

The Insolvency Act 1986

Administrator's progress report

2.24B

Name of Company Acacia Properties Limited
--

Company Number 04647551

In the High Court of Justice, Chancery Division, Birmingham District Registry [full name of court]

Court case number (For court use only) 8172 of 2013
--

Insert full name(s) and
address(es) of the
administrator(s)

We^(a)

Kerry Bailey of BDO LLP, 3 Hardman Street, Spinningfields, Manchester, M3 3HF

and

Anne Buchanan of BDO LLP, 4 Atlantic Quay, 70 York Street, Glasgow, G2 8JX

administrators of the above company attach a progress report for the period

(b) Insert dates

(b) From 21 September 2014

(b) To 26 September 2014

Signed

For the Joint Administrators

Dated

31.10.14

Contact Details

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

Kerry Bailey
BDO LLP
3 Hardman Street
Spinningfields
Manchester
M3 3HF

Tel 0161 817 7500



A27

04/11/2014

#78

COMPANIES HOUSE

When you have completed and signed this form please send it to the Registrar of Companies at

Companies House, Crown Way, Cardiff, CF14 3UZ

DX 33050 Cardiff

TO ALL KNOWN MEMBERS & CREDITORS

31 October 2014

Our Ref KB/MR/00231655

Direct line 0161 833 8295

Email mike.roberts@bdo.co.uk

Dear Sirs

**Acacia Properties Limited - Previously in Administration, now in Liquidation
("the Company")**

In accordance with Rule 2.117A of the Insolvency Rules 1986 I write to provide you with my final progress report for the period from 21 September 2014 to 26 September 2014 (the date the Company moved into Creditors' Voluntary Liquidation)

This progress report should be read in conjunction with the Administrators' proposals and our three subsequent progress reports sent to all creditors previously. The most recent of which is of even date and was in respect of the period from 21 March 2014 to 20 September 2014.

1. Statutory Information

- 1.1 The Joint Administrators were Kerry Bailey and Anne Buchanan of BDO LLP and they were appointed in respect of the Company on 4 April 2013. Under the provisions of Paragraph 100(2) of Schedule B1 of the Insolvency Act 1986 the Administrators carried out their functions jointly and severally and neither Administrator had exclusive power to exercise any function
- 1.2. The Administrators were appointed by West Bromwich Commercial Limited ("West Brom") being a Qualifying Floating Chargeholder, pursuant to Paragraph 14 of Schedule B1 of the Insolvency Act 1986. The Administration proceedings are dealt with in the High Court of Justice, Chancery Division, Birmingham District Registry and the court case number is 8172 of 2013.
- 1.3. The Company's registered office is situated at 3 Hardman Street, Spinningfields, Manchester M3 3AT and the registered number is 04647551.
- 1.4 In accordance with the Administrators' revised proposals, the relevant form was filed with Companies House on 26 September 2014 to move the Company from Administration to Creditors' Voluntary Liquidation. The Joint Administrators became the Company's Joint Liquidators, as no other nominations were received from creditors

- 1.5. I enclose, for your information, a copy of the Administrators' abstract receipts and payment account covering the period from 21 September 2014 to 26 September 2014, and report as follows:

2. Receipts

2.1 55-59 Upper Craigs, Stirling

- 2.1.1 The Donny's Carpets rent for the ground floor was paid up to date in the prior period for the quarter ending 27 November 2014

- 2.1.2 The invoicing of the rent to Rileys' Administrators is in the process of being finalised and agreed

2.2. 106 High Street, Eltham

- 2.2.1 Rents have continued to be paid on time by the tenant, Shoe Zone Limited, and £13,125 was received in the period of this report, which represents the rent payable from 29 September 2014 to 24 December 2014.

3. Payments

3.1 106 High Street, Eltham

- 3.1.1 Managing agent fees have been paid to Orbit (£263) from the aforementioned rental collection for the quarter ending 24 December 2014

4. Future Asset Realisations

- 4.1. Rents, insurance recharges and licence fees payable by tenants of the Company's Stirling and Eltham properties under the terms of their respective occupancy agreements will continue to be collected by the Joint Liquidators.

- 4.2. Once the tenancy position of the upper floors at Stirling is resolved, the property will be valued and a decision taken by the Joint Liquidators and West Brom, the secured lender, on a realisation strategy for that property

- 4.3. Having discussed the current Eltham position with the secured lender, Bank of Ireland, there is no short term intention to dispose of the Eltham property.

5. Future of the Administration

- 5.1 The Company moved in to Creditors' Voluntary Liquidation on 26 September 2014 in accordance with the Administrators' revised proposals. The Joint Administrators have become the Joint Liquidators

6. Prospects for Creditors

- 6.1. The prospects for creditors remain the same as outlined in the Administrators' progress report of even date for the period from 21 March 2014 to 20 September 2014

7. Administrators' Remuneration

- 7.1 Under the terms of the Insolvency Rules 1986, the Joint Administrators were obliged to fix their remuneration in accordance with Rule 2.106(2). This permits remuneration to be fixed as a percentage of the property with which the Administrators have to deal, by reference to the time the Joint Administrators and their staff have spent in attending to matters, or a fixed amount. Remuneration may be fixed on one or a combination of any of the foregoing bases.
- 7.2. In respect of this Administration, creditors previously approved our remuneration on a time cost basis.
- 7.3. A schedule is attached summarising the time costs in the period of this report in the amount of £538 and indicating the work undertaken in that respect. The time costs comprise of 2.65 hours at an average chargeout rate of £203 per hour.
- 7.4. Also attached is a schedule summarising the time costs for the entire period of the Administration up to 26 September 2014 in the amount of £105,670 and indicating the work undertaken in that respect. The time costs comprise of 511 hours at an average chargeout rate of £207 per hour.
- 7.5. Fees of £75,935 have been drawn in respect of these total time costs. These fees have been drawn from funds attributable to the general body of creditors in the amount of £20,000 and £55,921 from funds attributable to the fixed charge security of the Company's secured lenders.
- 7.6 Creditors should refer to BDO LLP's attached policy on fees and disbursements for further information in relation to BDO LLP's charge out rates and the charging of disbursements.
- 7.7 A creditors' guide to fees in Administrations can be downloaded from our website, www.bdo.co.uk/cgtf. A hard copy of the guide will be provided to any creditor who requests one.

8. Disbursements

- 8.1 Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. Category 1 disbursements totalling £14 have been drawn. These disbursements relate to Companies House and Land Registry search fees.
- 8.2 Some administrators recharge expenses for example postage, stationery, photocopying charges, telephone and fax costs, which cannot economically be recorded in respect of each specific case. Such expenses, which are apportioned to cases, require the approval of the creditors, before they can be drawn, and these are known as category 2 disbursements. The policy of BDO LLP is not to charge any category 2 disbursements except for mileage charges. Mileage is currently charged at 45 pence per mile with an additional surcharge of 5 pence per mile if there is a passenger(s). No mileage disbursements have been incurred in the Administration.

9. Creditors' Rights

- 9.1 I attach an extract from the Insolvency Rules 1986 that sets out the rights of creditors to request further information and/or challenge the remuneration or fees within the Administration.

10. Complaints

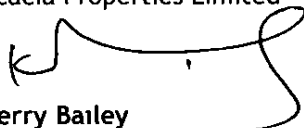
- 10.1 The Insolvency Services has established a central gateway for considering complaints in respect of Insolvency Practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <http://www.bis.gov.uk/insolvency/contact-us/IP-Complaints-Gateway> where you will find further information on how you may pursue the complaint

11. Additional Information

- 11.1. I trust this report provides you with sufficient information, but if you require more information or have any questions please contact Mike Roberts of this office using one of the contact methods below:

- By email mike.roberts@bdo.co.uk
- By telephone 0161 817 7500; or
- By fax: 0161 817 7683

Yours faithfully
for and on behalf of
Acacia Properties Limited



Kerry Bailey
Former Joint Administrator, now Joint Liquidator
Authorised by the Institute of Chartered Accountants in England & Wales

Enc

Acacia Properties Limited
(In Administration)

Summary of Receipts & Payments

RECEIPTS	From 04/04/2013 To 20/09/2014 (£)	From 21/09/2014 To 26/09/2014 (£)	Total (£)
West Brom Contribution to Costs	87,498 62	0 00	87,498 62
Rent Received (Stirling)	80,844 51	0 00	80,844 51
Rent Received (Stevenage)	29,472 61	0 00	29,472 61
Rent Received (Eltham)	65,625 00	13,125 00	78,750 00
Sale of Stevenage	1,100,000 00	0 00	1,100,000 00
Insurance Recharges to Tenants Eltham	1,852 74	0 00	1,852 74
Cash at Bank (subject to Deed of Assignm Bank of Ireland Eltham	12,829 69	0 00	12,829 69
Cash at Bank (subject to Deed of Assignm Newcastle B/S Stevenage	15,674 46	0 00	15,674 46
Cash at Bank	34,519 62	0 00	34,519 62
Bank Interest Gross	33 59	1 13	34 72
PAYMENTS	1,428,350 84	13,126 13	1,441,476 97
Newcastle Building Society	1,120,425 18	0 00	1,120,425 18
Agents Fees (Stevenage) Black Stanniland	1,000 00	0 00	1,000 00
Agents Fees (Stevenage) Meghraj	731 26	0 00	731 26
Agents Fees (Stevenage) Sanderson Weatherall	13,375 00	0 00	13,375 00
Agents Fees (Stirling) Reef Property Limited	26,538 00	0 00	26,538 00
Agents Fees (Stirling) GBR Phoenix Beard	9,672 40	0 00	9,672 40
Agents Fees (Stirling) Eric Young and Co	6,300 00	0 00	6,300 00
Agents Fees (Stirling) Forrest Outdoor Media Limited	158 17	0 00	158 17
Agents Fees (Stirling) KJ Tait Engineers	3,540 00	0 00	3,540 00
Agents Fees (Stirling) Plan London Limited	3,265 00	0 00	3,265 00
Agents Fees (Stirling) Network EPS Ltd	450 00	0 00	450 00
Agents Fees (Stirling) Vital Property Solutions (EPC)	365 00	0 00	365 00
Agents Fees (Stirling) Robertson Surveyor and Consultants	390 00	0 00	390 00
Agents Fees (Stirling) J P Asbestos Surveys	875 00	0 00	875 00
Bank of Ireland	67,510 95	10,815 15	78,326 10
Agents Fees (Eltham) - Meghraj	1,181 24	0 00	1,181 24
Agents Fees (Eltham) Lambert Smith Hampton	2,000 00	0 00	2,000 00
Agents Fees (Eltham) Orbit Property Management	299 55	262 50	562 05
Property Works (Stirling)	39,261 52	0 00	39,261 52
Office Holders Fees West Bromwich Commercial	43,420 76	0 00	43,420 76
Office Holders Fees - Bank of Ireland	7,500 00	1,500 00	9,000 00
Office Holders Fees - Newcastle B/S	3,500 00	0 00	3,500 00
Legal Fees Stevenage	3,675 30	0 00	3,675 30
Legal Fees Stirling	6,084 33	0 00	6,084 33
Insurance Stevenage	2,033 61	0 00	2,033 61
Insurance Stirling	8,685 12	0 00	8,685 12
Insurance Eltham	2,363 04	0 00	2,363 04
Office Holders Fees	20,000 00	0 00	20,000 00
Office Holders Expenses	14 00	0 00	14 00
Bank Charges	63 00	0 00	63 00
Surplus passed to Liquidators	0 00	34,221 89	34,221 89
	1,394,677 43	46,799 54	1,441,476 97
Net Receipts/(Payments)	33,673 41	(33,673 41)	0 00
MADE UP AS FOLLOWS			
Bank 1 Current	35,327 40	(35,327 40)	0 00
VAT Receivable / (Payable)	(1,653 99)	1,653 99	0 00
	33,673 41	(33,673 41)	0 00

Summary of Time Charged and Rates Applicable for the Period From 21 September 2014 to 26 September 2014

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV RT
	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	
		£		£		£		£		£		£		£	£
E Assets Realisation/Dealing			1 80	365 40									1 80	365 40	203 00
J Distributions and Closure			0 85	172 55									0 85	172 55	203 00
	0 00	0 00	2 65	537 95	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00	2 65	537 95	

Net Total

2 65 537 95

Secretarial Expense

0 00

Other Disbursements

0 00

Billed

-1,500 00

Grand Total

-962 05

Summary of Time Charged and Rates Applicable for the Period From 04 April 2013 to 26 September 2014

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV RT
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
C Planning and Strategy	13.70	6,082.90	1.65	334.95	25.35	4,370.35							40.70	10,788.20	265.07
D General Administration	6.20	2,167.00	40.65	8,330.80	32.40	5,841.80	5.90	1,058.85	12.80	2,009.45	14.40	1,022.90	112.35	20,430.80	181.85
E Assets Realisation/Dealing	14.70	5,998.10	68.25	14,972.15	120.05	21,679.05							203.00	42,649.30	210.10
H Creditor Claims			0.25	50.75	0.25	39.25							0.50	90.00	180.00
I Reporting	12.50	4,668.90	39.35	8,499.65	98.25	17,899.65							150.10	31,068.20	206.98
J Distributions and Closure			0.85	172.55									0.85	172.55	190.18
K Work			0.90	290.30					2.75	180.25			3.65	470.55	128.92
	47.10	18,916.90	151.90	32,651.15	276.30	49,830.10	5.90	1,058.85	15.55	2,189.70	14.40	1,022.90			

Net Total	511.15	105,669.60
Secretarial Expense		0.00
Other Disbursements		14.00
Billed		-75,934.76
Grand Total		29,748.84



Acacia Properties Limited - Previously in Administration, now in Liquidation

In accordance with best practice I provide below details of policies of BDO LLP in respect of fees and expenses for work in relation to the above insolvency

The current charge out rates per hour of staff within my firm who may be involved in working on the insolvency, follows: This in no way implies that staff at all such grades will work on the case

GRADE	£
Partner1	461
Partner2	371
Director	313
Senior Manager	266-289
Manager	198-227
Assistant Manager	181
Senior Executive	167
Executive	122-136
Junior Executive	97
Cashier	167
Trainee	61
Support staff/Secretary	61

The rates charged by BDO LLP, 3 Hardman Street, Manchester, M3 3AT are reviewed in December and July each year and are adjusted to take account of inflation and the firm's overheads

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. Units of time can be as small as 3 minutes. BDO LLP records work in respect of insolvency work under the following categories -

Pre Appointment
Steps upon Appointment
Planning and Strategy
General Administration
Asset Realisation/Management
Trading Related Matters
Employee Matters
Creditor Claims
Reporting
Distribution and Closure
Other Issues

Under each of the above categories the work is recorded in greater detail in sub categories Please note that the 11 categories provide greater detail than the six categories recommended by the Recognised Professional Bodies who are responsible for licensing and monitoring insolvency practitioners.

Where an officeholder's remuneration is approved on a time cost basis the time invoiced to the case will be subject to VAT at the prevailing rate.

Where remuneration has been approved on a time costs basis a periodic report will be provided to any committee appointed by the creditors or in the absence of a committee to the creditors The report will provide a breakdown of the remuneration drawn and will enable the recipients to see the average rates of such costs



1) Other Costs

Where expenses are incurred in respect of the insolvent estate they will be recharged. Such expenses can be divided into two categories.

2) Category 1

This heading covers expenses where BDO LLP has met a specific cost in respect of the insolvent estate where payment has been made to a third party. Such expenses may include items such as advertising, couriers, travel (by public transport), land registry searches, fees in respect of swearing legal documents etc. In each case the recharge will be reimbursement of a specific expense incurred.

3) Category 2

Insolvency practice additionally provides for the recharge of expenses such as postage, stationery, photocopying charges, telephone, fax and other electronic communications, which cannot be economically recorded in respect of each specific case. Such expenses, which are apportioned to cases, must be approved by the creditors in accordance with the Insolvency Rules 1986, before they can be drawn, and these are known as category 2 disbursements. The policy of BDO LLP in respect of this appointment is not to recharge any expense which is not a specific cost to the case, therefore there will be no category 2 disbursements of the aforementioned nature charged.

A further disbursement under this heading is the cost of travel where staff use either their own vehicles or company cars in travelling connected with the insolvency. In these cases a charge of 45p per mile is raised which is in line with the Inland Revenue Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff. Where costs are incurred in respect of mileage, approval will be sought in accordance with the Insolvency Rules 1986 to recover this disbursement.

Where applicable, all disbursements will be subject to VAT at the prevailing rate.

BDO LLP

Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Administrators' fees and expenses:-

Rule 2.48A Creditors' request for further information

(1) If—

(a) within 21 days of receipt of a progress report under Rule 2.47—

(i) a secured creditor, or

(ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or

(b) with the permission of the court upon an application made within that period of 21 days, any unsecured creditor, makes a request in writing to the administrator for further information about remuneration or expenses (other than pre-administration costs) set out in a statement required by Rule 2.47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2)

(2) The administrator complies with this paragraph by either—

(a) providing all of the information asked for, or

(b) so far as the administrator considers that—

(i) the time or cost of preparation of the information would be excessive, or

(ii) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or

(iii) the administrator is subject to an obligation of confidentiality in respect of the information, giving reasons for not providing all of the information

(3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of—

(a) the giving by the administrator of reasons for not providing all of the information asked for, or

(b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just

(4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2.109(1B) by such further period as the court thinks just

Rule 2.109 Creditors' claim that remuneration or other expenses are excessive

(1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)

(1A) Application may be made on the grounds that—

(a) the remuneration charged by the administrator,

(b) the basis fixed for the administrator's remuneration under Rule 2.106, or

(c) expenses incurred by the administrator,

is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate

(1B) The application must, subject to any order of the court under Rule 2.48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss it without a hearing but it shall not do so without giving the applicant at least 5 business days' notice, upon receipt of which the applicant may require the court to list the application for a without notice hearing. If the application is not dismissed, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly

Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Administrators' fees and expenses (continued):-

Rule 2.109 (continued)

(3) The applicant shall, at least 14 days before the hearing, send to the administrator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it

(4) If the court considers the application to be well-founded, it must make one or more of the following orders--

(a) an order reducing the amount of remuneration which the administrator was entitled to charge,

(b) an order fixing the basis of remuneration at a reduced rate or amount,

(c) an order changing the basis of remuneration,

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration,

(e) an order that the administrator or the administrator's personal representative pay to the Company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

(5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the administration