

4741001

Case no. 4800/2005

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

MR JUSTICE RIMER, 26<sup>TH</sup> JULY 2005

IN THE MATTER OF THE LICENCE HOLDERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

AND IN THE MATTER OF AIRFLOW STREAMLINES PLC (A COMPANY) AND OTHERS

AND IN THE MATTER OF MICHAEL FREDERICK ADDERTON (AN INDIVIDUAL) AND OTHERS

BETWEEN:

**MICHAEL DAVID GERCKE**

(Applying on his own behalf and on behalf of those listed in schedule 1 to the application)

Applicants

- and -

1. ALISTAIR MICHAEL GROVE
2. JULIA ELIZABETH BRANSON
3. MARK ELIJAH THOMAS BOWEN
4. TOBY SCOTT UNDERWOOD
5. STEPHEN TAYLOR

Respondents

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**ORDER**

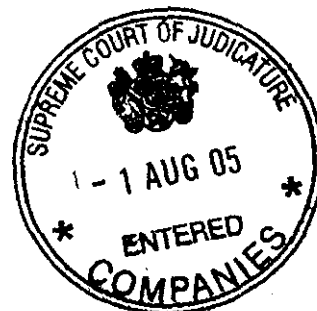
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UPON THE APPLICATION of the Applicants by Notice of Application issued on 19<sup>th</sup> July 2005

AND UPON HEARING Counsel on behalf of the Applicant

AND UPON the Respondents being neither present nor represented

AND UPON READING those documents recorded upon the Court File as having been read



**IT IS ORDERED THAT:**

1. In respect of those bankruptcies, individual voluntary arrangements ("IVAs"), administrations, company voluntary arrangements ("CVAs"), creditors voluntary liquidations and compulsory liquidations listed in the Schedule attached to this Order ("the Schedule") which are the subject of proceedings in county court and district registries, those proceedings be transferred to the High Court solely for the purpose of making the Order contained in Paragraphs 2 to 10 below.
2. The Respondents be removed from office as trustee in bankruptcy, IVA/CVA supervisor, liquidator (compulsory or voluntary) and/or administrator (as the case may be) of the estates listed in the Schedule, these removals to take effect immediately.
3. The Respondents be replaced as such office holder in the case of each such estate by the Applicant named in the Schedule as his proposed replacement, these replacements to take effect immediately.
4. The Respondents shall be released from all liability pursuant to section 20 of the Insolvency Act 1986 in respect of their acts and omissions and otherwise in respect of their conduct as administrators of the companies listed as being in administration pages 1 to 3 of the Schedule, such release to take effect either 28 days after they have filed their final abstracts in accordance with Rule 2.52(1) of the Insolvency Rules 1986 or 28 days after the giving of notice pursuant to paragraph 6 of this order, whichever is the later.
5. The Applicant shall be entitled:
  - 5.1 to publish in the Gazette one composite notice relating to all new appointments which are required by law to be published in the Gazette;
  - 5.2 to apportion the costs of the said composite Gazette notice between the said estates equally; and
  - 5.3 to charge to each individual estate the cost of obtaining an insolvency practitioner's licence bond in respect of that estate up to a maximum £40 per estate.
6. Without incurring any additional expense to any of the said estates, the Applicant shall, when the next routine report is due to the creditors of each estate, notify each creditor of the making of this order, such notice to contain the following matters:
  - 6.1 An explanation of the effect of the Order.
  - 6.2 Express reference to the liberty to apply contained in paragraph 7 below.

- 6.3 In the case of IVAs, CVAs and administrations, the provision of all such information as might reasonably be required with regard to the conduct of the voluntary arrangement, or administration (as the case may be).
- 6.4 In the case of bankruptcies under the Bankruptcy Act (if any) and liquidations under the Companies Act 1985 (if any), the provision of all such information as may reasonably be required as part of that report with regard to the conduct of the bankruptcy or liquidation (as the case may be).
- 6.5 In the case of creditors voluntary and compulsory liquidations and bankruptcies under the Insolvency Act 1986 where liquidation or creditors committees have been appointed, an explanation that (to the extent that any information which would otherwise required to be provided under Insolvency Rule 4.108(3) or Rule 6.126(2) has not already been provided as part of the routine report) it is open to that committee to require the applicant appointed to provide an account of the administration of the estate, including:
- 6.5.1 a summary of receipts and payments; and
  - 6.5.2 a statement that he has reconciled his accounts.
- 6.6 In the case of creditors voluntary and compulsory liquidations and bankruptcies under the Insolvency Act 1986 where no liquidation or creditors committees have been appointed, an explanation that, to the extent that such information has not already been provided as part of the routine report, it is open to any creditor to apply to court for an order that the applicant appointed do provide such information as might otherwise be required by Rule 4.108(3) or Rule 6.126(2) (as the case may be) that is to say, an account of the administration of the estate, including:
- 6.6.1 a summary of receipts and payments;
  - 6.6.2 a statement that he has reconciled his accounts.
- 6.7 Notification that if any applicant appointed has been required to provide the information referred to in 6.5 or 6.6 above, whether by the liquidation/creditors committee or by court order on the application of any individual creditors, the appointed Applicant's costs of so complying will, unless there are good reasons to the contrary, be paid as an expense of the bankruptcy or winding up as the case may be.
- 6.8 In the case of liquidations under the Insolvency Act 1986, notification to each creditor and member of his right under r11(1) (compulsory winding up) and r11(2) (voluntary winding

up) of the Insolvency Regulations 1994 to require the appointed applicant to supply a statement of receipts and payments free of charge.

- 6.9 In the case of bankruptcies under the Insolvency Act 1986, notification to each creditor of his right under r25 of the Insolvency Regulations 1994 to require the appointed applicant to supply a statement of receipts and payments free of charge.
- 6.10 In the case of bankruptcies under the Bankruptcy Act 1914 (if any), notification to each creditor of his right under Section 83 of that Act (provided he has the concurrence of at least 1/6 of the creditors of that bankruptcy (including himself) to require the appointed applicant (at the creditor's cost) to furnish a statement of the accounts of that bankruptcy.
7. Liberty to each creditor of each estate to apply or vary or discharge this order within 21 days of receipt of the notices directed to be sent under paragraph 6 above.
8. Liberty to Mr LR Bailey, Mr NF Hickling, Mr P Charlton and Mr N Dargan to apply to vary or discharge this order to the extent that it concerns those appointments which any of them have held jointly with any of the Respondents.
9. The costs of this application (including VAT) be aggregated and apportioned equally between each of the estates listed in the Schedule, provided that:
- 9.1 if the costs which fall to be borne by any of the estates exceed 10% of the realisable assets within that estate;
- 9.2 that estate shall only bear part of those apportioned costs, that part being an amount equal to 10% of that estate's readily realisable assets;
- 9.3 the excess shall be borne by PricewaterhouseCoopers itself.
10. Service of the said Notice of Application be dispensed with.

## Schedule

## Transfer of Appointments

26 July 2005

Name	App date	Existing Appointee 1 and/or 2	Existing Appointee 2 and/or 3	Ongoing Appointee 1	Ongoing Appointee 2	Company no	Court	Court no
Chartwell One Limited	28/01/1993	Mark Bowen	N Dargan	Stuart Maddison	N Dargan	1375884		
Chartwell Three Limited	28/01/1993	Mark Bowen	N Dargan	Stuart Maddison	N Dargan	1573715		
Chartwell Two Limited	28/01/1993	Mark Bowen	N Dargan	Stuart Maddison	N Dargan	1108870		
Cherub/T D P (JLC) Limited	22/01/2002	Mark Bowen	Patrick Boyden	Mark Hopkins	Patrick Boyden	02932599		
Cobra Tubes & Metals (Midlands) Limited	15/10/2002	Mark Bowen	Patrick Boyden	Matt Hammond	Patrick Boyden	1382971		
Cognesis Limited	28/11/2003	Toby Underwood	Ian Green	Ian Green	Nicholas Reed	03241983		
Colorgraphic Plc	29/01/1993	Mark Bowen	N Dargan	Stuart Maddison	N Dargan	2082252		
Dedicated Sales & Services Limited	05/03/2003	Mark Bowen	Patrick Boyden	Matt Hammond	Patrick Boyden	3566590		
DieTech Limited	16/06/2003	Mark Bowen	David Waterhouse	Matt Hammond	David Waterhouse	3444135		
E C T Espana Limited	15/07/2002	Ian Oakley Smith	Stephen Taylor	Ian Oakley Smith	Mike Gercke	3580558		
European Remanufacturing Alliance Limited	10/03/2004	Mark Bowen	Alistair Grove	Matt Hammond	Robert Hunt	03710566		
Excel Mouldings Limited	20/01/2003	Mark Bowen	Robert Hunt	Mark Hopkins	Robert Hunt	592871		
Excel Polymer Components Limited	20/01/2003	Mark Bowen	Robert Hunt	Mark Hopkins	Robert Hunt	1057472		
Family Pet Products Limited	31/08/2001	Mark Bowen	Patrick Boyden	Matt Hammond	Patrick Boyden	2327753		
Focus Dynamics Drives Limited	26/06/2001	Mark Bowen	Patrick Boyden	Mark Hopkins	Patrick Boyden	3338439		
Focus Dynamics Limited	26/06/2001	Mark Bowen	Patrick Boyden	Mark Hopkins	Patrick Boyden	3711677		
Forge Tech Industries Limited	18/10/2004	Mark Hopkins	Alistair Grove	Mark Hopkins	Robert Hunt	4741001		
Goldenwood Limited	07/04/2000	Mark Bowen	Lynn Bailey	Mark Hopkins	Lynn Bailey	3237125		
Kesan Automation Limited	16/03/2004	Mark Bowen	Robert Hunt	Matt Hammond	Robert Hunt	01556714		
Kimber Die & Tool Company Limited	15/04/1987	Alistair Grove	Adrian Stanway	Adrian Stanway		375697		
Lynx Pipeline Limited	15/02/2002	Mark Bowen	Alistair Grove	Mark Hopkins	Robert Hunt	3711563		

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Name	App date	Existing Appointee 1 and/or 2	Existing Appointee 2 and/or 3	Ongoing Appointee 1	Ongoing Appointee 2	Company no	Court	Court no
Machinery & Automated Systems Technology Limited	28/05/2002	Mark Bowen	Alistair Grove	Matt Hammond	Robert Hunt	3930847		
Milson Gray Limited	09/11/2004	Mark Bowen	David Langton	David Langton	Robert Hunt	04479259		
N & J Tractor & Plant (Hire & Sales) Limited	30/09/2003	Mark Bowen	Alistair Grove	Matt Hammond	Robert Hunt	03143043		
Newman Limited D.R.	22/03/2002	Mark Bowen	Alistair Grove	Mark Hopkins	Robert Hunt	671395		
Noxon UK Limited	16/06/2003	Mark Bowen	David Waterhouse	Matt Hammond	David	2103307		
Peel & Bowler Chocolate Limited	11/06/1999	Mark Bowen	David Wilton	Mark Hopkins	Waterhouse	00522482		
Performance Graphics Limited	23/04/1998	David Waterhouse	Julia Branson	David	I Oakley Smith	2910044		
Plummer Morton Hudson Limited	22/01/2001	Mark Bowen	David Wilton	Mark Hopkins	David Wilton	3202130		
Raven Trailers Limited	14/07/1999	Mark Bowen	P Charlton	Mark Hopkins	P Charlton	3269926		
S Whiteley & Sons Limited	03/06/2004	Mark Bowen	Robert Hunt	Stuart Maddison	Robert Hunt	00197431		
Sight & Sound Limited	11/08/2000	Mark Bowen	T Taylor	Mark Hopkins	T Taylor	2980906		
Spoils Limited	07/08/2001	David Waterhouse	Mark Bowen	David		1279860		
Status Group Management Limited	08/02/2005	Edward Klempka	Toby Underwood	Waterhouse	Nicholas Reed	02542219		
Stone Co-Ordinated Ceramics Limited	11/01/2001	Mark Bowen	D Bailey	Mark Hopkins	D Bailey	1523863		
Sure Steps Limited	26/08/2004	Mark Bowen	Paul Harding	Mark Hopkins	Paul Harding	04728415		
T F Putterill Electrical Limited	13/12/2000	Mark Bowen	David Wilton	Mark Hopkins	David Wilton	1054047		
Viewmel Limited	23/05/2000	Mark Bowen	David Wilton	Mark Hopkins	David Wilton	2378104		
Ward Bekker Systems Limited	01/10/2003	Mark Bowen	Alistair Grove	Matt Hammond	Robert Hunt	2104482		
Wentling Textiles Limited	23/10/1998	Mark Bowen	Edward Shires	Mark Hopkins	Edward Shires	1971522		
Xpedior (U K) Limited	22/05/2001	Mark Bowen	David Waterhouse	Mark Hopkins	David	3675612		

## EC Regulation Compulsory Liquidation

**ORDER**

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Solicitors for the Applicant

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