

Liquidator's Progress Report

S.192

Pursuant to Sections 92A and 104A and 192
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

4770723

Name of Company

Country Garden Ltd

I / We
Kevin J Hellard
No 1 Whitehall Riverside
Whitehall Road
Leeds
LS1 4BN

the liquidator(s) of the company attach a copy of my/our Progress Report
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 06/12/2012 to 05/12/2013

Signed *Al Woods* Date 05/02/14

Grant Thornton UK LLP
No 1 Whitehall Riverside
Whitehall Road
Leeds
LS1 4BN

Ref C01703/KJH/JMR/HEC/CES

FRIDAY



A33 *A316X9CI* 07/02/2014 #43
COMPANIES HOUSE

Country Garden Ltd
(In Liquidation)
Joint Liquidator's Abstract of Receipts & Payments

Statement
of Affairs

From 06/12/2012
To 05/12/2013

ASSET REALISATIONS
Balance from CVA

10,149 07
10,149 07

10,149 07

REPRESENTED BY

Floating Current Account

10,149 07

10,149 07



PP Kevin J Hellard
Joint Liquidator

Our Ref KJH/JMR/HEC/CES/C01703/7

To the creditors and members

Grant Thornton UK LLP
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5 February 2014

Dear Sirs

Country Garden Limited - In Liquidation (the Company)

1 Introduction

- 1.1 I refer to the liquidation which commenced on 6 December 2012 with the appointment of the former administrator, Costas Morfakis (Morfakis) of Axiom Recovery LLP as liquidator. This followed a move from administration to creditors voluntary liquidation as approved by creditors at a meeting of creditors held on 26 October 2012.
- 1.2 On 8 March 2013, on the application of The Association of Chartered Certified Accountants, a Court Order was granted at the High Court of Justice Chancery Division, for a block transfer order for all of the insolvency appointments held by Morfakis to be transferred to myself and Stephen Hunt of Griffins, Tavistock House South, Tavistock Square, London, WC1H 9LG.
- 1.3 On 27 November 2013, Mr Hunt resigned as joint liquidator and I now remain in office as sole liquidator. Please note that I am authorised by the Insolvency Practitioners Association to act as an insolvency practitioner.
- 1.4 Pursuant to section 104A of the Insolvency Act 1986, I now report on the progress of the liquidation for the year ended 5 December 2013. I have also convened a meeting of creditors to be held at my offices at Grant Thornton UK LLP, No 1 Whitehall Riverside, Whitehall Road, Leeds, LS1 4BN on 26 February 2014 pursuant to Rule 4.54 of the Insolvency Rules 1986.

I report for the period from 6 December 2012 to 5 December 2013 and attach

- Appendix A, an account of my receipts and payments from 8 March 2013 to 5 December 2013
- Appendix B, an account of the former liquidator's receipts and payments from 6 December 2012 to 7 March 2013
- Appendix C, a statement of the remuneration charged by the liquidators in the period 6 December 2012 to 5 December 2013 and a statement of expenses incurred in the period
- Appendix D, an analysis of time costs as required by Statement of Insolvency Practice 9

Chartered Accountants

Member firm within Grant Thornton International Ltd

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Grant Thornton UK LLP is authorised and regulated by the Financial Conduct Authority

- Appendix E, an extract from the Insolvency Rules 1986 relating to creditors' rights to request additional information from the liquidator (rule 4.49E)
- Appendix F, an extract from the Insolvency Rules 1986 relating to creditors' rights to challenge the liquidator's remuneration or expenses if excessive (rule 4.131)

2 Statutory information

2.1 The company's statutory details are as follows

Registered number 4770723

Registered office 30 Finsbury Square, London EC2P 2YU

3 Progress report

Company assets

Equipment, vehicles and goodwill

3.1 On 7 September 2012, Morfakis (as administrator) entered into a sale agreement for the sale of the Company's equipment, vehicles and goodwill for £26,000 to a connected Company, Thurston's UK Limited (Thurstons) of which one of the Company's directors, Mr Ross Thurston, is a director. Funds received by Morfakis amounted to £14,000 and there remains an outstanding balance of £12,000 due to the Company. I have pursued its recovery against both Thurstons and Mr Thurston, who had personally guaranteed Thurstons obligations under the sale agreement. Thurstons is in liquidation with no dividend expected to creditors, though I continue to pursue Mr Thurston under his personal guarantee.

Work in Progress

3.2 During the administration, the Company's work in progress was also sold to Thurstons at 1% of all sales to Brookwood Partnership, a former customer of the Company. Morfakis received funds totalling £974.48 in respect of this. I am currently investigating the prospects of any further recovery.

Book debts

3.3 Company book debts of £184.43 were recovered by Morfakis as liquidator. Further balances totalling approximately £1,200 are being investigated.

Company Voluntary Arrangement (CVA)

3.4 I have recovered £10,149.07 from the supervisor of the Company's failed CVA, which pre-dated the administration entered into in December 2012. These monies represent unclaimed dividends in the CVA and are now an asset in the liquidation.

Investigations

3.5 I am in the process of investigating whether all potential assets have been pursued and appropriate recoveries made. To the extent that creditors' prospects may have been jeopardised by the actions (or omissions) of any party, including the former liquidator, a claim may be made against them and/or his insolvency bond. The liquidation will remain open until this area is fully explored.

- 3 6 I confirm that I have discharged my duty under the Company Directors (Disqualification) Act 1986 by submitting a report on the conduct of the directors in the three years preceding the Company's liquidation. The contents of my report are confidential.

Preferential and unsecured creditors

- 3 7 There are no preferential creditors in this matter and I have received 27 unsecured claims totalling £262,102.83.
- 3 8 Unfortunately, there are insufficient funds available for a distribution to be made to creditors. I am unable to confirm at this stage whether this portion is likely to change as a result of my on-going investigations.
- 3 9 There are no unsatisfied post Enterprise Act 2003 charges and therefore no Prescribed Part.

4 Liquidators' remuneration and expenses

- 4 1 In accordance with Statement of Insolvency Practice 9 (SIP9), office holders are obliged to provide creditors with certain information regarding their fees and disbursements accrued/drawn.

Axiom Recovery LLP

- 4 2 As previously reported by Morfakis, at a meeting of creditors held on 26 October 2012, the creditors resolved that the administrators and any subsequently appointed liquidators, draw their remuneration by reference to the time properly spent by them and their staff in the administration of the administration/liquidation. Morfakis' files indicate he drew administrators fees of £10,650.00 and liquidator's fees of £3,376.18.

Grant Thornton UK LLP

- 4 3 In accordance with Rule 4.131A of the Insolvency Rules 1986, a review of remuneration may take place where there is a material and substantial change in the circumstances which were taken into account when fixing it. Due to the circumstances of the change of liquidator, the creditors could not have envisaged the particular situation when agreeing the basis of the liquidator's remuneration. Accordingly, the liquidator may request a new resolution by convening a creditors meeting in accordance with Rule 4.54 of the IA1986. At the meeting creditors are able to approve the basis of the liquidator's remuneration, which I would ask to be on the basis of time costs.
- 4 4 I have therefore convened a meeting of creditors to be held at my offices at Grant Thornton UK LLP, No. 1 Whitehall Riverside, Riverside, Leeds, LS1 4BN on 26 February 2014. In accordance with Statement of Insolvency Practice (SIP 9), I attach at Appendix D a summary of my time costs, by grade of staff and the type of work. This shows total time costs to 5 December 2013 of £26,708.95 represented by 106.06 hours at an average charge out rate of £251.83 per hour. No fees have been drawn to date.
- 4 5 Time is charged in units of 6 minutes. Background information regarding the fees of liquidators can be found at <http://www.insolvency-practitioners.org.uk> (navigate via 'Regulation and Guidance' to 'Creditors Guides to Fees'). Alternatively I will supply this information by post on request.

- 4.6 In addition, expenses of £2,879.42 have been incurred during the period of this report as indicated in Appendix C. Expenses incurred for the period from 6 December 2012 to 7 March 2013 totalled £2,318.50 and have been paid. Expenses of £545.92 were incurred from 8 March 2013 to 5 December 2013 and will be drawn out of the funds in hand in due course.

5 Notice of meeting of creditors

- 5.1 Notice is hereby given pursuant to Rule 4.54 of the Insolvency Rules 1986, that a meeting of creditors will be held at 10.00am 26 February 2014 at Grant Thornton UK LLP, No. 1 Whitehall Riverside, Riverside, Leeds, LS1 4BN to consider the following resolution:

"That the basis of the liquidator's remuneration be agreed by reference to the time properly given by the liquidator and his staff in attending to matters arising in the liquidation and that the liquidator be authorised to draw such remuneration on account from time to time."

- 5.2 A creditor entitled to vote at the above meetings may appoint a proxy to attend in his place. It is not necessary for the proxy to be a member or creditor of the Company in order to attend. I enclose a proxy form to be returned to the offices of Grant Thornton UK LLP, No. 1 Whitehall Riverside, Riverside, Leeds, LS1 4BN by not later than 12 noon on 25 February 2014. To enable you to vote a Proof of Debt (enclosed) must be lodged with me, unless previously lodged.
- 5.3 In accordance with the Insolvency Rules 1986, I must have regard to the convenience of creditors when convening a creditors' meeting. If you wish to attend but the proposed venue is not convenient then I will consider rearranging the meeting, provided any such request is made within the next seven days, in order that I may inform all other creditors of any amended arrangements.
- 5.4 The meetings are purely formal, there is no necessity to attend. If you do wish to attend, kindly advise my colleague, Helen Croft, in advance of the meeting.

Yours faithfully
For and on behalf of Country Garden Limited



PP Kevin J Hellard

Liquidator

Enc

T 0113 200 1692
E helen.e.croft@uk.gt.com

APPENDIX A

COUNTRY GARDEN LIMITED – IN LIQUIDATION

SUMMARY OF THE FORMER LIQUIDATOR'S RECEIPTS AND PAYMENTS COVERING THE PERIOD FROM 6 DECEMBER 2012 TO 7 MARCH 2013

	Statement of Affairs*	Statement of Affairs*	Actual
	Book Values	Estimated to Realise	
	£	£	£
RECEIPTS			
Equipment	N/A	N/A	1,078 00
Vehicles	N/A	N/A	7,000 00
Goodwill	N/A	N/A	5,922 00
Book debts	N/A	N/A	184 43
WIP – 1% Brookwood	N/A	N/A	974 48
Monies from Administrations	N/A	N/A	4,453 32
Bank Interest Gross	N/A	N/A	0 39
	N/A	N/A	19,612.62
PAYMENTS			
Outstanding Administrator's Fees	N/A	N/A	10,650 00
Liquidator's Fees	N/A	N/A	3,376 18
Agents/Valuers Fees	N/A	N/A	500 00
Statutory Advertising	N/A	N/A	1,755 00
VAT Receivable	N/A	N/A	63 50
Description	N/A	N/A	3,267 94
	N/A	N/A	19,612.62
Balance of funds in hand as at 7 March 2013			Nil

*No Statement of Affairs is available as at the date of liquidation

APPENDIX B**COUNTRY GARDEN LIMITED – IN LIQUIDATION****SUMMARY OF THE LIQUIDATOR'S RECEIPTS AND PAYMENTS COVERING
THE PERIOD FROM 8 MARCH 2013 TO 5 DECEMBER 2013**

	Statement of Affairs*	Statement of Affairs*	Actual
	Book Values	Estimated to Realise	
	£	£	£
RECEIPTS			
Balance from CVA	N/A	N/A	10,149 07
Bank/ISA Interest Gross	N/A	N/A	14 42
	<u>N/A</u>	<u>N/A</u>	<u>10,163.49</u>
PAYMENTS			
	<u>N/A</u>	<u>N/A</u>	<u>Nil</u>
	<u>N/A</u>	<u>N/A</u>	<u>Nil</u>
Balance of funds in hand as at 5 December 2013			<u>10,163 49</u>

*No Statement of Affairs as at the date of liquidation

APPENDIX C**COUNTRY GARDEN LIMITED – IN LIQUIDATION****REMUNERATION CHARGED AND EXPENSES INCURRED BY THE
LIQUIDATORS IN THE PERIOD**

	Charged/incurred in period 06/12/2012 to 07/03/2013	Charged/incurred in period 08/03/2013 to 05/12/2013	Cumulative charged/incurred to 05/12/2013	Of which paid to 05/12/2013
	£	£	£	£
Administrator's fees	10,650 00		10,650 00	10,650 00
Liquidators' fees	3,376 18		3,376 18	3,376 18
Time costs				
Expenses				
Agent/Valuers Fees	500 00		500 00	500 00
Legal Fees	1,755 00	15 00	1,770 00	1,755 00
Statutory Advertising	63 50		63 50	63 50
Courier		40 95	40 95	Nil
Storage		30 47	30 47	Nil
JLT		5 00	5 00	Nil
Land Registry Searches		12 00	12 00	Nil
Travel Expenses		457 50	457 50	Nil

COUNTRY GARDEN LIMITED - IN LIQUIDATION
SIP 9 TIME COST ANALYSIS

SIP 9 time cost analysis for the period from 6 December 2012 to 5 December 2013

Standard	Partner			Manager			Executive			Administrator			Total		
	Hrs	£	Avg Hrsly Rate	Hrs	£	Avg Hrsly Rate	Hrs	£	Avg Hrsly Rate	Hrs	£	Avg Hrsly Rate	Hrs	£	Avg Hrsly Rate
Administration and Planning	20	15 00	75 00	1 50	817 00	544 67	9 35	3 211 00	343 42	27 17	4 255 45	156 03	41 41	9 128 45	220 44
Creditors							2 20	689 00	313 18	2 10	325 50	155 00	4 40	1 041 50	236 70
Investigations							19 25	6 296 50	327 09	16 40	2 330 50	154 30	36 75	9 111 00	247 97
Realisation of Assets							23 00	7 348 50	319 50	50	77 50	155 00	23 50	7 426 00	316 00
Total	20	15 00	75 00	1 50	817 00	544 67	53 80	17 545 00	326 12	46 17	7 188 95	155 71	106 06	26 708 95	251 83

Total fees billed to date (Time) £NIL

Activity

Examples of work

Administration and planning

Administrative set up copying and filing previous officeholder's papers Case reviews, annual reports and appendices and treasury statutory reviews
 Dealing with Company's tax position

Creditors

Updating creditor details and sending correspondence to creditors

Investigations

Reviewing previous officeholders records and preparing strategy note Sending enquiry letters to various parties
 Reviewing and updating Company's business

Realisation of assets

Enquiries and investigations in regards to recovering potential Company assets

Grant Thornton Charge Out Rates

My firm's charge out rates are as follows

	2013/2014	2012/2013
Partner/Director	£ 300-600	£ 480-580
Associate Director/Manager	£ 320-455	£ 310-440
Executives/Administrators	£ 160-295	£ 155-285
Assistants and support staff	£ 150-170	£ 145-165

E An extract from the Insolvency Rules 1986 relating to creditors' rights to request additional information from the liquidator

Rule 4 49E edited for application to a progress report in a creditors' voluntary liquidation

- (1) If
 - (a) within the period mentioned in paragraph (2)
 - (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 the period mentioned in paragraph (2), any unsecured creditor makes a request in writing to the liquidator for further information about remuneration or expenses set out in the progress report, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of a matter which was previously included in a progress report
- (2) The period referred to in paragraph (1)(a) is 21 days of receipt of the progress report
- (3) The liquidator complies with this paragraph by either -
 - (a) providing all of the information asked for, or
 - (b) so far as the liquidator 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 liquidation or might reasonably be expected to lead to violence against any person, or
 - (iii) the liquidator is subject to an obligation of confidentiality in respect of the information,giving reasons for not providing all of the information
- (4) Any creditor, who need not be the same as the creditor who requested further information, may apply to the court within 21 days of -
 - (a) the giving by the liquidator 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
- (5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 4 131(1B) by such further period as the court thinks just

F An extract from the Insolvency Rules 1986 relating to creditors' rights to challenge the liquidator's remuneration or expenses if excessive

Rule 4 131

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the 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 by a creditor may be made on the grounds that -
 - (a) the remuneration charged by the liquidator,
 - (b) the basis fixed for the liquidator's remuneration under Rule 4 127, or
 - (c) expenses incurred by the liquidator,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 4 49E(5), be made no later than 8 weeks (or in a case falling within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report or the draft report under Rule 4 49D, 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 cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had an opportunity to attend the court for a hearing, of which he has been given at least 5 business days' notice, but which is without notice to any other party
If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly
- (3) The applicant shall, at least 14 days before the hearing, send to the liquidator 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 liquidator 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 liquidation
 - (e) an order that the liquidator or the liquidator'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 specifyand 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 liquidation

Rule 8.1

**IN THE MATTER OF
COUNTRY GARDEN LIMITED AND
IN THE MATTER OF THE INSOLVENCY ACT 1986**

**Notes to help completion of
form**

Please give full name and address
for communication

Name of creditor/member
Address

Please insert name of person (who
must be 18 or over) or the
"chairman of the meeting" (see
note below). If you provide for
alternative proxy-holders in the
circumstances that your first choice
is unable to attend please state
name(s) of the alternatives as well

Name of proxy-holder

1

2

3

Please delete words in brackets if
the proxy-holder is only to vote as
directed i.e. he has no discretion

I appoint the above person to be my/the creditor's/member's proxy-holder at the
meeting of creditors/members to be held on 26 February 2014 or at any
adjournment of that meeting. The proxy-holder is to propose or vote as
instructed below [and in respect of any resolution for which no specific
instruction is given, may vote or abstain at his/her discretion]

Any resolutions which the proxy-
holder is to propose or vote in
favour of or against should be set
out in numbered paragraphs in the
space provided. If more room is
required please use the other side
of this form

Voting instructions for resolutions

1 That the basis of the liquidator's remuneration be
agreed by reference to the time properly given by
the liquidator and his staff in attending to matters
arising in the liquidation that the liquidator be
authorised to draw such remuneration on account
from time to time

*** FOR/AGAINST**

*** Please delete as appropriate.**

This form must be signed

Signature

Date

Name in CAPITAL LETTERS

Only to be completed if the
creditor/member has not signed in
person

Position with creditor/member or relationship to creditor/member of other authority for
signature

**Please note that if you nominate the chairman of the meeting to be your proxy-
holder, he will be the liquidator or his representative.**

Remember there may be resolutions on the other side of this form

Liquidator's ref KJH/JMR/HEC/CES/C01703/7

Country Garden Limited - In Liquidation

Creditor's Claim Form

Name and address of creditor _____

Amount claimed in the liquidation £ _____

Particulars of any security held _____

Value of security £ _____

Signature _____

Name and position of signatory
(if not personally the creditor) _____

Telephone _____

E-mail _____

Date _____

Please provide appropriate documentation in support of your claim

If you are registered for VAT the amount claimed should include VAT even if VAT bad debt relief has been claimed under the Value Added Tax Act 1994

Please return this form when you have completed it to

Helen Croft
No 1 Whitehall Riverside, Whitehall Road, Leeds, LS1 4BN

Headings in all the official languages of the Institutions of the European Union
(es, da, de, el, en, fr, it, nl, pt, fi, sw)

«Convocatoria para la presentación de créditos Plazos aplicables»
»Opfordring til anmeldelse af fordringer Vær opmærksom på fristerne«
„Aufforderung zur Anmeldung einer Forderung Etwaige Fristen beachten“
«Προσκληση για αναγγελία απαιτήσεως Προσοχή στις προθεσμίες»
'Invitation to lodge a claim Time limits to be observed'
«Invitation à produire une créance Délais à respecter»
«Invito all'insinuazione di un credito Termine da osservare»
„Oproep tot indiening van schuldvorderingen In acht te nemen termijnen”
«Aviso de reclamação de créditos Prazos legais a observar»
”Kehotus saatavan ilmoittamiseen Noudatettavat maaraajat”
”Anmodan att anmala fordran Tidsfrister att iaktta”

«Presentación de crédito»
»Anmeldelse af fordring«
„Anmeldung einer Forderung“
«Αναγγελία απαιτήσεως»
'Lodgement of claim'
«Production de créance»
«Insinuazione di credito»
„Indiening van een schuldvordering”
«Reclamação de crédito»
”Saatavaa koskeva ilmoitus”
”Anmalan av fordran”