



CASE NO. CR-2016-240356

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IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

BEFORE REGISTRAR BRIGGS

DATED 17 February 2016

IN THE MATTER OF PALMERSTON FURNITURE LIMITED (IN ADMINISTRATION) AND ANOTHER

AND IN THE MATTER OF HARVEST FINANCE LIMITED (IN COMPULSORY LIQUIDATION)

AND IN THE MATTER OF ACACIA PROPERTIES LIMITED (IN CREDITORS VOLUNTARY LIQUIDATION)

AND IN THE MATTER OF AN OFFICE-HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN:-

BETWEEN:-

(1) JAMES BERNARD STEPHEN  
-and-  
(2) FRANCIS GRAHAM NEWTON  
-and-  
(3) KERRY FRANCHINA BAILEY

-and-

(1) DAVID JOHN HILL  
-and-  
(2) ANNE BUCHANAN  
-and-  
(3) BRYAN ALAN JACKSON  
-and-  
(4) SARAH MEGAN RAYMENT

Applicants



QIQ 17/03/2016 #134  
COMPANIES HOUSE

THURSDAY

Respondents

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**ORDER**


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UPON THE APPLICATION of James Bernard Stephen and Francis Graham Newton and Kerry Franchina Bailey ("the Applicants")

AND UPON READING the witness statements filed in support of the application

**AND UPON** the parties agreeing that the Court should dispose of this application without a hearing

**AND UPON** the application having been served upon the Insolvency Service and, acting under delegated authority of the Secretary of State, confirming by letter of 15 January 2016 that there is no objection to the application

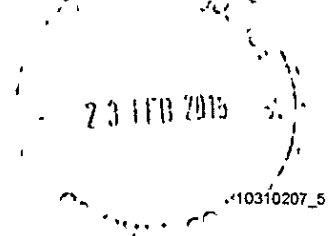
**AND BY CONSENT**

**IT IS ORDERED THAT:**

1. The cases listed in Schedules A and B attached to this Order, in so far as they are currently proceeding in a District Registry of the High Court, be transferred to the High Court at the Royal Courts of Justice for the purpose of making the orders listed below
2. The First Respondent be removed from the office of administrator of each of the companies listed in Schedule A to this Order with immediate effect from the date of this Order.
3. The Second Applicant, Francis Graham Newton, (the "First Successor Practitioner") be appointed as the administrator of the companies listed in Schedule A to this Order in place of the First Respondent with immediate effect from the date of this Order.
4. For the avoidance of doubt, the First Applicant, James Bernard Stephen, will remain in office as the administrator of the companies listed in Schedule A to this Order and will hold office jointly together with the First Successor Practitioner (such appointment to be joint and several)
5. The Second and Third Respondents be removed from the office of liquidator of the company listed in Part 1 of Schedule B to this Order with immediate effect from the date of this Order
6. The First Applicant, James Bernard Stephen, and the First Successor Practitioner be appointed as liquidator of the company listed in Part 1 of Schedule B to this Order in place of the Second and Third Respondent with immediate effect, such appointment to be joint and several
7. The Second Respondent be removed from the office of liquidator of the company listed in Part 2 of Schedule B to this Order with immediate effect from the date of this Order

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- 8 The Fourth Respondent, Sarah Megan Rayment, (the "Second Successor Practitioner") be appointed as liquidator of the company listed in Part 2 of Schedule B to this Order in place of the Second Respondent with immediate effect from the date of this Order
9. For the avoidance of doubt, the Third Applicant, Kerry Franchina Bailey, will remain in office as the liquidator of the company listed in Part 2 of Schedule B to this Order and will hold office jointly together with the Second Successor Practitioner (such appointment to be joint and several)
- 10 Notwithstanding the removal of the First Respondent and the appointment of the First Successor Practitioner as administrator of the companies listed in Schedule A to this Order, any progress reports that are filed in relation to each of these companies will continue to cover the period specified in Rule 2.47(3) of the Insolvency Rules 1986, and this shall override Rule 2.47(3A) of the Insolvency Rules 1986 and any requirement that would otherwise require a progress report to be made to members and/or creditors or would otherwise alter the period to be covered by progress reports or the dates by which those reports need to be sent to members and/or creditors and the Registrar of Companies on the termination, or commencement of replacement of an office-holder's appointment
11. Notwithstanding the removal of the Second and Third Respondent and the appointment of the First Applicant and the First Successor Practitioner as the joint liquidators of the company listed in Part 1 of Schedule B to this Order and the appointment of the Second Successor Practitioner as the joint liquidator of the company listed in Part 2 of Schedule B to this Order, any progress reports that are filed in relation to these companies will continue to cover the period specified in Rule 4.49B(4) of the Insolvency Rules 1986, and this shall override Rule 4.49B(5) of the Insolvency Rules 1986 and any requirement that would otherwise require a progress report to be made to members and/or creditors or would otherwise alter the period to be covered by progress reports or the dates by which those reports need to be sent to members and/or creditors and the Registrar of Companies on the termination, or commencement of replacement of an office-holder's appointment
12. The First Successor Practitioner do give notice of his appointment to all creditors of the estates listed in Schedule A, and the First Successor Practitioner together with the First Applicant to all creditors of the estate listed in Part 1 of Schedule B to this Order, and to the Secretary of State for Business, Innovation and Skills within 28 days of the date of this Order by way of advertisement in the London Gazette



- 13 The Second Successor Practitioner together with the Third Applicant do give notice of her appointment to all creditors of the estate listed in Part 2 of Schedule B to this Order, and to the Secretary of State for Business, Innovation and Skills within 28 days of the date of this Order by way of advertisement in the London Gazette
- 14 In relation to the insolvency proceedings listed in Schedules A and B to this Order, and insofar as the Insolvency Act 1986 or the Insolvency Rules 1986 contain any requirement for advertisement of the removal or substitution of any of the Respondents or their substitution by any of the Applicants, the requirement shall be dispensed with save to the extent provided for in this Order. Insofar as the Respondents are required by law to file any notice of their removal from office, the Applicants (and each of them) are entitled to sign and send any such notice on their behalf
- 15 All creditors of the estates listed in Schedule A and Parts 1 and 2 of Schedule B to this Order do have permission to apply to the Court, on notice to the Applicants, within 28 days of the advertisements referred to in paragraphs 12 and 13 of this Order for the purposes of applying to vary or discharge the Order in so far as it affects the estate or estates of which they are a creditor
- 16 In the liquidations listed in Parts 1 and 2 of Schedule B to this Order, the Second and Third Respondents shall not be at liberty to apply to the Secretary of State for their release until the expiry of 42 days from the date when the relevant notices referred to in paragraphs 12 and 13 of this Order have been placed in the London Gazette
17. In the case of the administrations listed in Schedule A to this Order, the First Respondent be released from all liability both in respect of any of their acts and omissions in relation to their conduct as office-holder of the relevant estates with effect from 28 days from the date when the relevant notice referred to in paragraph 12 of this Order has been placed in the London Gazette, save in respect of any claim notified to the First Respondent pursuant to the Insolvency Act 1986 and/or pursuant to such other provision as may apply by that date
- 18 The time for service of the Application Notice upon the Respondents be abridged
19. There be no Order as to costs such that BDO LLP bear the cost of and incidental to this application.
20. Permission to apply.

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BEFORE REGISTRAR BRIGGS

DATED 2016

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LIMITED (IN ADMINISTRATION) AND ANOTHER

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LIMITED (IN COMPULSORY LIQUIDATION)

AND IN THE MATTER OF ACACIA PROPERTIES  
LIMITED (IN CREDITORS VOLUNTARY  
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1986

BETWEEN:-

(1) JAMES BERNARD STEPHEN

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(2) FRANCIS GRAHAM NEWTON

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(3) KERRY FRANCHINA BAILEY

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(1) DAVID JOHN HILL

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(2) ANNE BUCHANAN

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(3) BRYAN ALAN JACKSON

-and-

(4) SARAH MEGAN RAYMENT

Respondents

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ORDER

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Solicitors for the Applicants and Respondent

# **Schedule A**

## **Administrations**

<b>Name</b>	<b>Court of proceedings (in any)</b>	<b>Appointed on</b>	<b>Case Reference</b>	<b>Current office-holder (1)</b>	<b>Current office-holder (2)</b>	<b>Proposed successor practitioner</b>
Enemetric Limited (company number 08124564)	High Court of Justice, Chancery Division, Royal Courts of Justice, Bankruptcy and Companies Court	10.12 2014	8939 of 2014	James Bernard Stephen	David John Hill	Francis Graham Newton, in place of David John Hill
Palmerston Furniture Limited (company number 07868477)	High Court of Justice, Chancery Division, Leeds District Registry	27 03.2015	288 of 2015	James Bernard Stephen	David John Hill	Francis Graham Newton, in place of David John Hill

## Schedule B

### Liquidations

#### Part 1 - Compulsory Liquidation (First and Second Applicants as Proposed Successors)

Name	Court of proceedings	Appointed on	Case Reference	Current office-holder (1)	Current office-holder (2)	Proposed successor practitioners)
Harvest Finance Limited (company number 5237950)	High Court of Justice, Chancery Division, The Royal Courts of Justice, Bankruptcy and Companies Court	15 06 2015	3976 of 2012	Bryan Alan Jackson	Anne Buchanan	(1) James Bernard Stephen  (2) Francis Graham Newton

#### Part 2 – Creditors' Voluntary Liquidations (Fourth Respondent as Proposed Successor)

Name	Court of proceedings	Appointed on	Case Reference	Current office-holder (1)	Current office-holder (2)	Proposed successor practitioners)
Acacia Properties Limited (company number 04647551) (formerly in Administration, now in Creditors Voluntary Liquidation)	High Court of Justice, Chancery Division, Chancery Division, Birmingham District Registry	04 04 2013 (Administration) 26 09 2014	8172 of 2013	Anne Buchanan	Kerry Franchina Bailey	(1) Sarah Megan Rayment