# **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

05445000

Name of Company

Shaun Annetts Limited

1/We

Melissa Jackson, 4th Floor, , 100 Fenchurch Street, London EC3M 5JD

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 10/10/2013 to 09/10/2014

Date \_ 5-12-2014

Carter Backer Winter LLP 66 Prescot Street London

**E1 8NN** 

Ref S1338/TW/TW



06/12/2014 COMPANIES HOUSE



Liquidator's Annual Progress Report

5 December 2014

# Shaun Annetts Limited ("the Company") - in Creditors' Voluntary Liquidation Liquidator's Annual Progress Report to Members and Creditors For the year ending 10 October 2013

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Carter Backer Winter LLP 66 Prescot Street London E1 8NN

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### 1. STATUTORY INFORMATION

Company name

Shaun Annetts Limited

Registered office

66 Prescot Street

London E1 8NN

Former registered office

Unit 5, Horn Business Park

Broadwindsor Road

Beaminster Dorset DT8 3PT

Registered number

05445000

Liquidator's name

Melissa Lorraine Jackson

Liquidator's address

66 Prescot Street

London E1 8NN

Liquidator's date of appointment

10 October 2013

Please note, I joined CBW on 31 March 2014 as a Director of Corporate Recovery & Insolvency As a consequence, this matter is now being administered from CBW's offices

### 2. RECEIPTS AND PAYMENTS ACCOUNT

My Receipts & Payments Account for the period from 10 October 2013 to 9 October 2014 is attached at Appendix 1

### 3. ASSETS

The Company had the following assets

### Goodwill

Goodwill was stated as having a book value of £10,000 and an estimated to realise value of £500 However, goodwill had been written down to nil in the 2012 filed accounts

### Motor vehicles subject to Finance

Three motor vehicles with a total value of £15,600 were included in the Statement of Affairs However, each of the vehicles had a value lower than the finance outstanding and therefore the vehicles had no realisable value  $\frac{1}{2}$ 

### Furniture & Equipment

The Company's furniture and equipment had a book value of £4,423 and was estimated to realise £500

### **Unencumbered Motor Vehicles**

Motor vehicles not subject to finance with a book value of £62,486 were estimated to realise £14,500

### Stock

The Company had stock with a book value of £84,419 which was estimated to realise £1,000. Agents advised that the stock was made up of a significant amount of low value items and that stock levels had built up over the years due to over orders. Additionally, a proportion of the stock was comprised of obsolete lines.

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Prior to the date of Liquidation, on 2 September 2013, the Company sold its business and assets to Shaun Annetts Property Services Limited, a company controlled by the directors. A valuation was undertaken by Millbank Consultants Limited ("Millbank") and the business and assets were sold for £18,000. Included in the sale were the aforementioned assets, comprising fixtures and fittings, stock, goodwill and motor vehicles. Millbank were to collect the sale proceeds over a three month period.

To date, £4,000 has been received in respect of the sale Mr & Mrs Annetts, on behalf of the purchaser, Shaun Annetts Property Services Limited, have recently confirmed that the balance due of £14,000 will be paid in full shortly

### Book Debts & Cash held by Third Party

The Company had book debts of £31,065 Of this sum, £5,184 had already been collected and was held by Mark Liddle Partnership Limited This is included in the Statement of Affairs as Cash held by third party. The Statement of Affairs anticipated that debtors would be recovered in full. The directors together with Millbank were to assist with book debt collections.

To date, debtors of £11,987 have been recovered  $\,$  The directors are holding a further £4,663 which I expect to be forwarded shortly  $\,$  I have asked the directors to provide me with a schedule so that I can review the outstanding debtor figures and determine whether it would be appropriate to refer the matter to a specialist debt collector

### **Director Loan Account**

The Statement of Affairs included an overdrawn Director's Loan Account of £12,000  $\,$  In fact, I have identified that the value of the overdrawn Director's Loan account is £51,017  $\,$  I am in correspondence with the directors in respect of this debt due to the Company, and have asked them for their settlement proposals

### Other Assets

I have identified further assets not included in the Company's Statement of Affairs

Included in the valuation prepared by Millbank were three further vehicles not included in the sale  $\,$  I have made enquiries and determined that these vehicles were removed and sold by Millbank prior to my appointment for the total sum of £2,220  $\,$  I have asked Millbank to account to me for the sale proceeds

As outlined above, the Company's Statement of Affairs indicated that the Company was due repayment of an overdrawn Directors Loan Account in the sum of £12,000. However, this sum is attributable to a dividend paid to the shareholders in 2012 which should not have been declared as the Company did not have distributable profits at the time the dividend was declared and paid. The shareholders have repaid £100 in respect of this dividend and have confirmed that they will settle the outstanding balance in full in the coming weeks.

I have received a rates refund of £354 from West Dorset District Council

### 4. LIABILITIES

### **Secured Liabilities**

In February 2012 the Company granted Lloyds Bank Plc a fixed and floating charge over the assets of the Company

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

### **Preferential Creditors**

The Company does not have any preferential creditors

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#### **Crown Creditors**

The statement of affairs included an amount of £104,901 due to HM Revenue & Customs in respect of VAT, £22,142 in respect of PAYE & National Insurance, and £7,940 in respect of Corporation Tax HM Revenue & Customs has submitted a claim of £133,109 in respect of VAT and £117,946 in respect of PAYE & National Insurance

### **Unsecured Creditors**

The statement of affairs included 16 unsecured creditors with an estimated total liability of £30,100 I have received claims from 12 creditors totalling £24,834 To date I have not received claims from 4 creditors with original estimated claims in the statement of affairs of £3,570

### 5. LIQUIDATOR'S ACTIONS SINCE APPOINTMENT

Following my appointment I have spent time reviewing the Company's asset position and clarifying the position as regards the ultra-vires dividend paid in 2012 and the actual position in respect of the overdrawn Director's Loan Account

### 6. INVESTIGATION INTO THE AFFAIRS OF THE COMPANY

Within six 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 a company. I would confirm that my report has been submitted

### 7. PRE-APPOINTMENT COSTS

The creditors previously authorised the payment of a fee of £6,000 plus VAT to Mark Liddle Partnership Limited for assistance with the statement of affairs and producing and circulating the notices for the meetings of members and creditors prior to my appointment at a meeting held on 10 October 2013. This fee has been paid in full as is reflected in the enclosed Receipts and Payments account.

### 8. LIQUIDATOR'S REMUNERATION

My remuneration was previously authorised by creditors at the meeting held on 10 October 2014 to be drawn on a time cost basis. My time costs to 9 October 2013 amount to £16,487. I have drawn £3,364 to date. A schedule of my time costs incurred is attached at Appendix 2.

A description of the routine work undertaken in the Liquidation to date is as follows

### 1 Administration and Planning

- Preparing the documentation and dealing with the formalities of appointment
- Statutory notifications and advertising
- Preparing documentation required
- Dealing with all routine correspondence
- Maintaining electronic records and case information
- · Review and storage
- Case bordereau
- Case planning and administration
- Preparing reports to members and creditors
- · Convening and holding meetings of members and creditors
- Review and storage of books and records

### 2 <u>Cashiering</u>

- Maintaining and managing the liquidator's cashbook and bank account
- · Ensuring statutory lodgements and tax lodgement obligations are met

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### 3 Creditors

- Dealing with creditor correspondence and telephone conversations
- Preparing reports to creditors
- · Maintaining electronic creditor records
- Reviewing and adjudicating on proofs of debt received from creditors

### 4 Investigations

- Prepare a return pursuant to the Company Directors Disqualification Act.
- Conduct investigations into suspicious transactions
- Review books and records to identify any transactions or actions a liquidator may take against a third party in order to recover funds for the benefit of creditors

### 5 Realisation of Assets

- Reviewing book debt collections
- · Liaising with the company's bank regarding the closure of the account

A copy of 'A Creditors' Guide to Liquidators' Fees' published by the Association of Business Recovery Professionals is available at <a href="https://www.cbw.co.uk/creditor-quides">www.cbw.co.uk/creditor-quides</a> Please note that there are different versions for cases that commenced before or after 6 April 2010 and in this case you should refer to the post-April 2010 version. A hard copy is available on request.

### 9. LIQUIDATOR'S EXPENSES

My expenses to 9 October 2014 amount to £257 I have paid £254 in respect of the statutory bordereau, statutory advertising and stationery and postage I have also paid £436 in respect of storage costs. I have current outstanding expenses of £4

### 10. 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.

### 11. DIVIDEND PROSPECTS

I will shortly account to Lloyds Bank Pic in respect of the sale of the goodwill of the Company in the sum of £500

In respect of the floating charge assets, the prescribed part provisions will apply. These provisions allow for a prescribed part of a Company's assets to be set aside to allow a dividend to be paid to unsecured creditors.

The amount available for distribution to floating charge creditors and unsecured creditors is called the Company's "net property" On the basis of realisations to date and anticipated future realisations, I expect that the Company's net property will be approximately £30,000  $\,^{\circ}$ I anticipate that the prescribed part of the net property will be approximately £10,000 and that approximately £20,000 will be paid to Lloyds Bank Pic in respect of its floating charge. However, this estimate does not take into account any future costs of the Liquidation

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### 12. SUMMARY

The liquidation will remain open until all assets have been realised, including the outstanding Directors Loan Account  $\ I$  am unable to predict at present when  $\ I$  will be in a position to conclude my administration of the case

Should you have any queries regarding this matter please contact Tess Whitney on 020 7309 3824

Melissa Jackson

uh Jockson

Liquidator

Liquidator's Annual Progress Report 5 December 2014

### **APPENDIX 1**

Liquidator's Receipts and Payments Account

# Shaun Annetts Limited (In Liquidation)

# Liquidator's Abstract Of Receipts And Payments To 09 October 2014

RECEIPTS	Statement of Affairs (£)	Total (£)
Goodwill	500 00	0 00
Motor Vehicle WF08 2GS	4,000 00	0 00
Motor Vehicle	6,200 00	0 00
Motor Vehicle BN09 HTA	5,400 00	0 00
Furniture & Equipment	500 00	0 00
Motor Vehicles	14,500 00	0 00
Stock	1,000 00	0 00
Book Debts	25,881 09	11,987 30
Cash held by third party	5,183 94	0 00
Directors Loan Account	Uncertain	50 00
Rates Refund		354 23
Bank Interest Gross		1 96
		12,393 49
PAYMENTS		
Lloyds TSB Bank Pic	(94,800 89)	0 00
BNP Paribas	(4,056 68)	0 00
Close Motor Vehicles	(6,549 01)	0 00
Close Motor Finance	(7,596 06)	0 00
Bordereau		50 00
s98 Fees		6,000 00
Office Holders Fees		3,364 25
Stationery & Postage		27 34
Storage Costs		436 34
Statutory Advertising		176 20
Trade & Expense Creditors	(30,099 62)	0 00
HM Revenue and Customs - PAYE	(22,142 14)	0 00
HM Revenue and Customs	(104,901 10)	0 00
H M Revenue and Customs - CT	(7,939 75)	0 00
Ordinary Shareholders	(2 00)	0 00
		10,054 13
Net Receipts/(Payments)		2,339 36
MADE UP AS FOLLOWS		
Bank Current + Interest VAT Receivable / (Payable)		2,250 69 88 67
	_	2,339 36

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### **APPENDIX 2**

Details of Time Incurred in accordance with
Statement of Insolvency Practice 9
together with CBW's and TMP's charge out rates
for this type of work

Shaun Annetts Limited - In Creditors' Voluntary Liquidation

H	Hours						
L	Partner	Manager	Other Senior Professionals	Assistants and Support Staff	Total Hours	Total Costs	Average Hourly Rate
Administration and Planning	2 00	1 30	00 0	0 88	4.18	£1,578 00	£377 51
Cashiering	00 0	0.00	0.00	2 59	2 59	00 0 <del>3</del>	£0.00
Compliance	0.00	0.30	0.00	0.00	0 30	£129 00	£430.00
Debtor Realisationsc	00 0	00 0	00 0	0 20	0 20	00 0S3	£250 00
Directors (General)	1 10	00 0	00 0	00 0	1 10	£522 50	£475 00
Investigations (Non disqualification)	00 0	1 90	00 0	00 0	1 90	£817.00	£430 00
Realisation of Assets	5.50	1 30	00 0	00 0	08 9	£3,171 50	£466 40
Review	00 0	5 10	00 0	00 0	5 10	£2,193 00	£430 00
	8.60	9.90	0.00	3.67	22.17	£8,461.00	£381.64
Cost Per Employee Category	£4,085.00	£4,251.00	£0.00	£125.00		£8,461.00	

### **CARTER BACKER WINTER LLP ("CBW")**

# CORPORATE RECOVERY AND INSOLVENCY DEPARTMENT INSOLVENCY APPOINTMENTS

### **TIME COST CHARGE-OUT RATES FROM 1 JANUARY 2014**

	<u>Per Hour</u>
	<u>£</u>
Partner	475
Directors	475
Managers	430
Assistant Managers	400
Senior Administrators	380
Administrators	250
Junior Administrators	100
Cashier	0
Support Staff	0

### Note:

Work undertaken on cases is recorded in 6 minute units utilising time-recording software

Time properly incurred on insolvency cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. CBW's charge-out rates change from time to time

### **DISBURSEMENT RECOVERY**

Disbursements are categorised as either Category 1 or Category 2

Category 1 disbursements generally comprise external supplies of incidental services specifically identifiable to the case. Where expenses are incurred and then recharged to the case, approval from creditors is not required. Examples of Category 1 disbursements include statutory advertising, specific bond insurance, document storage, postage, company search fees, and properly reimbursed expenses incurred by personnel in connection with the case. Also included will be services specific to the case where these cannot be practically provided internally, such as printing and room hire.

Category 2 disbursements include elements of shared or allocated costs where supplied internally Category 2 disbursements are recoverable in full, subject to the basis of the disbursement charge being approved by creditors in advance—CBW does not charge Category 2 disbursements

**Shaun Annetts Limited** 

(In Liquidation)

Liquidator:

Melissa Jackson

Analysis of Fees

Up to

09/10/14

			Hours				
Classification of work function	Partner	Director	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average hourly rate
						£	£
Advice, administration and planning	76	05	30	79	19 0	£5,099	£268
Investigations					0 0		£0
Realisation of assets	15			36	51	£1,822	£357
Trading					00		£0
Creditors	10		0 4	33	47	£1,105	£238
Case specific matters					0 0		£0
Total hours	10 1	0.5	3 4	14 8	28 8		
Hourly charge out rate	£419	£475	£281	£176			
Total fees to date (£)	£4,235	£238	£954	£2,600	£8,026_	£8,026	£279
Total fees drawn to date(£)						£3,364	
Total fees undrawn to date(£)					_	£4,662	

2014 10 09 Fee Analysis

14/11/2014

Shaun Annetts Limited

(In Liquidation)

Analysis of Disbursements

Up to

09/10/14

Category 1 Disbursements					
Amounts comprising external supplies of incidental services specifically identifiable to a case	Billed £	Unbilled £			
Bordereau Statutory Advertising Postage & Company Searches	50 00 176 20 0 94	0 47			
Total	227 14	0 47			

Category 2 Disbursements					
Other amounts paid or payable to the office holder's firm or to any party in which the office holder or his firm or any associate has an interest	Billed £	Unbilled £			
Printing and stationery	26 40	3 10			
Total	26 40	3 10			

2014 10 09 Fee Analysis

14/11/2014

### THE MACDONALD PARTNERSHIP PLC

### **CHARGE OUT RATES**

### Effective date

The charge out rates are effective from 1st October 2010

### Charge out rates

Title	Grade	Rate
		£ph
Partners	11	575
	1 2	475
	1 3	375
Managers	2 1	350
	2 2	275
	2 3	225
Administrators	3 1	110
	3 2	95
	3 3	80
Support Staff	41	55
	4 2	50

43

45

### NOTE

Time is recorded in three minute increments

# THE MACDONALD PARTNERSHIP PLC FEES, DISBURSEMENTS AND EXPENSES POLICY

### INTRODUCTION

The MacDonald Partnership Plc is a specialist firm of licensed insolvency Practitioners

As a result, we have very specific and specialist billing structures

This schedule sets out our terms and conditions of billing to clarify the position

### **GENERAL PHILOSOPHY**

It is important to stress that the general philosophy of the firm's billing structure is as follows

- 1 To provide
  - (i) The highest possible quality in terms of (a) technical excellence
    - (b) delivery of service
  - (ii) The highest possible level of integrity and professionalism
  - (III) A personal service
- 2 To provide value for money and to reflect the need for a reasonable profit and return in providing our services

Given this, it is important to set a basic and reasonable pricing and billing structure to maximise the combined interests of our clients, third parties (such as banks and creditors) and the firm

### **VARIATION FROM OUR BILLING STRUCTURE**

The billing structure has been created to reflect the economic substance of providing the quality of service that we give

To charge lower or different fees would be unprofitable for the firm. We will therefore only allow variations from our billing structure in extreme circumstances. Any such variation must be approved by either one of the managing or finance directors.

### **DEFINITIONS**

### **FEES**

Fees are the time charges that reflect the time spent on a case by a partner, director or staff member of the firm Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment.

With regard to support staff, we advise that time spent by cashiers and other support staff in relation to specific

tasks on an assignment is charged. All activity on cases is charged and recorded in three minute increments

In corporate recovery and insolvency cases fees can be charged on a time cost basis, a set fee basis, on a percentage of the assets realised and distributed or a mixture of the above. The fees charged are based on the Scale Rates charges (which are detailed below)

A schedule of Charge Out Rates applies to each grade of staff and is available for inspection at any time

### PROFESSIONAL ADVISORS

We use professional advisors on some of our assignments. The basis of our fee arrangements with advisors, which is subject to review on a regular basis, is generally on an hourly rate basis plus disbursements. Fixed fee arrangements will be disclosed where applicable. Our choice of professional advisors is based on our perception of their experience and ability to perform the type of work required, the complexity and nature of the assignment and the basis of our fee arrangement with them.

### **DISBURSEMENTS & EXPENSES**

For the purposes of compliance with Statement of Insolvency Practice 9 (SIP 9) and R3's best practice guidelines, disbursements and expenses are split into two categories

### **Category 1 Disbursements**

Generally comprise those external supplies of incidental services specifically identifiable to a specific job or case (including agents, insurances, as well as other outsourced services such as room hire, statutory advertising, court fees, couriers, postage, printing, travel and document storage)

### **Category 2 Disbursements**

Generally comprise costs, which whilst being in the nature of expenses or disbursements, include elements of shared or allocated costs. Such disbursements are listed below.

1	Binders	£1 15	Per item
2	Car	£0 50	Per mile
3	Copies (black)	£0 15	Per page
4	Dividers	£1 00	Per item
5	Envelopes	£0 10 - £0 15	Per item
6	Files	£6 00	Per item
7	Labels	£0 25	Per sheet
8	Letters	£2.20	Per letter
9	Printouts	£0 20	Per page

# AGREEMENT OF FEES, DISBURSEMENTS AND EXPENSES

### CORPORATE RECOVERY AND INSOLVENCY

For corporate recovery and insolvency work, the following fee structure applies. For this specialist type of work, fees can either be charged on a time basis or on a scaled percentage charge of assets realised and distributed. Unless otherwise stated, all corporate recovery and insolvency work is done on a time basis.

### 1. Pre-appointment work

Pre-appointment work includes (for example)

- (1) Nominees fees in individual and company voluntary arrangements
- (2) Assistance and preparation in holding a section 98 meeting
- (3) Assistance in placing a company into administration
- (4) Investigation work prior to a formal insolvency procedure, or general advisory work

Pre-appointment work will be charged on the following basis

- (1) Fees will be agreed with the firm's client in advance
- (2) A standard engagement letter will be produced and it will refer to the fees, disbursements and expenses policy, as a source of reference
- (3) In cases where (due to urgency or unusual circumstances) no engagement letter has been drawn up, all fees will be charged according to this schedule

### 2. Post appointment work

Post appointment work includes all work done as required by the Insolvency Act 1986 (as amended) and by the Insolvency Rules 1986 (as amended)

All post appointment fees and disbursements must be approved by

- (1) a general meeting of creditors, or
- (2) a meeting of a creditor or liquidation committee, or
- (3) both of the above, or
- (4) where there is a disagreement on the level of fees, by the procedure available in the Insolvency Rules 1986 (as amended)
- (5) in the case of an administrative receivership, by the debenture holder

### 3 Scale charges

Where fees are taken on a realisation basis (other than a time charge basis) the scale charges are charged on the basis of the Scale Charges laid out in schedule 6 of the Insolvency Rules 1986, which is detailed as follows

### The realisations scale

(1)	On the first £5,000 or fraction thereof			
(11)	On the next £5,000 or fraction thereof			
(111)	On the next £90,000 or fraction thereof			
(ıv)	On all further sums realised	5%		

#### The distribution scale

<b>(</b> t)	Of the first £5,000 or fraction thereof			
(11)	On the next £5,000 or fraction thereof			
(III)	On the next £90,000 or fraction thereof			
(1V)	On all further sums realised	2½%		

### 4 Realisation and distribution for secure creditors

The realisation and distribution fees for any secured creditor (other than an appointing debenture holder) are based on the Official Receivers scale charges as detailed above

### **MAINTENANCE OF RECORDS**

The MacDonald Partnership Plc maintains complete records on both time recording, disbursements and expenses to ensure accuracy of charges

### **DATA PROTECTION**

Confidentiality of information is an important concern for The MacDonald Partnership Plc We are registered and comply with the data protection laws of the United Kingdom Information about clients and creditors are held on databases. If you wish to know what information we hold about you please write to The Data Protection Officer, The MacDonald Partnership Plc, 4<sup>th</sup> Floor, 100 Fenchurch Street, London, EC3M 5JD to request details

### **MONEY LAUNDERING**

The MacDonald Partnership Plc is required, by law, to assist the authorities in eradicating the laundering of proceeds of illegal activity. We may therefore ask certain questions in respect of the source of funds or other monies provided, as well as the identification of clients. We may also be required, in certain circumstances, to report to the relevant authorities on any suspicious activity. We are not required to inform any party of any report made about them.