

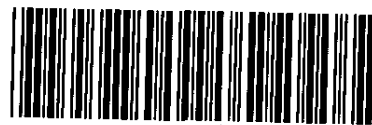
WU07

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



Companies House

WEDNESDAY



A08 *A7H9R0FE* 24/10/2018 #278
COMPANIES HOUSE

lease

use

1 Company details

Company number 0 5 3 5 3 1 7 8

Company name in full GWS Property Limited

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

2 Liquidator's name

Full forename(s) John

Surname Hedger

3 Liquidator's address

Building name/number SPEEDWELL MILL

Street OLD COACH ROAD

TANSLEY

Post town MATLOCK

County/Region DERBYSHIRE

Postcode DE 4 5 F Y

Country

4 Liquidator's name ①

Full forename(s)

Surname

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

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

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

WU07

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Period of progress report

From date	^d 2	^d 5	^m 0	^m 8	^y 2	^y 0	^y 1	^y 7
To date	^d 2	^d 4	^m 0	^m 8	^y 2	^y 0	^y 1	^y 8

7

Progress report☒ The progress report is attached

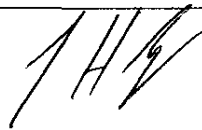
8

Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 1	^d 7	^m 1	^m 0	^y 2	^y 0	^y 1	^y 8
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**GWS Property Limited
(In Liquidation)
Liquidator's Summary of Receipts & Payments**

Statement of Affairs £	From 25/08/2017 To 24/08/2018 £	From 25/08/2016 To 24/08/2018 £
ASSET REALISATIONS		
Deposit Refund	NIL	1,350.00
	NIL	1,350.00
COST OF REALISATIONS		
Sec of State Fees	NIL	2,520.00
Bank Charges	88.00	176.00
	(88.00)	(2,696.00)
	(88.00)	(1,346.00)
REPRESENTED BY		
ISA NIB - interest bearing		(1,346.00)
		(1,346.00)

Note:

John Hedger
Liquidator

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.

Contact name **Ben Leaney**Company name **Seneca IP Limited**Address **Speedwell Mill
Old Coach Road**Post town **Tansley**County/Region **Matlock**Postcode **D E 4 5 F Y**

Country

DX

Telephone **01629 761700****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

Private and Confidential
To members and creditors

Our ref 0476/JH/SG/BL/KS

Your ref

Date 17 October 2018

Dear Sirs

GWS Property Limited ("the Company") - In Compulsory Liquidation
In the Leeds District Registry Number 1101 of 2015

This is my report to members and creditors following the 2nd anniversary of my appointment as Liquidator. This report should be read in conjunction with my previous progress report(s).

Seneca IP Limited uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how Seneca IP Limited uses your personal information on our website at www.seneca-ip.co.uk.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Ben Leaney by email at Ben.Leaney@seneca-ip.co.uk, or by phone on 01629 761700.

Yours faithfully



John Hedger
LIQUIDATOR

Enc.

GWS Property Limited – In Compulsory Liquidation

LIQUIDATOR'S PROGRESS REPORT TO CREDITORS AND MEMBERS

For the year ending 24 August 2018

STATUTORY INFORMATION

Company name:	GWS Property Limited
Company number:	05353178
Trading address:	145-157 St John Street London EC1V 4PY
Registered office:	Speedwell Mill Old Coach Road Tansley Derbyshire DE4 5FY
Former registered office:	17 St Anns Square Manchester M2 7PW
Principal trading activity:	Management of real estate on a fee or contract
Liquidator's name	John Hedger
Liquidator's address	Speedwell Mill, Old Coach Road, Tansley, Matlock, DE4 5FY
Date of appointment	25 August, 2016
Court name and reference	Leeds District Registry Number 1101 of 2015

Name, address and appointment details of the former Liquidator: Messrs Stephen Conn and Jonathan Avery-Gee, 17 St Anns Square, Manchester, M2 7PW

LIQUIDATOR'S ACTIONS SINCE LAST REPORT

For reasons set out in my first annual report, I have been able to make little progress in this case. No further information has been made available to me so I have not been able to move forward with my investigations. I have continued to review my position and have held discussions with my solicitors to try and find a way forward.

On 8 February 2018, I was emailed by Mr Karus who provided what he claimed to be an interlocutor from the Scottish Court of Session and he asked that I update the Company's records accordingly. The document related to Mako Property Limited ('Mako') and set out a number of points confirming whether or not a number of parties were creditors of Mako. The document provided was in Microsoft Word format so was not sealed by the Court. This point was raised with Mr Karus and, following an email exchange, I confirmed that the document would be placed on file; however, I was unable to alter any details of the case based on this document as it had not been sealed by the Court. I also noted that the document referred to Mako and did not appear to have any relevance to GWS Property Limited ('GWS') (other than GWS previously having a claim against Mako, as per my previous report).

On 4 July 2018, I received further emails from Mr Karus which now attached a photograph of the interlocutor which appeared to have been sealed and dated as of 4 July 2018, thus proving that the previous document was not an official document, nor a copy of any such document. Mr Karus, again, requested that my records be updated.

On 17 July 2018 I received an email from Mr Karus where he set out what he claimed to be a number of claims by Citypoint Limited. He claimed that Citypoint Limited was a creditor of GWS so on behalf of Citypoint Limited he requested a meeting of creditors where he intended to nominate his own choice of Liquidator. There were a number of issues with his request, such as referring to Insolvency Rules that were no longer relevant under the Insolvency Rules 2016, plus the appendices where he set out supporting creditors' consent were simply typed on to the bottom of his email so could not be taken as formal consent. I also felt that, as a connected party, I was not able to accept his request.

Though it falls outside of the reporting period, I can confirm that I referred the matter to my solicitors who agreed that I could not accept Mr Karus' request, but due to different sections of the Insolvency Act 1986. Whilst Mr Karus relied on his purported position as a creditor to request a meeting, I relied on section 172 whereby if it does not appear to be in the interest of creditors as a whole, he is able to reject these requests. In this case, the replacement of the Liquidator would only incur additional costs and, given the lack of Company records available, it seems that a new Liquidator would left be in the same position. In addition to this point, it was noted that Citypoint Limited had never actually submitted a claim in the Liquidation of GWS. I requested a Proof of Debt be completed. This raised further queries as to which company actually held the claim and against which company this should be claimed as all of the correspondence provided suggested that the claimed amount was due from Mako, not GWS. At the time of writing I have requested further information from Mr Karus to clarify the claim and provide further evidence.

There is certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors. A description of the routine work undertaken since my last progress report is contained in Appendix 1.

RECEIPTS AND PAYMENTS

My Receipts & Payments Account for the period from 25 August 2017 to 24 August 2018 is attached at Appendix 2.

The balance of funds is held in an interest-bearing account at the Insolvency Services Account.

ASSETS

Directors' Loan Account

At the time of my appointment, as previously referred to above, there were two loan accounts outstanding to the Company, one held by Mr Karus and the other by Mrs McElvogue. Each party disputes their own liability and asserts that the other's remains outstanding. I believe that the missing appendix and working papers held by BDO would assist in calculating what remained owing to the Company and could possibly confirm the same in clear terms. Both parties have been unwilling to provide their consent for BDO to release the papers. Without further information being made available, my solicitors have confirmed it will be difficult to pursue these claims.

Inter Company Loan (Mako Property Ltd)

It appeared from the information provided that the Company had loaned money to Mako Property Ltd. As previously noted, this company entered Administration in January 2014 and subsequently Liquidation in October 2015. A claim for £158,528 00 was entered in to the Liquidation by the Company's previous Liquidator. For completeness I also provided a claim for the same amount. The liquidation of Mako in itself appears to be complex and the Liquidator felt he must apply to the Court for direction in respect of

various competing and complex creditor claims. As a result, the Company's claim could not be supported. It is therefore unlikely that there will be any dividend in respect of this claim.

LIABILITIES

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company has no current charges over its assets.

The legislation requires that if the Company has created a floating charge after 15 September 2003, a prescribed part of the Company's net property (i.e. the money that would otherwise be available to the charge holder) should be ring-fenced for distribution to unsecured creditors. In this case there were no creditors secured by a floating charge such that the prescribed part provisions do not apply.

Preferential Creditors

The statement of affairs anticipated there were to be no preferential creditors. No claims have been received.

Crown Creditors

Though there was no initial break down of the creditors in the Statement of Affairs as to what was owed to HMRC, a claim has since been provided to the sum of £977,838.

Non-preferential unsecured Creditors

The statement of affairs included 8 non-preferential unsecured creditors with an estimated total liability of £2,331,294. I have received claims from 6 creditors at a total of £3,263,254.53. I have not received claims from 4 creditors with original estimated claims in the statement of affairs of £5,933,542.25.

As detailed above, there is currently a disputed claim being made by Citypoint Limited. This claim is yet to be proven as I believe the claim lies with Mako, not GWS and therefore it is not included in the figures above.

DIVIDEND PROSPECTS

Secured creditors – There are no secured creditors in the case.

Preferential creditors – There are no preferential creditors in the case.

Floating charge creditors – There are no floating charge creditors in the case.

Non-preferential unsecured creditors – Given the difficulties in clarifying the monies reportedly owed to the Company from outstanding Loans, there is not expected to be a dividend to non-preferential unsecured creditors.

INVESTIGATION INTO THE AFFAIRS OF THE COMPANY

I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved. Specifically, I recovered a certain number of documents regarding the Company and the progress made by its former Liquidator and the OR and obtained and reviewed copy bank statements from the Company's bankers. I have reviewed the Company's position in respect of the Loan Accounts which appear to be owed to the Company as well as the intercompany loan and these matters remain ongoing.

Aside from the conflicting claims and Loan Accounts as previously mentioned above, I have not carried out any further investigations. The opportunity to carry out any further investigations has been hampered by the lack of company records – both those previously/currently held by former Directors and those being withheld due to various parties not providing their consent to do so.

LIQUIDATOR'S REMUNERATION

My remuneration was approved on a time cost basis based on a fees estimate of £70,318. The fees estimate acts as a cap and I cannot draw remuneration in excess of that estimate without first seeking approval from the creditors. My total time costs to 24 August 2018 amount to £37,714.05, representing 117.89 hours' work at a blended charge out rate of £319.91 per hour, of which £12,714.00, representing 38.70 hours' work, was charged in the period since 25 August 2017, at a blended charge out rate of £328.33 per hour. The actual blended charge out rate incurred compares with the estimated blended charge out rate of £328.53 in my fees estimate. There is a difference in the blended rate charged, compared with the estimated blended rate because, due to the nature and complexity of the case, there have been more instances where I have had to be directly involved where normally the work would be carried out by the Case Administrator with me overseeing their work.

I have not been able to draw any remuneration in this matter.

A detailed schedule of my time costs incurred to date and since 25 August 2017 compared with my original fees estimate is attached as Appendix 3.

As at 24 August 2018 it is not certain whether the total time costs I will incur in this matter in respect of the categories of work for which I am being remunerated on a time cost basis will exceed the total estimated remuneration I set out in my fees estimate when my remuneration was authorised by the creditors. This will depend on the progress of the case going forward and the level of work required to bring it to a conclusion.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors Guide to Liquidators' Fees' also published by R3, together with an explanatory note which shows Seneca IP Limited's fee policy are available at the link www.seneca-ip.co.uk. Please note that there are different versions of the Guidance Notes and in this case you should refer to the April 2017 version.

LIQUIDATOR'S EXPENSES

I have incurred expenses to 24 August 2018 of £1,778.02 of which £59.43 was incurred in the period since 25 August 2017.

I have not been able to draw any expenses in this matter.

I have incurred the following expenses in the period since my last progress report:

Type of expense	Amount incurred/ accrued in the reporting period
Annual Case Management Fee	£53.38

I have incurred the following category 2 disbursements in the period since my last progress report:

Type of category 2 disbursement	Amount incurred/ accrued in the reporting period
Postage	£6.05

I have used the following agents or professional advisors in the reporting period:

Professional Advisor	Nature of Work	Basis of Fees
Prodicus Legal	English Solicitors	Time costs

The choice of professionals was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also considered that the basis on which they will charge their fees represented value for money. I have reviewed the charges they have made and am satisfied that they are reasonable in the circumstances of this case.

As stated above, I have continued to discuss the case and possible ways forward with Prodicus Legal.

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 their 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 unsecured creditors (including the creditor in question), apply to Court to challenge the amount of remuneration charged by the Liquidator as being excessive, and/or the basis of the Liquidator's remuneration, and/or the amount of the expenses incurred as being excessive, within 8 weeks of their receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

To comply with the Provision of Services Regulations, some general information about Seneca IP Limited can be found at www.seneca-ip.co.uk

SUMMARY

The Liquidation will remain open until I am satisfied that all possible avenues of recovery have been pursued. It is not possible to estimate an approximate time period as this depends on the co-operation of those involved.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Ben Leaney by email at Ben.Leaney@seneca-ip.co.uk, or by phone on 01629 761700.


John Hedger
Liquidator

Appendix 1

1. 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.*
- Maintain physical/electronic case files.
- Maintain the case on the practice's electronic case management system and entering data.
- Convening and holding a decision procedure to approve the officeholder's remuneration.
- Dealing with all routine correspondence and emails relating to the case.
- Maintaining and managing the office holder's estate bank account.
- Maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- 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 an annual progress report to creditors and members.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.

2. Creditors

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.

**GWS Property Limited
(In Liquidation)**

LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

	Statement of affairs £	From 25/08/2017 To 24/08/2018 £	From 25/08/2016 To 24/08/2018 £
RECEIPTS			
Deposit Refund		0.00	1,350.00
		<u>0.00</u>	<u>1,350.00</u>
PAYMENTS			
Sec of State Fees		0.00	2,520.00
Bank Charges		88.00	176.00
		<u>88.00</u>	<u>2,696.00</u>
Net Receipts/(Payments)		<u>(88.00)</u>	<u>(1,346.00)</u>
MADE UP AS FOLLOWS			
ISA NIB - interest bearing		(88.00)	(1,346.00)
		<u>(88.00)</u>	<u>(1,346.00)</u>

Note:



John Hedger
Liquidator

Time Entry - Cumulative Detailed SIP9 Time & Cost Summary

0476 - GWS Property Limited
From: 25/08/2017 To: 24/08/2018
Project Code: POST

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Avg Hourly Rate (£)	Hours Cum (POST Only)	Time Costs Cum (POST Only)
02 Post-appointment statutory matters	0.80	0.00	11.10	0.00	11.90	3,631.50	305.17	32.50	9,571.50
11 Cashiering	0.00	0.00	0.00	0.20	0.20	31.00	155.00	1.19	187.55
** 15 Office holder tax liability	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
19 Checklists	0.00	0.00	0.50	0.70	1.20	289.00	240.83	2.10	522.00
20 Billing	0.00	0.00	0.40	0.00	0.40	128.00	320.00	0.40	128.00
Administration & Planning	0.80	0.00	12.00	0.90	13.70	4,079.50	297.77	36.79	10,571.05
08 Unsecured creditors	1.20	0.00	4.30	0.00	5.50	1,922.00	349.45	13.00	4,620.50
** 09 Employee claims and D of E	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.00	504.00
Creditors	1.20	0.00	4.30	0.00	5.50	1,922.00	349.45	15.00	5,124.50
12 Investigation	3.20	0.00	15.30	0.00	18.50	6,352.00	343.35	56.70	18,571.50
Investigations	3.20	0.00	15.30	0.00	18.50	6,352.00	343.35	56.70	18,571.50
** 04 Book debt realisations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.30	81.00
05 Other asset realisations	0.30	0.00	0.70	0.00	1.00	360.50	360.50	9.10	3,386.00
Realisations of Assets	0.30	0.00	0.70	0.00	1.00	360.50	360.50	9.40	3,447.00
Total Hours	5.50	0.00	32.30	0.90	38.70	12,714.00	328.53	117.89	37,714.05
Total Fees Claimed						0.00			

** - Denotes codes included in cumulative data that are not present in the period