

In accordance with
Rule 6.28 of the
Insolvency (England &
Wales) Rules 2016 and
Section 106(3) of the
Insolvency Act 1986.

LIQ14

Notice of final account prior to dissolution in CVL



Companies House

SATURDAY



A17 *A8C219R0* #236
17/08/2019
COMPANIES HOUSE

1 Company details

Company number 0 4 6 9 3 8 9 5

Company name in full TKE Construction Limited

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

2 Liquidator's name

Full forename(s) Gary

Surname Birchall

3 Liquidator's address

Building name/number Skull House Lane

Street Appley Bridge

Post town Wigan

County/Region

Postcode W N 6 9 D W

Country

4 Liquidator's name ①

Full forename(s) Anthony Benjamin

Surname Fisher

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

5 Liquidator's address ②

Building name/number Skull House Lane

Street Appley Bridge

Post town Wigan

County/Region

Postcode W N 6 9 D W

Country

② Other liquidator
Use this section to tell us about
another liquidator.

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6 Liquidator's release

☐ Tick if one or more creditors objected to liquidator's release.

:

7 Final account

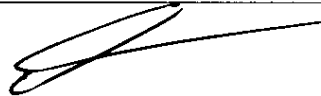
☒ I attach a copy of the final account.

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d1

^d6

^m0

^m8

^y2

^y0

^y1

^y9

LIQ14

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**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	Gary Birchall
Company name	Debtfocus
Address	Skull House Lane
	Appley Bridge
Post town	Wigan
County/Region	
Postcode	W N 6 9 D W
Country	
DX	
Telephone	01257 257030

**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.

**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 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

TKE Construction Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments
From 22 June 2018 To 16 August 2019

S of A £		£	£
	ASSET REALISATIONS		
Uncertain	CIS Refund	NIL	
	Deposit for Costs	5,400.00	5,400.00
	COST OF REALISATIONS		
	Specific Bond	30.00	
	Preparation of S. of A.	4,500.00	
	Liquidator's Fee	480.43	
	VAT	7.14	
	Stationery & Postage	109.69	
	Statutory Advertising	312.55	
	Other Property Expenses	3.00	(5,442.81)
	PREFERENTIAL CREDITORS		
(1,295.00)	Employee Arrears/Hol Pay	NIL	NIL
	UNSECURED CREDITORS		
(2,926.21)	Trade & Expense Creditors	NIL	
(12,700.00)	Employees	NIL	
(5,000.00)	Lloyds Bank	NIL	
(15,000.00)	HM Revenue & Customs - VAT	NIL	
(7,000.00)	HM Revenue & Customs - Corporation	NIL	NIL
	DISTRIBUTIONS		
(100.00)	Ordinary Shareholders	NIL	NIL
(44,021.21)			(42.81)
	REPRESENTED BY		
	Office		(42.81)
			(42.81)


 Gary Birchall
 Joint Liquidator

Gary Birchall and Anthony Benjamin Fisher appointed Joint Liquidators on 22 June 2018

TKE CONSTRUCTION LIMITED – IN LIQUIDATION

Final account of the Joint Liquidators Pursuant to Sections 106 of the Insolvency Act 1986 respectively

Period: 22 June 2018 to 10 June 2019

Contents

- Receipts and payments account
- Asset realisations
- Creditor claims
- Distribution
- Other relevant information
- Creditors Rights
- EC Regulations
- Conclusion
- Appendices
 1. Joint Liquidators' account of receipts and payments for the period from 22 June 2018 to 10 June 2019 with Statement of Affairs comparative.
 2. Creditor Claims Summary Report.
 3. Joint Liquidators' time costs and expenses.

RECEIPTS AND PAYMENTS ACCOUNT

Attached at Appendix 1 is my final account of receipts and payments from the commencement of the winding-up to 10 June 2019.

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 within this report.

My comments on items appearing in the account are as follows:-

ASSET REALISATIONS

CIS Refund

As per the Company's books and records the Company is due a refund of £3,799.80 in relation to a CIS Tax from HM Revenue and Customs. For the purposes of the Statement of Affairs the estimated to realise value is noted as uncertain as the Company has an outstanding liability due to HM Revenue & Customs as per the attached Creditor schedule and HM Revenue and Customs are likely to offset.

HM Revenue & Customs subsequently submitted their final claim in this matter in the sum of £19,253.68. No refund was available for the benefit of the liquidation estate.

No realisations were achieved from this source

Deposit for Costs

The director has paid £5,400 personally as a deposit for costs to cover the agreed Statement of Affairs fee in the sum of £4,500 plus VAT.

Overdrawn Directors Loan Account

There were no other assets held by the Company as per the Director's Statement of Affairs.

However, following my appointment as Joint Liquidator, I have a duty to investigate the assets, affairs and conduct of the Company and its directors.

Following receipt of the Company's books and records and a detailed analysis of the Company's bank statements, it was noted that payments totalling £79,062 were paid to a connected party during the two years prior to the Company ceasing to trade.

Discussions were held with the Director in respect to what these payments related to. It emerged that these payments were made to assist the Director and his spouse in relation to their personal financial position.

Taking into account dividends paid during this period and the payment made personally by the director in relation to the agreed Statement of Affairs fee of £4,500 plus VAT, I considered

that the Director held an overdrawn Directors Loan Account in the sum of £36,863 and sought recovery, in full, of the same on 15 March 2019.

The director subsequently advised that he was not in a position to repay the overdrawn Directors Loan Account and has provided supporting documentation in relation to his current income and expenditure which confirmed that he is not in a position to make any form of monthly payment to repay the overdrawn loan account.

The director has personal debts, including personal guarantees in relation to Company liabilities, estimated at £50,882. Taking into account the overdrawn Directors Loan Account in the sum of £36,863 which remains due and outstanding, the director's personal liabilities total £87,745.

I reviewed the director's personal assets which are estimated to be worth in the region of £106,200 by way of his interest in two domestic properties. It is considered that if the director was to be declared bankrupt, a dividend payment to unsecured creditors is likely, subject to the costs of the bankruptcy estate. This would include the Joint Liquidator's unsecured claim in relation to the overdrawn Directors Loan Account as detailed above.

As I do not hold sufficient funds on account it is not my intention to petition for the director's bankruptcy. However, I allowed the Company's unsecured creditors the opportunity under the administration of the Liquidation, that should they wish the Joint Liquidator's to pursue bankruptcy proceedings against the director, the costs of the same would need to be covered by the Company's unsecured creditors.

A meeting of creditors was subsequently held on 7 June 2019 to consider the same. No creditors attended or voted at the meeting, therefore a simple majority was not obtained as required by Rule 15.34 of the Insolvency Rules 2016 and therefore the resolution was not passed and I will now proceed to close my files.

No realisations will be achieved from this source.

My investigations as liquidator have not revealed any other undisclosed assets and I would advise that in accordance with SIP 13 there have been no connected party transactions.

There are no further assets to realise.

Other

No bank interest has been earned to date.

PAYMENTS

The liquidator has discharged the following expenses and disbursements to date:

<u>Description</u>	<u>£</u>
Bond	30.00
Stationery & Postage	58.14
Land Registry Charges	3.00
Statutory Advertising (net)	<u>232.50</u>
	<u>323.64</u>

All other payments have been made in accordance with the rules and regulations generally as to the payment of costs and expenses in the Liquidation and are detailed within Appendix 1.

Details of the Liquidator's Remuneration are detailed in Section 4 below.

CREDITOR CLAIMS

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

Secured Creditor Claims

There were no charges registered against the Company at Companies House and there will be no prescribed part in this Liquidation.

Preferential Creditor Claims

Preferential claims as per the Statement of Affairs were estimated at £1,295. I am in receipt of the preferential claim received from the Redundancy Payment Office in respect of the employee claims for arrears of pay and outstanding holiday pay. Preferential claims received in this matter total £1,654.88.

I can confirm that a dividend payment will be not be available to preferential creditors in this matter.

Unsecured Creditor Claims

Attached at Appendix 2 is a schedule of agreed claims to date.

A dividend payment will not be available to unsecured creditors in this matter.

A dividend payment will not be available to unsecured creditors in this matter.

Distributions

A dividend will not be available to any class of creditor in this matter.

OTHER RELEVANT INFORMATION

Investigation

You may be aware that a Liquidator has a duty to investigate generally the affairs of an insolvent company to determine its property and liabilities and to identify any actions which could lead to the recovery of funds. In addition, a Liquidator is also required to consider the conduct of the Company's Directors and to make an appropriate submission to the Directors Disqualification Unit of the Department for Business, Innovation & Skills as required.

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 and senior employees 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.

This work was 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 has been completed and the Joint Liquidators did not identify any further assets or actions which might lead to a recovery for creditors.

Although this work did 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.

I can confirm that I have discharged my duties in this regard. However, if any creditor wishes to raise any concerns which they have not already, then please do so in writing within the next 14 days.

Joint Liquidators' remuneration

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 Insolvency Practitioner 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 Insolvency Practitioner.

At the meeting of creditors held on 22 June 2018 my Statement of Affairs fee was agreed at £4,500 plus VAT. Payment has been received in full.

Creditors will recall that at the same meeting of creditors a resolution was passed authorising the Joint Liquidators to be remunerated on a time cost basis, capped at £10,000 plus VAT.

Total time spent to date on this assignment amounts to 46.40 hours at an average charge out rate of £247.23 per hour resulting in total time costs to date of £11,471.50. To date the Joint Liquidators have drawn remuneration totalling £480.43 plus VAT. The VAT receivable will be used to discharge the outstanding Liquidator's fees and expenses and the remaining balance of fees will be written off.

The following further information as regards time costs and expenses is set out at Appendix 3:

- Focus Insolvency Group policy for re-charging expenses and charge out rates.
- Narrative summary of time costs incurred and summary by staff grade and work activity.
- A creditors guide to Liquidator's fees.
- The Liquidator's fees (excluding disbursements) have been capped at £10,000 plus VAT.

As creditors will appreciate the work involved in administering the liquidation has been complex and substantial. A great deal of time has been incurred with dealing with the following matters:-

Reviewing Overdrawn Directors Loan Account – A great deal of time has been incurred in reviewing the Company's books and records and liaising with the Company's former director in order to review and agree the overdrawn Directors Loan Account.

The above work has been time consuming for my office. In addition to liaising with Company's former director to reconcile the loan account, I have liaised with the Company's former director to ascertain his financial position to establish if recoveries could be made for creditors.

This work was performed purely to add value to the liquidation estate.

Creditor Correspondence – Time has been incurred in liaising with the Company's creditors, answering creditor concerns, queries and agreeing creditor claim forms.

Investigation – I have to investigate the assets and affairs of the Company as part of my duties as Joint Liquidator. Time has been incurred in reviewing the Company's books and records, tracking asset movements and liaising with the Company's Accountants with regards to the assets held by the Company, and reporting my findings to the disqualification unit of the Department for Business Innovation & Skills.

Statutory Compliance and Reporting – Time has been incurred in performing my statutory duties as Joint Liquidator including such matters as filing appointment documents. Further time will be incurred in preparing my final report to shareholders and creditors and convening and holding the final meetings. This work was performed purely to comply with my statutory requirements and did not add any value to the liquidation estate.

File Reviews – I am required to perform quarterly reviews of my file.

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 officeholder'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.

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 officeholder's 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.

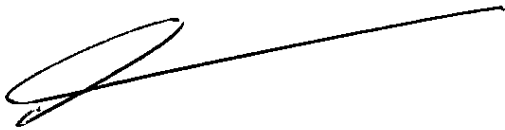
EC Regulations (whether proceedings are main proceedings or territorial)

The Company's centre of main interest was 10d Queens Park West Drive, Queens Park, Bournemouth BH8 9BY and therefore it is considered that the EC Regulations will apply. These proceedings are main proceedings as defined in Article 3 of the EC Regulation.

CONCLUSION

There are no other matters outstanding and the affairs of the company have been fully wound up.

Information about this insolvency process may be found on the R3 website at <http://www.creditorinsolvencyguide.co.uk/>

A handwritten signature in black ink, appearing to be 'Gary Birchall', written over a horizontal line.

Gary Birchall MIPA, MABRP
Joint Liquidator

Dated: 10 June 2019

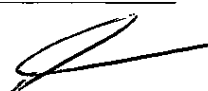
APPENDIX 1

TKE CONSTRUCTION LIMITED - IN LIQUIDATION

**JOINT LIQUIDATORS' ACCOUNT OF RECEIPTS AND PAYMENTS FOR THE PERIOD
FROM 22 JUNE 2018 TO 10 JUNE 2019 WITH STATEMENT OF AFFAIRS COMPARITIVE.**

TKE Construction Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments
To 10/06/2019

S of A £		£	£
	ASSET REALISATIONS		
Uncertain	CIS Refund	NIL	
	Deposit for Costs	5,400.00	5,400.00
	COST OF REALISATIONS		
	Specific Bond	30.00	
	Preparation of S. of A.	4,500.00	
	Liquidator's Fee	480.43	
	Stationery & Postage	58.14	
	Statutory Advertising	232.35	
	Other Property Expenses	3.00	
			(5,303.92)
	PREFERENTIAL CREDITORS		
(1,295.00)	Employee Arrears/Hol Pay	NIL	NIL
	UNSECURED CREDITORS		
(2,926.21)	Trade & Expense Creditors	NIL	
(12,700.00)	Employees	NIL	
(5,000.00)	Lloyds Bank	NIL	
(15,000.00)	HM Revenue & Customs - VAT	NIL	
(7,000.00)	HM Revenue & Customs - Corporation	NIL	
			NIL
	DISTRIBUTIONS		
(100.00)	Ordinary Shareholders	NIL	NIL
(44,021.21)			96.08
	REPRESENTED BY		
	Vat Receivable		96.08
			96.08

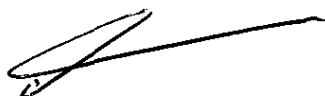

 Gary Birchall
 Joint Liquidator

Debtfocus
TKE Construction Limited
Creditor Claims Summary Report

Key	Name	Rep. By	S of A £	Claim £	Agreed Claim £
CE00	Anthony Ebong		0.00	13,995.00	0.00
CH00	HM Revenue & Customs		22,000.00	19,253.68	19,253.68 (U)
CH01	HM Revenue & Customs		0.00	0.00	0.00
CL00	Lloyds Bank		2,126.21	7,054.55	7,054.55 (U)
CL01	Lloyds Bank		5,000.00	0.00	0.00
CS00	Seahurst Ltd		800.00	0.00	0.00
CT00	The National Insurance Fund		0.00	11,685.70	10,030.82 (U) 1,654.88 (P)
7 Entries Totalling			29,926.21	51,988.93	37,993.93

U - Unsecured
P - Preferential

Signature



APPENDIX 3

TKE CONSTRUCTION LIMITED – IN LIQUIDATION

LIQUIDATOR'S TIME COSTS AND EXPENSES

- a. Focus Insolvency Group policy for re-charging expenses and charge out rates;
- b. Summary of time costs incurred and summary by staff grade and work activity; and

Time Entry - SIP9 Time & Cost Summary

X1846 - TKE Construction Limited
All Post Appointment Project Codes
To: 10/06/2019

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	0.40	5.70	0.00	0.40	6.50	1,609.00	247.54
Case Specific Matters	0.00	1.10	0.00	0.00	1.10	275.00	250.00
Cashier/ Banking	0.00	0.00	0.00	0.30	0.30	52.50	175.00
Creditors	0.00	0.00	0.00	2.00	2.00	220.00	110.00
Employees	0.00	1.50	0.00	0.00	1.50	375.00	250.00
Finalisation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investigations	1.70	4.00	0.00	4.20	9.90	2,072.00	209.29
Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pensions	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.30	3.80	0.00	0.00	4.10	1,055.00	257.32
Reviews	1.50	4.10	0.00	0.00	5.60	1,589.00	283.75
Statutory	3.50	11.90	0.00	0.00	15.40	4,224.00	274.29
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	7.40	32.10	0.00	6.90	46.40	11,471.50	247.23
Total Fees Claimed						480.43	
Total Disbursements Claimed						0.00	

Focus Insolvency Group

Fee Charging, Expenses and Disbursement Policy Statement

Fee Charging Policy

In accordance with the provisions of the Statement of Insolvency Practice 9 ("SIP9"), the firm's current charge out rates applicable to this appointment, exclusive of VAT, are as follows:-

Grade of Staff	UP TO 31.12.2013 (£ per hour)	FROM 01.01.2014 – 31.07.2016 (£ per hour)	FROM 01.08.2016 (£ per hour)
Senior Partner	n/a	n/a	380
Partner	280	320	350
Manager	180	220	250
Administrator / Cashier	120	160	175
Support	n/a	n/a	110

Time is recorded in units of 0.10 of an hour (i.e. 6 minute units). Time billed is subject to Value Added Tax at the applicable rate.

Time spent by partners and insolvency staff in relation to the insolvency estate is charged to the estate.

Expenses and Disbursement Policy

Direct Expenses (Category 1 Disbursements)

Category 1 disbursements as defined by SIP 9, which can be specifically identified as relating to the administration of the case, will be charged to the estate at cost, with no uplift. These include, but are not limited, to such items as advertising, bonding and other insurance premiums and properly reimbursed expenses.

Indirect Expenses (Category 2 Disbursements)

Category 2 disbursements cannot, or cannot easily be directly identified as relating to the administration of the case, usually because there is an element of shared or allocated cost. These include items such as electronic communication facilities i.e. telephone, e-mail and fax etc.

Mileage is recovered at 40p per mile.

A creditors' guide to Office Holder's fees can be downloaded from the following site:-

<http://www.insolvency-practitioners.org.uk/regulation-and-guidance/guides-to-fees>

Should you require a hard copy of this guide, please contact Focus Insolvency Group on 0800 157 7330.

Anthony Fisher MIPA, FABRP and Gary Birchall MIPA, MABRP are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.