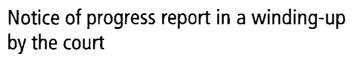
In accordance with Rule 18.8 of the Insolvency (England & Wales) Rules 2016.

# WU07





SATURDAY



\*A7GZJMNS\* A11 20/10/2018 COMPANIES HOUSE

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WU07 Notice of progress report in a winding-up by the court

6	Period of progress report						
From date	<sup>d</sup> 2 <sup>d</sup> 6 <sup>m</sup> 0 <sup>m</sup> 8 <sup>y</sup> 2 <sup>y</sup> 0 <sup>y</sup> 1 <sup>y</sup> 7						
To date	$ \begin{bmatrix} ^{d}2 & ^{d}5 & \\ ^{m}0 & ^{m}8 & \\ \end{matrix} $ $ \begin{bmatrix} ^{y}2 & ^{y}0 & \\ \end{matrix} $ $ \begin{bmatrix} ^{y}1 & ^{y}8 & \\ \end{matrix} $						
7	Progress report						
	☐ The progress report is attached						
8	Sign and date						
Liquidator's signature	Signature X						
Signature date	d 1 d 8 m 1 m 0 y 2 y 0 y 1 y 8						

# **WU07**

Notice of progress report in a winding-up by the court

# 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. **GILL BURLEY** Company name FREEMAN RICH FLOOR D MILBURN HOUSE **DEAN STREET NEWCASTLE UPON TYNE** TYNE & WEAR Ε UK DX 0191 2611839 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.

# 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

☐ You have signed the form.

### ALS REMOVAL SERVICES LIMITED - IN COMPULSORY LIQUIDATION

Liquidator's Annual Progress Report to Creditors and Members for the period 26<sup>th</sup> August 2017 to 25<sup>th</sup> August 2018

# STATUTORY INFORMATION

Name of Company:	ALS REMOVAL SERVICES LIMITED
Registered Office:	Floor D, Milburn House, Dean Street,
	Newcastle upon Tyne, NE1 1LE
Former Registered Office:	19 Jesmond Crescent, Crewe, Cheshire, CW2 7NG
Registered Number:	04863152
Court Name and Number:	CREWE COUNTY COURT NO 56 OF 2014
Liquidator's Name:	James Richard Duckworth
Liquidator's Address:	Freeman Rich, Floor D, Milburn House, Dean Street,
	Newcastle upon Tyne, NE1 1LE
Contact Telephone Number:	0191 2611839
Date of Winding-up Order:	14 <sup>th</sup> April 2014
Liquidator's Date of Appointment:	26 <sup>th</sup> August 2014 - R A Upton
	15 <sup>th</sup> December 2015 – J R Duckworth
	*(See note below)

<sup>\*</sup> As advised in the previous Annual Progress Report, Robin Andrew Upton ("Mr Upton") of Robin Upton Insolvency retired and I was appointed in his place by an Order of the Court on 15<sup>th</sup> December 2015.

# **SUMMARY OF LIQUIDATORS' ACTIONS SINCE APPOINTMENT**

A summary of the assets dealt with in prior periods is shown below. Full details were provided in the previous Annual Progress Reports:-

# Overdrawn Director's Loan Account

As you are aware from the previous reports a number of enquiries and investigations were undertaken and a claim against the Director was identified. Solicitors were instructed and, as a settlement could not be reached with the Director, proceedings were issued and a Judgment was obtained for payment of the sum of £203,852.85. The Director was the sole registered proprietor of two properties and Charging Orders were obtained and registered over the properties in respect of the Judgment debt.

Desktop valuations were obtained from JPS Chartered Surveyors at £149,000 to £182,000 for 19 Jesmond Crescent and £84,000 to £101,000 for 26 Westminster Street. After obtaining up to date mortgage figures it was determined that there was sufficient equity in the properties to justify issuing an application for an Order for Sale of the properties. On 10<sup>th</sup> March 2017 the Court ordered that unless the Defendant (the Director) paid the judgment debt by 6<sup>th</sup> April 2017, the property at 19 Jesmond Crescent could be sold for no less than £149,000 and the property at 26 Westminster Street could be sold for no less than £84,000 without further Order of the Court. Payment was not received from the Director and a further valuation was obtained from a local estate agent, Butters John Bee, to confirm that continuing with enforcement of the sale of the properties was likely to provide funds for the liquidation. The tenant of 19 Jesmond Crescent was given notice to vacate the property and the properties were placed on the market for sale at £149,000 and £84,000 respectively as both needed renovation work.

An inventory was taken of the items remaining in the properties and a notice was served upon all interested parties and placed at each property requiring any interested party to claim any items they owned within 14 days otherwise they would be disposed of.

Several offers were received for 19 Jesmond Crescent with the highest at £147,500. A further Order was made by the Court enabling the property to be sold at this price. After making allowance of £325.00 for repairs to a damaged gatepost, the sale of the property was completed on 24<sup>th</sup> August 2017. After redemption of the mortgage of £124,589.23 and payment of the costs of sale of £2,594.40, net sale proceeds of £19,991.37 were realised.

An offer of £84,000 was accepted for 26 Westminster Street, however the purchasers and their solicitors failed to respond to correspondence. See below for further information.

# Payment Protection Insurance ("PPI") and Interest Rate Hedging Claims ("IRH")

Enquiries were made to identify any potential PPI/IRH claims however these enquiries were concluded and there was no redress due.

# LIQUIDATOR'S ACTIONS SINCE LAST REPORT

This is the fourth Annual Progress Report and should be read in conjunction with the previous Annual Progress Reports.

I have spent time in the reporting period as follows:-

Preparing and issuing the last Annual Progress Report. Carrying out periodic reviews of the case. Completing statutory matters. Carrying out ongoing cashiering work. Quarterly bond reviews. Due Diligence requirements.

In addition to the statutory requirements above I have dealt with the assets in this period as follows:-

#### Overdrawn Director's Loan Account

The property at 26 Westminster Street was placed back on the market as the purchasers had failed to progress the sale. Further offers were received at between £70,660 and £80,000. A further order was obtained from Court to sell the property for a minimum of £80,000. An increased offer of £82,000 was received and two further offers were subsequently received for the same amount. A cash offer of £82,000 was accepted on 5<sup>th</sup> October 2017. An allowance of £900 was made for clearance of the property. The sale completed on 12<sup>th</sup> December 2017. After redemption of the mortgage of £55,133.77 and payment of the costs of sale of £2,597.40, net sale proceeds of £23,368.83 were realised.

The Director had no further known assets to pursue and my solicitors have closed their file.

# RECEIPTS AND PAYMENTS ACCOUNT

My Receipts & Payments Account for the period from 26<sup>th</sup> August 2017 to 25<sup>th</sup> August 2018 is attached. All amounts in the Receipts & Payments Account are shown net of VAT.

The account attached to this Report has been reconciled with that which is held by the Secretary of State in respect of the winding up.

The balance of funds are held in an interest bearing account operated by the Insolvency Service.

### **ASSETS**

There were no assets disclosed in this matter.

#### LIABILITIES

#### **Secured Creditors**

There are provisions of the insolvency legislation that require a Liquidator to set aside a percentage of a Company's assets for the benefit of the unsecured creditors in cases where the Company gave a "Floating Charge" over its assets to a lender on or after 15th September 2003. This is known as the "prescribed part of the net property" ("prescribed part"). A Company's net property is that left after paying the preferential creditors, but before paying the lender who holds a Floating Charge. Any costs of the liquidation that are payable before the Liquidator has reached a position to make a distribution to the Floating Charge Holder have to be deducted from Floating Charge realisations before arriving at an amount for the "net property" of the Company. As a result, the costs associated with realising Floating Charge assets, paying preferential claims in full, the general costs of winding-up and the costs of confirming the validity of the Floating Charge will have to be deducted before the "net property" is calculated. The prescribed part that the Liquidator then has to set aside for unsecured creditors is:

- 50% of the first £10,000 of the net property; and
- 20% of the remaining net property;

up to a maximum of £600,000.

As there are no Charges registered over the assets of the Company, the prescribed part provisions will not apply.

#### **Unsecured Creditors**

The Official Receiver's Report to Creditors included unsecured creditors with an estimated total liability of £86,207.01. To date I have received a claim from one creditor in the sum of £176,607.19. I have not received claims from three further creditors of an unknown amount.

The claim submitted by HM Revenue & Customs was significantly greater than the original estimated amount.

# **DIVIDEND PROSPECTS**

On present information it is unlikely that a dividend will be paid in this matter.

# LIQUIDATORS' REMUNERATION

The Liquidator's remuneration was previously authorised at a creditors' meeting held on 29<sup>th</sup> October 2014. The remuneration has been fixed by reference to the time properly given in attending to matters arising in the liquidation, such remuneration to be drawn as and when required. This covers the remuneration of both myself and Mr Upton.

No remuneration has been drawn in this period.

Information about creditors' rights is published by The Association of Business Recovery Professionals. A copy of 'A Creditor's Guide to Liquidator's Fees' can be viewed online at https://www.r3.org.uk/what-we-do/publications/professional/fees. There are different versions of these Guidance Notes and in this case please refer to the November 2011 version.

Time to be charged on all cases is in 5 minute units and hourly billing rates for the periods since the date of Mr Upton's appointment are as follows (plus VAT):-

	From April 20°		
See note below	Α	В	
Insolvency Practitioners	255.00	425.00	
Chartered Accountants/Solicitor	240.00	320.00	
Associates	220.00	330.00	
Managers	175.00	225.00	
Senior Professionals	150.00	225.00	
Administrator	120.00	180.00	
Cashier	100.00		
Assistants	90.00	120.00	
Support Staff	85.00	115.00	

A Basic Charge out rates
B Charge out rates for special investigation work undertaken in complex cases

I will continue to apply the same rates.

A schedule of the time costs incurred in this period is shown in the analysis below:-

	Insolvency	Other Snr			Support		Total	Avg. Hrly.
,	Practitioner	Prof.	Cashier	Assistants	Staff	Total	Costs	Rate
	Hours	Hours	Hours	Hours	Hours	Hours	£	£
Administration and planning - See Note A above								
Statutory	0.00	3.67	0.00	2.67	0.00	6.33	790.00	
Maintenance of Records	0.33	1.00	0.00	1.08	0.00	2.42	332.50	
General Admin	0.33	0.00	0.00	2.33	0.33	3.00	323.34	
VAT & TAX	0.08	0.92	0.00	0.00	0.00	1.00	158.75	
Review	0.33	4.50	0.00	0.75	0.00	5.58	827.50	
Cashiering	0.00	0.00	2.67	0.00	0.00	2.67	266.65	
	1.08	10.08	2.67	6.83	0.33	21.00	2698.74	129
Realisation of Assets - See Note A above								
Directors Loan Accounts	0.58	3.08	0.00	0.50	0.00	4.16	656.25	
	0.58	3.08	0.00	0.50	0.00	4.16	656.25	158
Creditors - See Note A above								
Agreeing Creditors Claims	0.00	0.00	0.00	0.33	0.00	0.33	30.00	
General Correspondence	0.25	0.33	0.00	0.00	0.00	0.58	113.75	
	0.25	0.33	0.00	0.33	0.00	0.92	143.75	157
Total hours	1.91	13.50	2.67	7.67	0.33	26.08		
Total Costs (£)	488.75	2025.00	266.65	690.00	28.34	_	3498.74	134

A schedule of the time costs incurred since Mr Upton's appointment is shown in the analysis below:-

	Insolvency		Other Snr				Support		Total	Avg. Hrly.
	Practitioner	Associate	Prof.	Admin.	Cashier	Assistants	Staff	Total	Costs	Rate
	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	£	£
Administration and planning - See Note A above										
Open	0.00	0.00	0.00	0.00	0.00	3.00	0.00	3.00	270.00	
Planning	0.00		0.83	0.00	0.00		0.00	0.83		
Statutory	0.00		9.58	0.00	0.00	9.58	0.00	19.17		
Maintenance of Records	1.00		1.42	0.00	0.00	2.67	0.08	5.25	733.33	
General Admin	0.33			0.00	0.00	17.92	2.75	24.33		
VAT & TAX	0.08	ł		0.00	0.00	0.00	0.00	24.53	ł I	
Review	0.67	0.00		0.00	0.00	2.33	0.00	14.75	1	
Cashiering	0.00			0.00	5.08	0.00	0.00	5.08	1	
Cashellig	2.08	0.08	29.42	0.00	5.08	35.50	2.83	75.00		119
Investigations - See Note Babove	2.00	0.00	29,42	0.00	3,00	\$5.50	2.03	75.00	0540.74	113
Initial Investigation	0.00	0.00	0.08	0.00	0.00	0.00	0.00	0.08	12.50	
HMLR Enquiries/Searches	0.00		0.08	0.00	0.00		0.00	0.67	100.00	
•	1					1 1				
Bank Enquiries	0.00	1	0.50	0.00	0.00	ł I	0.00	7.00		
Enquiry Financial Advisors	0.00		0.50	0.00	0.00	0.00	0.00	0.50		
Instructing Solicitors/Notes to assist	11.33	0.00	0.00	2.42	0.00		0.00	13.75		
Realisation of Assets - See Note A	11.33	0.00	1.75	2.42	0.00	6.50	0.00	22.00	4561.66	207
above										
Directors Loan Accounts	1.83	0.33	14.67	0.00	0.00	0.58	0.00	17.41	2793.33	
PPI	0.00	0.00	0.00	0.00	0.00	1.25	0.00	1.25	112.50	
	1.83	0.33	14.67	0.00	0.00	1.83	0.00	18.66	2905.83	156
Creditors - See Note A above										
Agreeing Creditors Claims	0.00	0.00	0.00	0.00	0.00	0.33	0.00	0.33	30.00	
General Correspondence	0.25	0.00	2.17	0.00	0.00	0.08	0.00	2.50	396.25	
	0.25	0.00	2.17	0.00	0.00	0.42	0.00	2.83	426.25	150
Total hours	15.50	0.42	48.00	2.42	5.08	44.25	2.83	118.50		
Total Costs (£)	4519.16	91.66	7235.41	290.00	508.25	3948.75	241.25		16834.48	142

A description of the routine work undertaken is as follows:-

# Administration:

- Case planning devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Setting up physical/electronic case files.
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and others required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond (this is insurance required by statute that every insolvency
  office holder has to obtain for the protection of each estate).
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Convening, advertising and holding a general meeting of creditors.
- Seeking a resolution from creditors for the fixing of the basis of the Liquidator's remuneration and expenses.
- Dealing with all routine correspondence and emails relating to the case.
- Cashiering Creating, maintaining and managing the office holder's cashbook.
- Logging and banking of estate receipts.
- Undertaking regular reconciliations of the bank account containing estate funds.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Preparing, reviewing and issuing Annual Progress Reports to Creditors and Members.
- Filing Reports at Companies House.
- Preparing and filing VAT Returns.

- Preparing and filing Corporation Tax Returns.
- Ongoing Due Diligence and consideration of threats to fundamental principles.
- Pension enquiries.
- Data Protection Notices.

#### Investigations:

- Conducting an initial investigation with a view to identifying potential asset recoveries by seeking and obtaining information from relevant third parties, such as the bank, accountants, solicitors etc.
- Detailed bank analysis.
- Detailed instructions to solicitors.
- HM Land Registry searches.
- · Companies House searches.
- · Bankruptcy searches.

# Realisation of Assets:

- Arranging suitable insurance over property after obtaining possession.
- Regularly monitoring the suitability and appropriateness of the insurance cover in place.
- Instructing agents to value known assets.
- Liaising with agents to realise known assets.
- Instructing solicitors to assist in the realisation of assets.
- Corresponding with solicitors regarding the recovery of claims.
- Enquiries relating to Payment Protection Insurance.
- Interest Rate Hedging enquiries.

# **Creditors:**

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.
- Reviewing proofs of debt received from creditors and adjudicating on them.

# LIQUIDATORS' DISBURSEMENTS

# **Category 1 Disbursements**

The expenses to date amount to £3,852.94, none of which was incurred during this period.

The sum of £3,852.94 has been drawn by me in this period.

The following expenses have been incurred and paid by Mr Upton or myself.

Type of expense	Amount incurred in this period	Amount incurred to date	Amount unpaid
	£	£	£
HM Land Registry charges	0.00	17.00	0.00
Bordereau	0.00	298.00	0.00
Advertising	0.00	149.00	0.00
Asset Insurance	(483.85)	396.46	0.00
EPC Payments re properties	0.00	160.00	0.00
Legal Disbursements	0.00	2,814.12	0.00
Postage	0.00	18.36	0.00

The EPC payments and asset insurance relate to the properties and the legal disbursements were incurred in obtaining Judgment, the Charging Orders, the Orders for Sale, securing the properties, obtaining an inventory of items in the properties and further Orders to reduce the minimum selling price. A credit of £493.85 was received in this period upon cancellation of the property insurance.

The following agents or professional advisors have been utilised in this matter:-

Professional Advisor	Nature of work	Fee Arrangement
Clarke Mairs LLP	Solicitors	Time Costs on formal Conditional Fee Arrangement
JPS Chartered Surveyors	Valuation agent	No fee
Butters John Bee	Estate Agent	Percentage of realisation
First Property Services	EPC Payment	Fixed fee

The choice of professionals was based on Mr Upton's and my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of the fee arrangement with them. Clarke Mairs LLP were instructed to advise on and assist in the recovery of the overdrawn director's loan account. They estimated their time costs up to issuing proceedings would be in the region of £5,000. Time costs from the issue of proceedings were estimated at £15,000 to £25,000 with an uplift of 50%. Although their time costs exceeded this amount, Clarke Mairs LLP restricted their fees to £7,500 plus disbursements of £3,014.12, plus fees of £550.00 and disbursements of £129.40 in respect of the sale of 19 Jesmond Crescent and £550.00 plus disbursements of £132.40 in respect of the sale of 26 Westminster Street. The fees charged have been reviewed and I am satisfied that they are reasonable in the circumstances of this case.

# **Category 2 Disbursements**

The Category 2 Disbursements were approved by creditors at a Creditors Meeting held on 29<sup>th</sup> October 2014.

The following Category 2 Disbursements have been incurred and will be paid, if sufficient funds are available, at the finalisation of my administration:-

Type of Category 2 Disbursement	Amount incurred in this period	Amount incurred to date	Amount unpaid
	t.	Ł	Ł,
Room Hire	0.00	75.00	75.00

A policy decision has been made not to charge postage.

#### **FURTHER INFORMATION**

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 Liquidator'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 Liquidator'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.

#### SUMMARY

My investigations and realisations in this matter are now complete and I will shortly be commencing the closing procedure to finalise the liquidation.

# **COMPLAINTS PROCEDURE**

At Freeman Rich we always strive to provide a professional and efficient service. However, we recognise that it is in the nature of insolvency proceedings for disputes to arise from time to time. As such, should you have any comments or complaints regarding the administration of this case, then in the first instance you should contact me at the address given in this Report.

If you consider that I have not dealt with your comments or complaint appropriately you may then put details of your concerns in writing to our complaints officer, Jonathan Turley, at this office. This will formally invoke our complaints procedure and we will endeavour to deal with your complaint under the supervision of a senior member of staff unconnected with the appointment.

Most disputes can be resolved amicably either through the provision of further information or following negotiations. However, in the event that you have exhausted our complaints procedure and you are not satisfied that your complaint has been resolved or dealt with appropriately, you may complain to the regulatory body that licences the insolvency practitioner concerned. Any such complaints should be addressed to The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds, LS11 9DA, and you can make a submission using an on-line form available at www.gov.uk/complain-about-insolvency-practitioner; or you can e-mail insolvency.enquiryline@insolvency.gsi.gov.uk; or you may phone 0300 678 0015.

Should you have any queries regarding this Report, or the liquidation in general, please contact either myself or Mrs Burley at this office.

Dated this 18th day of October 2018

J R DUCKWORTH Liquidator

# ALS Removal Services Limited (In Liquidation) Liquidator's Summary of Receipts & Payments

	From 26/08/2017 To 25/08/2018 £	From 14/04/2014 To 25/08/2018 £
		- 11-
ainst directors	43,360.20	43,360.20
Street	NIL	NIL
	NIL	1,165.00
sations	NIL	NIL
	30.80	30.80
	43,391.00	44,556.00
IS	·	·
ges	NIL	17.00
irsements	NIL	2,400.00
	88.00	352.00
	2.20	2.20
	7,391.88	7,391.88
	NIL	2,025.00
	NIL	298.00
perty Services	NIL	160.00
	NIL	149.00
ements	7,700.00	10,514.12
	6.16	6.16
	NIL	18.36
	(493.85)	396.46
	(14,694.39)	(23,730.18)
	28,696.61	20,825.82
ount		20,825.82
		20,825.82