy House

Longbridge Road

Post town Plymouth

County/Region Devon

Postcode P L 6 8 L U

Country United Kingdom

DX

Telephone 01752 254912

**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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)

**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 the form.

**ANNUAL PROGRESS REPORT**

**PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION**

**LIQUIDATORS' PROGRESS REPORT TO CREDITORS FOR THE PERIOD 10 SEPTEMBER 2019  
TO 09 SEPTEMBER 2020**

Lameys  
Envoy House  
Longbridge Road  
Plymouth  
Devon  
PL6 8LU

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# **ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION**

## **Content**

- Executive Summary
- Administration and Planning
- Enquiries and Investigations
- Realisation of Assets
- Creditors
- Ethics
- Fees and Expenses
- Creditors' Rights
- GDPR
- EU Regulations
- Conclusion

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- A. Statutory Information
- B. Receipts and Payments account for the period 10 September 2019 to 9 September 2020.
- C. Detailed list of work undertaken in the period
- D. Expenses summary for period, cumulative & comparison with estimate
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**ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION**

**EXECUTIVE SUMMARY**

A summary of key information in this report is detailed below.

**Assets**

<b>Asset</b>	<b>Estimated to realise per Statement of Affairs</b>	<b>Realisations to date</b>	<b>Anticipated future realisations</b>	<b>Total anticipated realisations</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Balance at Bank	8,015.00	7,836.72	Nil	7,836.72
Scaffold Stock	25,000.00	39,189.28	5,310.72	44,500.00
Motor Vehicles	8,000.00	8,724.47	1,275.53	10,000.00
Office Furniture & Equipment	500.00	Nil	500.00	500.00
Book Debts	48,857.00	27,010.80	Nil	27,010.80
Work in Progress	15,475.00	11,823.50	3,651.50	15,475.00

**Expenses**

<b>Expense</b>	<b>Amount per fees and expenses estimates</b>	<b>Expense incurred to date</b>	<b>Anticipated further expense to closure</b>	<b>Total anticipated expense</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Petitioning costs	Nil	1,735.40	Nil	1,735.40
Preparation of statement of affairs fee	5,000.00	5,000.00	Nil	5,000.00
Statutory Advertising	293.00	325.80		325.80
Statutory Bonding	510.00	510.00	Nil	510.00
Agents' fees - Lambert Smith Hampton	2,000.00	1,650.00	Nil	1,650.00
Agents' fees - Alexander Co		5.45	Nil	5.45
Agents' fees - w3net Solutions		104.00	Nil	104.00
Legal fees - Michelmores	3,000.00	7,154.00	Uncertain	7,154.00
Bank Charges	Nil	2.50	Nil	2.50
Document Swearing Fee	5.00	Nil	Nil	Nil
Land Registry Searches	46.00	Nil	Nil	Nil
Postage	150.00	87.20	53.21	140.41
Post Redirection	204.00	Nil	Nil	Nil
Insurance	300.00	2,081.01	Nil	2,081.01
Mileage	100.00	Nil	100.00	100.00
Joint Liquidators' Fees	15,000.00	15,000.00	Nil	15,000.00

**Dividend prospects**

<b>Creditor class</b>	<b>Distribution / dividend paid to date</b>	<b>Anticipated distribution / dividend, based upon the above</b>
Secured creditor	N/A	N/A
Preferential creditors	N/A	N/A
Unsecured creditors	Nil	Small Distribution

**Summary of key issues outstanding**

- Collection of deferred consideration payments
- Deal with the conclusion of matters identified from the investigations

**Closure**

The ongoing investigations are such that it is difficult to accurately advise creditors with any certainty as to when the closure of this liquidation may occur.

# ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

## ADMINISTRATION AND PLANNING

### Statutory information

Statutory information may be found at Appendix A.

The Joint Liquidators are required to meet a considerable number of statutory and regulatory obligations. Whilst many of these tasks do not have a direct benefit in enhancing realisations for the insolvent estate, they assist in the efficient and compliant progressing of the administration of the case, which ensures that work is carried out to high professional standards. A detailed list of these tasks may be found in Appendix C.

Michelle Weir and Simon Hicks of Lameys were appointed Joint Liquidators of Phoenix Scaffolding (SW) Limited on 10 September 2018. As there was no requirement for two liquidators to remain in office, Simon Hicks confirmed his resignation from office on 31 October 2019. This was filed at Register of Companies with the release date of 22 November 2019.

### Reporting

The Joint Liquidators have met their statutory and regulatory duties to report to creditors, as listed below. In consideration of the need for transparency and engagement with creditors, care has been taken to ensure that reports and other communications with creditors have provided useful details of the strategies pursued and the outcomes anticipated.

During the Review Period, the following key documents have been issued:

- The last progress report;

### Other administration tasks

During the Review Period, the following material tasks in this category were carried out:

- Case reviews etc.

## ENQUIRIES AND INVESTIGATIONS

During the Review Period, the Joint Liquidators carried out an initial review of the Company's affairs in the period prior to appointment. This included seeking information and explanations from the directors by means of questionnaires; making enquiries of the Company's accountants; reviewing information received from creditors; and collecting and examining the Company's bank statements, accounts and other records.

The directors provided the books and records and a completed questionnaire as well as a Statement of Affairs.

The information gleaned from this process enabled the Joint Liquidators to meet their statutory duty to submit a confidential report on the conduct of the directors past and present to the Insolvency Service.

This work was also carried out with the objective of making an initial assessment of whether there were any matters that may lead to any recoveries for the benefit of creditors. This would typically include any potential claims which may be brought against parties either connected to or who have past dealings with the Company.

This initial assessment revealed matters that the Joint Liquidators considered merited further investigation. However, due to the nature of the investigations, it would not be appropriate to disclose any details at this stage. The Liquidator is considering potential actions, and it is believed by disclosing these details could prejudice the potential recovery. The Liquidator will provide creditors with the appropriate details, once in a position to do so.

Although this work may not generate any financial benefit to creditors, it was necessary to meet the statutory duties as well as conduct appropriate enquiries and investigations into potential rights of actions to enhance realisations.

## **ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION**

### **REALISATION OF ASSETS**

Detailed below is key information about asset realisation and strategy, however, more details about the work undertaken may be found at Appendix D. The Joint Liquidators formulated and worked through a realisation strategy that sought to maximise realisations net of costs. The financial benefit of those efforts is described further below.

#### **Transactions with connected parties**

As reported previously, since appointment, a sale to a connected party has occurred.

The Liquidator instructed Simon Cornelius-Light ANAVA at Lambert Smith Hampton, who are professional independent agents with adequate professional indemnity insurance, to dispose of the Company's assets using the most advantageous method available.

Nexus Scaffolding Limited ("Nexus") expressed an interest in purchasing the Company's scaffold stock, office furniture and motor vehicles. Nexus is connected with the Company because the director Paul Bray is also a director of the Company.

Therefore, Nexus was invited to contact Lambert Smith Hampton direct to progress their interest. Lambert Smith Hampton weighed up the advantages of a swift sale, which would avoid the ongoing costs of storing and marketing the assets, against the potential of attracting a better offer albeit that this would involve incurring more costs. Lambert Smith Hampton concluded that Nexus' offer was very likely to represent the best net realisation for the assets and they recommended to the Liquidators that the offer be accepted.

Consequently, the Company's scaffold stock, office furniture and motor vehicles was sold to Nexus on 19 October 2018 for £55,000 (exclusive of any VAT), which is being received via deferred consideration and is due to be settled in full by November 2020. In addition, Nexus has also acquired the Work in Progress for a sum of £15,475.

#### **Collection of deferred consideration**

As I advised in my previous annual report, the Company's scaffolding stock, office furniture, motor vehicles and WIP, were sold to Nexus Scaffolding Limited ("Nexus") for £70,475. I also advised that the consideration was being paid in monthly instalments, due to complete by June 2020.

To the date of this report, Nexus have not yet been able to settle all outstanding amounts due to the liquidation. In total £10,737.75 + VAT of £1,417.25 remains outstanding, and the director, Mr Paul Bray, has advised that this balance should be cleared in instalments between now and early November 2020.

It is noted that, of the 18 payments due under the sale agreement, Nexus only made 3 payments on time without prompting or requiring action by the liquidator or her staff. As a result of the numerous delays and missed payments on Nexus's part, my staff and I have had to undertake much greater work in ensuring that these amounts are received for the benefit of creditors.

Prior to March 2020, this included:

- Renegotiating the payment of the WIP over a 12-month period after Nexus advised they were unable to pay the full amount when it fell due in April 2019
- Regularly chasing for all payments from February 2019 to date, through telephone and email correspondence. Note that in some instances, payments were outstanding by other a month before they were eventually settled.

Mr Bray also advised us that, due to the UK Government's measures introduced to stem the spread of Covid-19 in March 2020, Nexus trading levels were detrimentally impacted, which included a period where trade temporarily ceased. As a result, Nexus were unable to pay contributions from July 2020 onwards, and I subsequently had no alternative but to allow a payment holiday until trade recommenced. Further time was incurred by myself and my staff having to regularly chase Nexus for payment during and after the lockdown. My staff also incurred time attending Nexus's site to ascertain if trading had recommenced.

Furthermore, the delay in concluding the deferred arrangement has resulted in delays in the liquidation process and as such greater administration time has been incurred, such as preparing



## **ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION**

additional annual reports, as well as undertaking general day to day activities to ensure the effective management of the liquidation process, such as regular file reviews and ongoing cashbook management.

Creditors are reminded that the scaffolding stock, office furniture, motor vehicles and WIP consideration amount of £70,475 exceeds the director's statement of affairs value of £48,975 by £21,500, all of which is for the benefit of creditors.

As such, I will be writing to creditors shortly, requesting their acceptance that I may draw a further £10,000 plus VAT in fees on this matter. Without the additional time inputted by my staff and I, it is extremely likely that a significant proportion of the £70,475 consideration would not be received.

### **Balance at bank**

As mentioned in previous report, post insolvency credits are still held by Lloyds Bank.

After a review of the closing bank statements it became apparent that the bank had made payments totalling £4,839.88. These payments should have not left the bank account, as the account was frozen due to the aforementioned winding up petition. A remittance of £4,839.88 was paid by Lloyds Bank to the Joint Liquidators account in June 2020.

### **Scaffold Stock and Motor Vehicles**

As detailed above, scaffold stock and motor vehicles were sold to a connected party.

Realisations in the review period total £17,913.75. There remains a further £7,086.25 plus VAT to be received into the liquidation.

### **Work in progress**

In the review period the sum of £9,243.50 has been received. Total receipts in regards to work in progress equate to £11,823.50 in the liquidation period and a further £3,651.50 is anticipated to be received before completion of the liquidation.

### **Other assets**

The only realisation in the Review Period has been minimal bank interest of £78.88.

## **CREDITORS**

Irrespective of whether sufficient realisations are achieved to pay a dividend to creditors, the Joint Liquidators have had to carry out key tasks which are detailed in the list at Appendix C. The following sections explain the anticipated outcomes to creditors and any distributions paid.

### **Secured creditors**

Lloyds Bank plc ("the Bank") held a fixed charge created on 25 July 2003 in respect of the Company's overdraft. At the date of liquidation, the Company's bank account was in credit and therefore there is no debt was due to the Bank.

The Bank filed a statement of satisfaction on 12 November 2018, confirming the satisfaction of the charge in full.

### **Preferential Creditors**

There are no preferential creditors on this matter as all staff were TUPE transferred prior to the liquidation.

### **Unsecured creditors**

Within the Company's statement of affairs, HMRC was shown to be owed £335,472.04 a claim of £405,420.65 has been received.

Non-HMRC and employee unsecured creditors as per the statement of affairs totalled £84,041.33. Unsecured creditor claims of £476,769.29 have been received inclusive of the claim from HMRC. At present, there are 9 creditor claims yet to be submitted.

## **ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION**

### **Dividend prospects**

The Company has not granted a floating charge to any creditor after 15 September 2003 and consequently there will be no prescribed part in this Liquidation.

There is a likelihood of a dividend to creditors. However, this is dependent on the outcome of the investigations. The liquidators are unable to confirm the timing or quantum of any dividend to unsecured creditors at present.

### **ETHICS**

Please also be advised that the Liquidator is bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

### **General ethical considerations**

During the Review Period, no new threats to compliance with the Code of Ethics have been identified.

### **Specialist Advice and Services**

When instructing third parties to provide specialist advice and services or having the specialist services provided by the firm, the Liquidator is obligated to ensure that such advice or work is warranted and that the advice or work contracted reflects the best value and service for the work undertaken. The firm reviews annually the specialists available to provide services within each specialist area and the cost of those services to ensure best value. The specialists chosen usually have knowledge specific to the insolvency industry and, where relevant, to matters specific to this insolvency appointment. Details of the specialists specifically chosen in this matter are detailed below.

### **FEES AND EXPENSES**

#### **Pre-Appointment Costs**

##### **Pre-Appointment fixed fee agreed with the Directors and ratified by creditors**

The creditors authorised the fee of £5,000 plus VAT for assisting the directors with placing the Company in liquidation and with preparing the statement of affairs on 10 September 2018.

The fee was paid from first realisations on appointment and is shown in the enclosed receipts and payments account.

#### **The joint liquidators' fees**

It is the firm's practice to ensure that work is conducted by the appropriate staff member at the appropriate level of experience. Junior members of staff deal with the day to day administration on cases and a manager and partner then oversees the work undertaken. Where the issues are complex and litigious, the work will be closely supervised or undertaken by a senior manager or partner.

The basis of the joint liquidators' fees was approved by creditors on 8 October 2018 in accordance with the following decision:

- (ii) 30% plus VAT of the recovery of any of the following, as a result of their investigations: -
  - = antecedent transactions
  - = preference transactions
  - = transactions at undervalue
  - = any amounts which require solicitors to be instructed
  - = any debtor balances which are not disclosed on the statement of affairs
- (ii) A fixed fee of £15,000 plus VAT for dealing with all other aspects of the case

The joint liquidators have drawn £15,000 in respect of the approved fixed fee. The joint liquidators have not drawn any fees in respect of their fees approved on a % basis.

## **ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION**

As mentioned above, additional fees will be sort by the Liquidator due to the higher than anticipated time spent by her and her staff pursuing the deferred consideration and WIP payments. Creditors' will be written to shortly to address this matter.

### **Disbursements**

The disbursements that have been incurred and not yet paid during the period are detailed on Appendix D. Also included in Appendix D is a comparison of the expenses likely to be incurred in the Liquidation as a whole with the original expenses estimate, together with reasons where any expenses are likely to exceed that estimate.

The category 1 disbursements paid for in the period 10 September 2019 to 9 September 2020 total £35.83 are detailed at Appendix B and represent the simple reimbursement of actual out of pocket payments made in relation to the assignment.

There are no category 2 disbursements for this period.

Information about this insolvency process may be found on the R3 website at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors' Guide to Fees' together with the firm's charge-out rate and disbursement policy may be found at <https://tinyurl.com/y4veglhu>. A hard copy of both the Creditors' Guide and the firm's charge-out rate and disbursement policy may be obtained on request.

### **Petitioning Costs**

The petitioning creditor's costs have been paid as an expense of the liquidation. The Joint Liquidators paid Keebles LLP £1,735.40 on 22 October 2018 in full and final settlement.

### **Company's former accountants**

Alexander Co were the Company's former accountants. In the review period they notified the Liquidator that they still held company records which were then posted to the Liquidator. A postage fee of £5.45 has been paid in respect of this matter.

## **CREDITORS' RIGHTS**

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidators' remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the joint liquidators' fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

## **EU REGULATIONS (WHETHER PROCEEDINGS ARE MAIN PROCEEDINGS OR TERRITORIAL)**

The Company's centre of main interest was in the UK as their registered office address Lameys, Envoy House First Floor, Longbridge Road, Plymouth, Devon, PL6 8LU and trading address was Creaven House, Huxley Close, Newnham Industrial Estate, Plympton, Plymouth, PL7 4JN and therefore it is considered that the EU Regulations apply. These proceedings are main proceedings as defined in the EU Regulation.

## **GDPR**

The General Data Protection Regulation requires that individuals whose data is being held be contacted and provided with information about their rights. A privacy notice is available at <http://lameys.co.uk/index.php/resources/viewcategory/4-general>.

**ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS'  
VOLUNTARY LIQUIDATION**

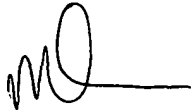
**CONCLUSION**

The administration of the case will be continuing to finalise the following outstanding matters that are preventing this case from being closed:

- Collection of deferred consideration payments
- Deal with the conclusion of matter identified from the investigations

If you require any further information, please contact this office.

Signed



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**Michelle Weir**  
**Liquidator**  
**16 October 2020**

**ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS'  
VOLUNTARY LIQUIDATION**

**Appendix A**

**Statutory Information**

Company Name	Phoenix Scaffolding (SW) Limited
Former Trading Name	N/A
Company Number	04643402
Registered Office	Lameys Envoy House Longbridge Road Plymouth Devon PL6 8LU
Former Registered Office	Creaven House Huxley Close Newnham Industrial Estate Plympton Plymouth PL7 4JN
Office holders	Michelle Anne Weir and Simon Wesley Hicks
Office holders' address	Lameys Envoy House Longbridge Road Plymouth Devon PL6 8LU
Date of appointment	10 September 2018

**Change in office holder:**

Michelle Weir and Simon Hicks of Lameys were appointed Joint Liquidators of Phoenix Scaffolding (SW) Limited on 10 September 2018. As there was no requirement for two liquidators to remain in office, Simon Hicks confirmed his resignation from office on 31 October 2019. This was filed at Register of Companies with the release date of 22 November 2019.

**PHOENIX SCAFFOLDING (SW) LIMITED**  
**CREDITORS' VOLUNTARY LIQUIDATION**

**RECEIPTS & PAYMENTS ACCOUNT**

10 SEPTEMBER 2018 - 09 SEPTEMBER 2020

Estimated to realise per Statement of Affairs		10/09/2019 TO 09/09/2020	TOTAL TO DATE
£	RECEIPTS	£	£
8,015	Balance at bank	4,839.88	7,836.72
25,000	Scaffold stock	14,689.28	39,189.28
8,000	Motor vehicles	3,224.47	8,724.47
500	Office furniture & equipment	-	-
48,857	Book debts	-	27,010.80
15,475	Work in progress	9,243.50	11,823.50
0	Interest	78.88	101.13
<b>105,847</b>		<b>32,076.01</b>	<b>94,685.90</b>
	<b>PAYMENTS</b>		£
	Petitioning costs	-	1,735.40
	Preparation of statement of affairs	-	5,000.00
	Statutory Advertising	-	325.80
	Statutory bonding	-	510.00
	Agents fees - Lamber Smith Hampton	-	1,650.00
	- Alexander Co	5.45	5.45
	- w3net Solutions	-	104.00
	Legal fees	-	7,154.00
	Bank Charges	2.50	2.50
	Postage	27.88	87.20
	Insurance	-	2,081.01
	Liquidators remuneration	-	15,000.00
		<b>35.83</b>	<b>33,655.36</b>
			<b>61,030.54</b>
	<b>Held as:</b>		
	VAT Payable		-582.75
	Balance at bank		<u>61,613.29</u>
	<b>Total</b>		<b><u>61,030.54</u></b>

Notes:

1. Receipts & Payments are stated net of VAT

ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Appendix C

**Detailed list of work undertaken for Phoenix Scaffolding (SW) Limited in Creditors' Voluntary Liquidation for the review period 10 September 2019 to 9 September 2020**

Below is detailed information about the tasks undertaken by the Joint Liquidators'.

<b>General Description</b>	
<b>Statutory and General Administration</b>	
Statutory/advertising	Filing of documents to meet statutory requirements including annual receipts and payments accounts Annual corporation tax returns Quarterly VAT returns Advertising in accordance with statutory requirements Bonding the case for the value of the assets
Document maintenance/file review/checklist	Filing of documents Periodic file reviews documenting strategy Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards Maintenance of statutory and case progression task lists/diaries Updating checklists
Bank account administration	Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Maintenance of the estate cash book Banking remittances and issuing cheques/BACS payments
Planning / Review	Discussions regarding strategies to be pursued Meetings with team members to consider practical, technical and legal aspects of the case
Books and records / storage	Dealing with records in storage Sending job files to storage
Reports	Circulating initial report to creditors upon appointment Preparing annual progress report, investigation and general reports to creditors Disclosure of sales to connected parties
<b>Investigations</b>	
<b>Realisation of Assets</b>	
Sale of Assets	Pursuing and collecting deferred sale consideration Reviewing Asset Sale Agreement to outline contractual terms to purchaser Regularly liaising with purchaser regarding outstanding payments in the form of letters, emails and telephone correspondence. Renegotiation with purchaser, leading to creation of new payment schedule to accommodate for break in payments of deferred consideration and WIP as a result of Covid-19 impact on purchasers ability to trade.
Other assets: VAT/corporation tax refunds	Exchanges with government departments
<b>Creditors and Distributions</b>	
Creditor Communication	Receive and follow up creditor enquiries via telephone Review and prepare correspondence to creditors and their representatives via email and post

ANNUAL PROGRESS REPORT OF PHOENIX SCAFFOLDING (SW) LIMITED - IN CREDITORS'  
VOLUNTARY LIQUIDATION

Appendix D

**Expenses summary for period, cumulative & comparison with estimate  
for Phoenix Scaffolding (SW) Limited in Creditors' Voluntary Liquidation**

Below are details of the Joint Liquidators' expenses for the period under review and the total to date.

Expenses	Original expenses estimate £	Actual expenses incurred in the Review Period £	Actual expenses incurred to date £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
<b>Category 1 Expenses</b>				
Petitioning Costs	1,735.00	Nil	1,735.00	
Legal costs - Michelmores	3,000.00	Nil	7,154.00	Drafting of asset sale agreement not previously anticipated. (See note 1)
Agents Fees – Lambert Smith Hampton	2,000.00	Nil	1,650.00	
Agents Fees – Alexander Co		5.45	5.45	
Agents Fees – w3net Solutions		Nil	104.00	
Statutory Advertising	293.00	Nil	325.80	
Insurance	300.00	Nil	2,081.01	Insurance of stock prior to completion of asset sale agreement. (See note 1)
Statutory Bonding	510.00	Nil	510.00	
Postage	150.00	27.88	87.20	
Bank Charges	Nil	2.50	2.50	

Note 1: Although expenses were higher than expected in the original expenses estimate, these higher than anticipated expenses were necessary in order for the Liquidator to maximise realisations in the liquidation. As a result of the Liquidator's efforts, realisations in respect of scaffold stock and motor vehicles and office furniture and equipment, which were estimated to realise as per the directors statement of affairs, a total of £33,500.00 were instead sold for a combined total of £55,000.00.



## ADDITIONAL INFORMATION IN RELATION TO LIQUIDATORS' FEES

### 1 Policy

Detailed below is Lameys policy in relation to:-  
Staff allocation and the use of sub-contractors  
Professional advisors  
Disbursements

#### 1.1 Staff allocation and the use of sub-contractors

Lameys general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.

The constitution of the case team will usually consist of a Partner, Manager, Senior and Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and on larger, more complex cases, several Seniors/Assistants may be allocated to meet the demands of the case.

It has been our policy as Joint Liquidators to delegate the routine administration of the Liquidation to junior staff in order to maximise the cost effectiveness of the work performed. These staff are supervised by the Liquidators. Any matter of particular complexity or significant that requires responsibility of exceptional kind will be dealt with by the Liquidators.

In common with all professional firms, the Joint Liquidators scale rates increase from time to time over the period of the administration of each Insolvency case. Lameys or any successor firm reserves the right to change the rates and grade structure.

Lameys does not utilise the services of any sub-contractors.

#### 1.2 Professional advisors

On this assignment we have used the professional advisors listed below. I have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis.

Professional Advisor	Nature of Work	Basis of Fee Arrangement
Lambert Smith Hampton	Valuation advice in respect of the Company's assets	Time cost basis
W3net Solutions Limited	IT support	Time costs basis
Michelmores	Legal advice	Time cost basis

The choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them.

#### 1.3 Disbursements

Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case. Lameys seeks to recover those expenses and costs that constitute Category 1 disbursements, if funds permit.

Category 2 disbursements do require approval from creditors. These disbursements can include costs incurred which relate to payments due to associated companies for the provision of services to the office holder. It is Lameys policy not to charge for Category 2 disbursements, other than business mileage at the published rate.

### 2 Creditors Guide to Fees

Creditors may obtain the guidance note 'A Creditors Guide to Liquidators Fees' at <https://tinyurl.com/y4veglhu> or upon request to myself.

### 3 Requests for further information/Rights to challenge remuneration and expenses

3.1 An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

3.2 An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expense or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.