

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

TUESDAY



\*AB50AINF\*

A05

07/06/2022

#142

COMPANIES HOUSE

### 1 Company details

Company number 0 5 3 5 4 1 4 8

Company name in full Kirkpatrick Restaurants Ltd

→ Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) Nicola Jayne

Surname Fisher

### 3 Liquidator's address

Building name/number Satago Cottage

Street 360a Brighton Road

Post town Croydon

County/Region

Postcode C R 2 6 A L

Country

### 4 Liquidator's name ①

Full forename(s) Christopher

Surname Herron

① Other liquidator

Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ②

Building name/number Satago Cottage

Street 360a Brighton Road

Post town Croydon

County/Region

Postcode C R 2 6 A L

Country

② Other liquidator

Use this section to tell us about  
another liquidator.

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Period of progress report

From date	<sup>d</sup> 2	<sup>d</sup> 6	<sup>m</sup> 0	<sup>m</sup> 4	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 1
To date	<sup>d</sup> 2	<sup>d</sup> 5	<sup>m</sup> 0	<sup>m</sup> 4	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 2

7

Progress report

☒ The progress report is attached

8

Sign and date

Liquidator's signature

Signature

X  X

Signature date	<sup>d</sup> 0	<sup>d</sup> 6	<sup>m</sup> 0	<sup>m</sup> 6	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 2
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Notice of progress report in voluntary winding up



**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 **Zac Bown**

Company name **Herron Fisher**

Address  
**Satago Cottage**  
**360a Brighton Road**

Post town **Croydon**

County/Region

Postcode 

C	R	2		6	A	L
---	---	---	--	---	---	---

Country

DX

Telephone **020 8688 2100**



**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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)

**Kirkpatrick Restaurants Ltd Trading As: McDonalds  
(In Liquidation)  
Joint Liquidators' Summary of Receipts & Payments**

Statement of Affairs £		From 26/04/2021 To 25/04/2022 £	From 26/04/2021 To 25/04/2022 £
	<b>ASSET REALISATIONS</b>		
	Bank Interest Gross	171.98	171.98
172,500.00	Cash at Bank	208,659.21	208,659.21
Uncertain	Director's Loan Account	NIL	NIL
2,000.00	Rate Refund	2,779.92	2,779.92
		<u>211,611.11</u>	<u>211,611.11</u>
	<b>COST OF REALISATIONS</b>		
	Agents/Valuers Fees	100.00	100.00
	Preparation of S. of A.	5,000.00	5,000.00
	Specific Bond	400.00	400.00
	Statutory Advertising	178.40	178.40
		<u>(5,678.40)</u>	<u>(5,678.40)</u>
	<b>UNSECURED CREDITORS</b>		
(471,710.00)	HM Revenue and Customs	NIL	NIL
(1,500.00)	Trade & Expense Creditors	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	<b>DISTRIBUTIONS</b>		
--(100.00)	Ordinary Shareholders	NIL	NIL
(100.00)	Preference Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(298,910.00)</u>		<u><b>205,932.71</b></u>	<u><b>205,932.71</b></u>
	<b>REPRESENTED BY</b>		
	Bank 1 Current		204,897.03
	Vat Control Account		35.68
	Vat Receivable		1,000.00
			<u><b>205,932.71</b></u>

  
 Nicola Jayne Fisher  
 Joint Liquidator

## **Kirkpatrick Restaurants Ltd t/a McDonalds – In Creditors' Voluntary Liquidation**

### **LIQUIDATORS' PROGRESS REPORT TO CREDITORS AND MEMBERS**

**For the year ending 25 April 2022**

#### **Executive Summary**

By way of background to our appointment the Company traded four McDonalds premises and had done so for a significant period of time. Unfortunately, the Company's director, James Kirkpatrick, was diagnosed with a brain tumour in the early part of the 2010s which, despite treatment, caused a slow but significant decline in his health.

When Mr Kirkpatrick was deemed unable to continue running the restaurants McDonalds took control of the restaurants, which they were able to do under the terms of the franchise agreement, preventing the company from continuing to trade. At that time Mr Kirkpatrick had a sizeable overdrawn director's loan account (DLA) of c£700,000. It is understood that the plan had been to repay that sum through future dividend earnings, however, as they could no longer trade the loan crystallised at that point. Apart from the Mr Kirkpatrick's jointly owned matrimonial home it is not believed that he has any significant assets nor income.

Mr Kirkpatrick's wife has a power of attorney given Mr Kirkpatrick's declining capacity and I have therefore been liaising with her throughout the course of the liquidation.

#### **STATUTORY INFORMATION**

Company name:	Kirkpatrick Restaurants Ltd t/a McDonalds
Registered office:	Satago Cottage 360a Brighton Road Croydon CR2 6AL
Former registered office:	Chancery House 30 St Johns Road Woking GU21 7SA
Registered number:	05354148
Joint Liquidators' names:	Nicola Jayne Fisher (IP No 9090) and Christopher Herron (IP No 8755)
Joint Liquidators' address:	Satago Cottage 360a Brighton Road Croydon CR2 6AL
Joint Liquidators' date of appointment:	26 April 2021
Actions of Joint Liquidators	Any act required or authorised under any enactment to be done by a Liquidator may be done by either or both of the Liquidators acting jointly or alone.

#### **LIQUIDATORS' ACTIONS SINCE COMMENCEMENT OF THE LIQUIDATION**

I have realised the company's cash at bank (subject to my comments below) and a rates refund. The Company's principal asset is the sizeable DLA which is dealt with in detail in the assets section below.

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 the commencement of the liquidation is contained in Appendix 1.

## **RECEIPTS AND PAYMENTS**

My Receipts & Payments Account for the period 26 April 2021 to 25 April 2022 is attached at Appendix 2. All amounts are shown net of VAT. I have reconciled the account against the financial records that I am required to maintain.

The balance of funds are held in an interest bearing estate bank account.

## **ASSETS**

### **Rate Refund**

The Statement of Affairs (SOA) showed a rate refund of £2,000. On appointment I contacted the council to arrange repayment of those monies. Despite some initial difficulties surrounding the payee I was successful in obtaining a refund of £2,779.92.

I also instructed agents to see if there was any scope to appeal the rateable value of all four premises, however, there was insufficient documentation available for that avenue to be pursued.

### **Cash at Bank**

The SOA showed cash at bank of £172,500. Prior to our appointment funds were withdrawn from the company account and temporarily placed into the director's personal account by Mrs Kirkpatrick to be transferred to the liquidation account once open as she had been advised by the bank that the account was due to be frozen as a result of strike off action by Companies House.

On appointment I received £172,514.99. As part of my investigations and my routine request and review of the Company's bank statements it was noted that the balance in the account at the time of the withdrawals was £70,000 higher than the balance that had been transferred. I contacted Mrs Kirkpatrick who initially claimed she could not locate the additional funds. Eventually she located £58,000 but apparently not the additional £12,000. She repaid £36,000 of the funds held but then did not pay over the remainder. That left a balance of £34,000 she was holding (albeit she had not acknowledged £12,000 of that sum).

Mrs Kirkpatrick spoke with a member of my staff and acknowledged that she was still holding funds but did not want to pay them over as she needed the money for ongoing living expenses and other payments. She was advised that if she did not pay the remaining funds to the liquidation, I would be forced to take legal advice and potential action would ensure for the recovery of the missing funds.

Given the ongoing difficulties with Mr Kirkpatrick's health I did not wish to take an aggressive approach and following consultation with my solicitors agreed that, subject to her agreement, I would obtain a voluntary charge on the jointly owned matrimonial home for those monies and, in addition, the monies owing under the DLA. That charge could then be enforced in due course, if necessary, or would come into play when the property was sold at an appropriate juncture.

In order for any agreement to that charge to be legally binding Mrs Kirkpatrick must have taken her own independent legal advice prior to agreeing to the same. Given their financial position I agreed to settle her costs in doing so, to a suitable cap, and my solicitors have recently been in contact with the firm she has chosen to provide the necessary background information to allow them to advise her accordingly.

It is not clear what level of equity is held within the property but based on initial investigations there is certainly a surplus expected following its sale, however, it is extremely unlikely to be sufficient to settle the monies owing in full.

### **DLA**

The SOA showed the loan amount owing as uncertain but it is believed to be in the region of £700,000. This figure was provided by the accountants and is likely correct. In any event it is extremely unlikely

that sum will ever be recovered in full given the Kirkpatrick's circumstances and it is not necessary at this stage to establish whether the amount owing may exceed that sum.

I refer you to the narrative above as regards my strategy for recovering that loan amount, to the extent that I am able.

#### **Gross Bank Interest**

The sum of £171.98 has been received during the reporting period.

#### **LIABILITIES**

##### **Secured Creditors**

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**

No preferential claims were anticipated and accordingly none were received.

##### **Crown Creditors**

The SOA included £471,710 as owed to H M Revenue & Customs (HMRC).

The sale of the franchises resulted in a capital gain which attracted a significant tax liability. Due to the timing of the liquidation the Corporation Tax return which would have accounted for that liability was not submitted to HMRC. Their claim is therefore likely to be significantly higher than they are aware. I have recently instructed the Company's accountants to prepare the outstanding pre-appointment returns to account for the liability in order that HMRC's claim can be finalised.

HMRC did submit a claim at the outset of the liquidation in the sum of £470,627.80 in respect of VAT, however, there was no accrued VAT liability as the Company had ceased trading prior to the periods that they raised assessments for. On that basis the claim was formally rejected.

##### **Non-preferential unsecured Creditors**

Excluding HMRC the SOA included one non-preferential unsecured creditors with an estimated liability of £1,500. I have received a claim from that creditor for that sum.

#### **DIVIDEND PROSPECTS**

##### **Unsecured creditors**

Once HMRC are in a position to finalise their claim I intend to declare an interim dividend to the Company's unsecured creditors from funds held.

#### **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. I am required by the Statements of Insolvency Practice to undertake such an initial

investigation and the work detailed below has been undertaken in connection with that initial investigation.

As detailed above I identified the additional funds that had not been transferred to the liquidation account following my appointment and I refer you to the narrative above for further details.

Within three months of my appointment as Liquidator, I am required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present Director would make them unfit to be concerned with the management of the Company. I would confirm that my report has been submitted.

Matters requiring further investigation that may lead to potential recovery actions have been identified, and the work outlined above was undertaken to further those investigations with a view to making recoveries for the benefit of the creditors.

### **PRE-APPOINTMENT REMUNERATION**

The Board previously authorised the payment of a fee of £5,000 for my assistance with preparing the SOA and arranging the deemed consent procedure for creditors to appoint a liquidator. That fee was paid in full during the reporting period.

### **LIQUIDATORS' REMUNERATION**

On 4 June 2021 my remuneration was approved by the creditors on a mixture of a time cost basis and as a fixed fee.

I was authorised to draw time costs for my work in respect of investigations. This approval was based on my fees estimate of £3,407.50. The fees estimate acts as a cap and I currently cannot draw remuneration in excess of that estimate without first seeking approval from the creditors. My total time costs for such work to 25 April 2022 amount to £1,222.50, representing 4.8 hours of work at a blended charge out rate of £254.69 per hour. The blended average charge out rate incurred compares with the estimated blended charge out rate of £252.41 in my fees estimate.

I was also authorised to draw a fixed fee of £10,000 for my work in respect of Administration, Creditors, Asset Realisations and Distributions.

I have not yet drawn any remuneration under either fee basis as I am now seeking to amend the basis of my fees given the further work that has been, and will be, required to realise the company's remaining assets.

### **Revised Fee Basis - Time costs**

As detailed above my fees were approved on a mixture of time costs for investigations and a fixed fee for the remainder of the work. Given that I am now seeking a charging order on the director's property it is very difficult to estimate what costs will be incurred given the uncertainties. Should a voluntary charging order be granted the liquidation will now need to remain open for some time until such juncture as the property is sold. Further, it may be necessary to obtain a Court Order in respect of the charge if it is not granted voluntarily.

Given the uncertainties surrounding how much work will be required to obtain the order, coupled with the much longer duration than envisaged of the liquidation, I believe time costs for all categories of work would be a more appropriate basis to fix my fees.

I have undertaken the following additional work that was not envisaged when I issued my fees estimate, namely:

Liaised extensively with Mrs Kirkpatrick about the retained funds  
Appointing and liaising with my solicitors in respect of the most appropriate remedy available in respect of the retained funds and the DLA



Liaising with Mrs Kirkpatrick in respect of obtaining her own independent legal advice

I intend to undertake the following additional work that was not envisaged when I issued my fees estimate, namely:

Obtain a charging order on the property (whether granted voluntarily or by Court Order)  
Realise the director's share in the matrimonial home and, if applicable, recoup the funds retained by Mrs Kirkpatrick through a similar method  
Issue additional annual reports to creditors and comply with additional statutory obligations which arise as a result of the liquidation remaining open for a much longer period of time

As a result of this additional work and enhanced realisations I envisage being able to pay a larger dividend to unsecured creditors.

Some of this additional work does not give direct financial benefit to the creditors, but I have to undertake it in order to meet my requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that I must follow.

As detailed above, I now propose to seek amended fee approval on a time cost basis. i.e. by reference to time properly spent by me and members of staff of the practice at our standard charge out rates for all categories of work. When I seek approval for my fees on a solely time cost basis I have to provide a fees estimate. That estimate acts as a cap on my time costs so that I cannot draw fees of more than the total estimated time costs without further approval from those who approved the fees. I attach at Appendix 3 a "Fees estimate summary" that sets out the work that I intend to undertake throughout the whole liquidation, the hourly rates I intend to charge for each part of the work, and the time that I think each part of the work will take. It includes a summary of that information in an average or "blended" rate for all of the work being carried out within the estimate.

You will note that my fees estimate anticipates total costs of £48,273.50 incurred though 140.9 hours of work at a blended charge out rate of £342.61.

If my time costs incurred on the case exceed the estimate, or are likely to exceed the estimate, I will provide an explanation as to why that is the case in the next progress report I send to creditors. You will appreciate that given the uncertainties surrounding the process in respect of the charging order it is possible they may exceed that estimate in the future.

The estimate has been prepared accounting for time already incurred within the estimate and for clarity I have also included a SIP 9 analysis of the time incurred in each category of work to the reporting date. You will see that had I been remunerated on a time costs basis I would have incurred costs totalling £10,327.00 representing 36.5 hours work at a blended charge out rate of £282.93.

Based on the value of the known assets of the Company I anticipate being able to draw my increased fees estimate in full.

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/>. Details about how an office holders' fees may be approved for each case type are available in a series of Guidance Notes issued with Statement of Insolvency Practice 9, and they can be accessed at [www.herronfisher.co.uk](http://www.herronfisher.co.uk). There are different versions of these Guidance Notes, and in this case please refer to the most recent version. Please note that we have also provided further information about an office holders' remuneration and expenses in our practice fee recovery sheet, which can be accessed at [www.herronfisher.co.uk](http://www.herronfisher.co.uk).

Since my last report to creditors my chargeout rates have increased as follows:

Grade of staff	Current charge-out rate per hour, effective from 1 April 2022 £	Previous charge-out rate per hour, effective from 1 April 2021 £
Partner – appointment taker	395	375
Manager	295-320	280
Case Administrator	170-275	160-250

These charge-out rates charged are reviewed on 1 April each year and are adjusted to take account of inflation and the firm's overheads.

### LIQUIDATORS' EXPENSES

Expenses are any payments from the estate which are neither an office holders' remuneration nor a distribution to a creditor or a member. Expenses also includes disbursements. Disbursements are payments which are first met by the office holder and then reimbursed to the office holder from the estate. Expenses are split into:

- category 1 expenses, which are payments to persons providing the service to which the expense relates who are not an associate of the office holder; and
- category 2 expenses, which are payments to associates or which have an element of shared costs. Before being paid category 2 expenses require approval in the same manner as an office holders' remuneration.

I have incurred total expenses of £2,266.18 during the reporting period of which I have drawn £678.40.

Type of Expense	Incurred in the current Reporting Period	Paid in the current Reporting Period	Outstanding
<b>Category 1</b>			
Specific Bond	400.00	400.00	0.00
Statutory Advertising	178.40	178.40	0.00
Postage	1.98	0.00	1.98
Pension Advice	100.00	100.00	0.00
Legal Fees	1,576.50	0.00	1,576.50
Land Registry Search	3.00	0.00	3.00
<b>Category 2</b>			0.00
Photocopying	6.30	0.00	6.30
<b>Total</b>	<b>2,266.18</b>	<b>678.40</b>	<b>1,587.78</b>

Details of the category 1 expenses that I have paid to date are included in the receipts and payments account attached.

I am required to seek approval before I can pay any expenses to associates, or pay expenses where there is an element of shared costs, which are known as category 2 expenses. I have obtained approval to pay the category 2 expenses shown above.

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

Professional Advisor	Nature of Work	Basis of Fees
Courts Trustees Services Pension Advisors		Fixed Fee
Limited (Courts)		
TLT LLP	Solicitors	Time Costs

Courts were instructed to review the Company's two pension schemes to establish if there were any missing contributions.

TLT LLP were engaged to advise on the position in respect of the retained funds and DLA and continue to advise us in that regard.

The choice of professionals used was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of my fee arrangement with them. I also confirmed that they hold appropriate regulatory authorisations. I have reviewed the fees they have charged and am satisfied that they are reasonable in the circumstances of this case.

At the outset of the liquidation my estimated expenses were as follows:

Category	Description	Estimated £	Incurred £
1	Advertising	178.00	178.40
1	Bond	400.00	400.00
1	Pension advice	300.00	100.00
1	Postage	10.00	1.98
1	Legal Fees	-	1,576.50
1	Land Registry search	-	3.00
2	Copying	15.00	6.30

As you can see above, the total expenses I incurred were in line with the total expenses I estimated I would incur when my remuneration was approved save for the unanticipated legal costs. Pension advice was lower than estimated as no missing contributions were identified.

#### 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 Joint Liquidators' 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 Joint Liquidators as being excessive, and/or the basis of the Joint Liquidators' 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 Herron Fisher can be found at [www.herronfisher.co.uk](http://www.herronfisher.co.uk).

#### SUMMARY

The liquidation will remain open until the matter of the DLA has been finalised and funds distributed accordingly. It is not possible to estimate how long that may take at present. Once resolved the liquidation will be finalised and our files will be closed.

If creditors have any queries regarding the conduct of the liquidation they should contact me on 020 8688 2100 or by email at [nicky.fisher@herronfisher.co.uk](mailto:nicky.fisher@herronfisher.co.uk).

  
**NICKY FISHER**  
**JOINT LIQUIDATOR**

## **Appendix 1**

### **1. Administration**

This represents the work involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder and their managers. It does not give direct financial benefit to the creditors, but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that office holders must follow.

- 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 case files
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holders' appointment.
- Obtaining a specific penalty bond.
- Convening a decision procedure to seek a decision from creditors to approve the officeholders' remuneration.
- Supervising the work of advisors instructed on the case to assist in dealing with pension schemes; obtaining reports and updates from them on the work done; and checking the adequacy of the work done.
- Dealing with all routine correspondence and emails relating to the case.
- Opening, maintaining and managing the office holders' estate bank account.
- Creating, maintaining and managing the office holders' 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 annual progress reports to creditors and members.
- Filing returns at Companies House.
- Preparing and filing Corporation Tax returns.

### **1. Creditors**

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also needs to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of his statutory functions.

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.
- Issuing a notice of intended dividend and placing an appropriate gazette notice.
- Reviewing proofs of debt received from creditors and adjudicating on them.

**Kirkpatrick Restaurants Ltd Trading As: McDonalds  
(In Liquidation)  
JOINT LIQUIDATORS' RECEIPTS AND PAYMENTS ACCOUNT**

	Statement of affairs £	From 26/04/2021 To 25/04/2022 £	From 26/04/2021 To 25/04/2022 £
<b>RECEIPTS</b>			
Rate Refund	2,000.00	2,779.92	2,779.92
Cash at Bank	172,500.00	208,659.21	208,659.21
Director's Loan Account	Uncertain	0.00	0.00
Bank Interest Gross		171.98	171.98
		<u>211,611.11</u>	<u>211,611.11</u>
<b>PAYMENTS</b>			
Specific Bond		400.00	400.00
Preparation of S. of A.		5,000.00	5,000.00
Agents/Valuers Fees		100.00	100.00
Statutory Advertising		178.40	178.40
Trade & Expense Creditors	(1,500.00)	0.00	0.00
HM Revenue and Customs	(471,710.00)	0.00	0.00
Preference Shareholders	(100.00)	0.00	0.00
Ordinary Shareholders	(100.00)	0.00	0.00
		<u>5,678.40</u>	<u>5,678.40</u>
Net Receipts/(Payments)		<u>205,932.71</u>	<u>205,932.71</u>
<b>MADE UP AS FOLLOWS</b>			
Bank 1 Current		204,897.03	204,897.03
VAT Receivable / (Payable)		1,035.68	1,035.68
		<u>205,932.71</u>	<u>205,932.71</u>



Nicola Jayne Fisher  
Joint Liquidator

**Notice of decisions by correspondence**

**KIRKPATRICK RESTAURANTS LIMITED T/A MCDONALDS – IN CREDITORS' VOLUNTARY LIQUIDATION**  
(Company Number 05354148)

**Registered Office: Satago Cottage, 360a Brighton Road, Croydon, CR2 6AL**  
**Trading addresses: Unit 2, 189-191 Fleet Road, Fleet, Hants, GU51 3BL**  
**and**  
**489-497 London Road, Camberley, GU15 3JE**  
**and**  
**23 Union Street, Aldershot, GU11 1EP**  
**and**  
**Tumble Down Dick, 227 Farnborough Road, Farnborough, GU14 7JT**

**NOTICE IS GIVEN** by Christopher Herron (IP no 8755) and Nicola Jayne Fisher (IP no 9090) to the creditors of Kirkpatrick Restaurants Limited that set out below is a decision for your consideration under rule 18.16 of The Insolvency (England and Wales) Rules 2016. Please complete the voting section below indicating whether you are in favour or against the following decision:

i). That the Liquidators' fee basis be amended in accordance with the report prepared in connection with the request for an amended fee basis and issued with the notice of the proposed decision.

**The final date for votes 27 June 2022, the decision date.**

1. In order for their votes to be counted creditors must submit to me their completed voting form so that it is received at Satago Cottage, 360a Brighton Road, Croydon, CR2 6AL by no later than 23.59 hours on 27 June 2022. It must be accompanied by proof of their debt, (if not already lodged). Failure to do so will lead to their vote(s) being disregarded.
2. Creditors must lodge proof of their debt (if not already lodged) at the offices of Christopher Herron or Nicola Jayne Fisher by no later than 23.59 on 27 June 2022, without which their vote will be invalid.
3. Creditors with claims of £1,000 or less must still have lodged proof of their debt for their vote to be valid.
4. Any creditors who have previously opted out from receiving documents in respect of the insolvency proceedings are entitled to vote on the decision provided they have lodged proof of their debt.
5. Creditors may, within 5 business days of delivery of this notice to them, request a physical meeting of creditors be held to determine the outcome of the decision(s) above. Any request for a physical meeting must be accompanied by valid proof of their debt (if not already lodged). A meeting will be convened if creditors requesting a meeting represent a minimum of 10% in value or 10% in number of creditors or simply 10 creditors, where "creditors" means "all creditors."
6. Creditors have the right to appeal a decision of the convener made under Chapter 8 of Part 15 of The Insolvency (England and Wales) Rules 2016 about Creditors' Voting Rights and Majorities, by applying to court under Rule 15.35 of The Insolvency (England and Wales) Rules 2016 within 21 days of 27 June 2022, the Decision Date.

Creditors requiring further information regarding the above, should either contact me at Satago Cottage, 360a Brighton Road, Croydon, CR2 6AL, or contact Zac Bown by telephone on 020 8688 2100 or by email at [zac.bown@herronfisher.co.uk](mailto:zac.bown@herronfisher.co.uk).

DATED THIS 26<sup>th</sup> DAY OF MAY 2022



NICKY FISHER  
Joint Liquidator



**KIRKPATRICK RESTAURANTS LIMITED T/A MCDONALDS**

**(Company Number 05354148)**

**Voting on Decision**

i). That the Liquidators' fee basis be amended in accordance with the report prepared in connection with the request for an amendment of the fee basis and issued with the notice of the proposed decision.

For / Against

**TO BE COMPLETED BY CREDITOR WHEN RETURNING FORM:**

Name of creditor: \_\_\_\_\_

Signature of creditor: \_\_\_\_\_

(Complete the following if signing on behalf of creditor, e.g. director/solicitor)

Capacity in which  
signing document: \_\_\_\_\_

Date: \_\_\_\_\_

**Notice of invitation to form a Liquidation Committee**

**KIRKPATRICK RESTAURANTS LIMITED T/A MCDONALDS – IN CREDITORS' VOLUNTARY  
LIQUIDATION  
(Company Number 05354148)**

**Registered Office: Satago Cottage, 360a Brighton Road, Croydon, CR2 6AL**

**Trading addresses: Unit 2, 189-191 Fleet Road, Fleet, Hants, GU51 3BL**

**and**

**489-497 London Road, Camberley, GU15 3JE**

**and**

**23 Union Street, Aldershot, GU11 1EP**

**and**

**Tumble Down Dick, 227 Farnborough Road, Farnborough, GU14 7JT**

**NOTICE IS GIVEN** by Christopher Herron (IP No 8755) and Nicola Jayne Fisher (IP No 9090) to the creditors of Kirkpatrick Restaurants Limited of an invitation to establish a Liquidation Committee under rule 6.19 of The Insolvency (England and Wales) Rules 2016.

1. In addition to seeking a decision on the matters set out in the accompanying notice, creditors are also invited to determine by correspondence, at the same time, whether a Liquidation Committee should be established.
2. A Committee may be formed if a minimum of 3 and a maximum of 5 creditors are willing to become members.
3. Nominations can only be accepted for a creditor to become a member of the Committee if they are an unsecured creditor and have lodged a proof of their debt that has not been disallowed for voting or dividend purposes.
4. The specified date for receipt of nominations for creditors to act as a member of the Committee under rule 6.19 of The Insolvency (England and Wales) Rules 2016 is 27 June 2022, the Decision Date.
5. Please complete the form sent with this notice, and include the name and address of any person you wish to nominate to act as a member of the Committee. The completed document should be returned to Herron Fisher of Satago Cottage, 360a Brighton Road, Croydon, CR2 6AL so that it is received by no later than 23.59 hours on 27 June 2022, the decision date.

Note: Further information on the rights, duties and the functions of a Committee is available in a booklet published by the Association of Business Recovery Professionals (R3). This booklet can be accessed at <https://www.r3.org.uk/technical-library/england-wales/technical-guidance/creditor-guides/more/29111/page/1/liquidation-creditors-committees-and-commissioners/>.

If you require a hard copy of the booklet please contact Zac Bown of Herron Fisher by email at [zac.bown@herronfisher.co.uk](mailto:zac.bown@herronfisher.co.uk), or by telephone on 020 8688 2100.

**The final date for votes to establish a committee is 27 June 2022, the decision date.**

1. In order for their votes to be counted creditors must submit to me their completed voting form so that it is received at Herron Fisher, Satago Cottage, 360a Brighton Road, Croydon, CR2 6AL by no later than 23.59 hours on 27 June 2022. It must be accompanied by proof of their debt, (if not already lodged). Failure to do so will lead to their vote(s) being disregarded.
2. Creditors must lodge proof of their debt (if not already lodged) at the offices of Christopher Herron or Nicola Jayne Fisher by no later than 23.59 on 27 June 2022, without which their vote will be invalid.

3. Creditors with small debts, that is claims of £1,000 or less must still have lodged proof of their debt for their vote to be valid.
4. Any creditors who have previously opted out from receiving documents in respect of the insolvency proceedings are entitled to vote on the decision provided they have lodged proof of their debt.
5. Creditors may, within 5 business days of delivery of this notice to them, request a physical meeting of creditors be held to determine the outcome of the decision above. Any request for a physical meeting must be accompanied by valid proof of their debt (if not already lodged). A meeting will be convened if creditors requesting a meeting represent a minimum of 10% in value or 10% in number of creditors or simply 10 creditors, where "creditors" means "all creditors."
6. Creditors have the right to appeal a decision of the convener made under Chapter 8 of Part 15 of The Insolvency (England and Wales) Rules 2016 about Creditors' Voting Rights and Majorities, by applying to court under Rule 15.35 of The Insolvency (England and Wales) Rules 2016 within 21 days of 27 June 2022 the Decision Date.

Creditors requiring further information regarding the above, should either contact me at Satago Cottage, 360a Brighton Road, Croydon, CR2 6AL, or contact Zac Bown by telephone on 020 8688 2100, or by email at [zac.bown@herronfisher.co.uk](mailto:zac.bown@herronfisher.co.uk).

DATED THIS 26<sup>th</sup> DAY OF MAY 2022



NICKY FISHER  
Joint Liquidator

**KIRKPATRICK RESTURANTS LIMITED T/A MCDONALDS - IN CREDITORS' VOLUNTARY  
LIQUIDATION**

**(Company Number 05354148)**

**Decision**

1. That a Liquidation Committee should be established.

For/Against

Please note that if creditors vote to establish a Committee, then unless at least 3 (and no more than 5) nominations for creditors to act as Committee members are received at the same time, it will be necessary to convene a further decision procedure to decide which creditors are to act as Committee members. That will involve incurring additional costs, so if you intend to vote to establish a Committee, please also nominate either yourself or another creditor to act as a Committee member.

I wish to nominate the following creditor to act as a member of the Committee:

Name of nominated creditor \_\_\_\_\_

**TO BE COMPLETED BY CREDITOR WHEN RETURNING FORM:**

Name of creditor: \_\_\_\_\_

Signature of creditor: \_\_\_\_\_

(Complete the following if signing on behalf of creditor, e.g. director/solicitor)

Capacity in which signing document: \_\_\_\_\_

Dated: \_\_\_\_\_

Note: The completed form should be delivered to Christopher Herron and Nicola Jayne Fisher either by posting it to Herron Fisher of Satago Cottage, 360a Brighton Road, Croydon, CR2 6AL, or by emailing it to [zac.bown@herronfisher.co.uk](mailto:zac.bown@herronfisher.co.uk).

## FEES ESTIMATE SUMMARY

**Case name: KIRKPATRICK RESTAURANTS LIMITED**

The hourly charge out rates that will be used on this case are:  
From 1 April 2022

£

Partner – appointment taker	395.00
Manager 1	320.00
Manager 2	295.00
Case Administrator 1	275.00
Case Administrator 2	-
Case Administrator 3	175.00
Case Administrator 4	170.00

Description of the tasks to be undertaken	Estimated time to be taken to undertake the work	Estimated value of the time costs to undertake the work	Blended charge out rate to undertake the work
<b>ADMINISTRATION</b>			
Administering the affairs of the company in accordance with the Insolvency Legislation and Statements of Insolvency Practice	62.10	£19,775.50	£318.45
<b>INVESTIGATIONS</b>			
Undertaking initial investigations into the affairs of the company with a view to identifying potential asset recoveries for the benefit of creditors	10.40	£2,899.00	£278.75
<b>REALISATION OF ASSETS</b>			
Protecting and realising the assets of the company	48.90	£15,971.50	£326.62
<b>TRADING</b>			
Managing and controlling the business of the company	0.00	£0.00	£0.00
<b>CREDITORS</b>			
Maintaining records of the claims of creditors and formally agreeing them and paying a dividend if sufficient realisations are made	19.50	£6,022.50	£308.85
<b>CASE SPECIFIC MATTERS</b>			
	11.00	£3,605.00	£327.73
<b>GRAND TOTAL FOR ALL CATEGORIES OF WORK</b>	<b>140.90</b>	<b>£48,273.50</b>	<b>£342.61</b>

KIR1328

Kirkpatrick Restaurants Ltd

**SIP 9 - Time & Cost Summary**

Filters: Code: KIR1328, Project Filter: POST, Transaction Date Filter: 26/04/21..25/04/22

Period: 26/04/21..25/04/22

## Time Summary

Classification of work function	Hours					Time Cost (£)	Average hourly rate (£)
	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	2.40	10.10	3.80	0.00	16.30	4,603.50	282.42
Investigations	0.40	1.50	2.90	0.00	4.80	1,222.50	254.69
Realisations of assets	2.00	7.40	0.80	0.00	10.20	3,003.50	294.46
Trading	0.20	0.00	0.00	0.00	0.20	75.00	375.00
Creditors	0.70	3.50	0.80	0.00	5.00	1,422.50	284.50
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>5.70</b>	<b>22.50</b>	<b>8.30</b>	<b>0.00</b>	<b>36.50</b>	<b>10,327.00</b>	<b>282.93</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	