

CASE NO. 4477 of 2015

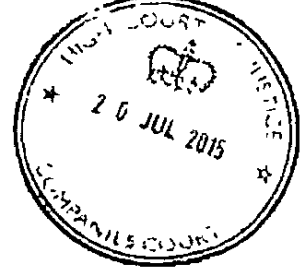
IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

BEFORE REGISTRAR BAISTER

DATED 6 JULY 2015



IN THE MATTER OF ACORN BUSINESS PARK (DURHAM) LIMITED (IN ADMINISTRATION)
AND ANOTHER

AND IN THE MATTER OF CREAM (GP NO 5) LIMITED (IN CREDITORS VOLUNTARY
LIQUIDATION) AND OTHERS

AND IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN:-

BLAIR CARNEGIE NIMMO

Applicant

-and-

GARY STEVEN FRASER

Respondent

ORDER

UPON THE APPLICATION of Blair Carnegie Nimmo ("the Applicant")

AND UPON READING the witness statements filed in support of the application

AND UPON the parties agreeing that the Court should dispose of this application without a
hearing

AND BY CONSENT

IT IS ORDERED THAT:

1. The cases listed in Schedules A and B attached to this Order, in so far as they are currently proceedings in a County Court or in a District Registry of the High Court, be

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transferred to the High Court at the Royal Courts of Justice for the purpose of making the orders listed below

- 2 The Respondent be removed from the office of administrator of each of the companies listed in Schedule A to this Order with immediate effect and, pursuant to paragraphs 98(1) and 98(2)(c) of Schedule B1 to the Insolvency Act 1986, discharged from liability with effect from the date of this Order
- 3 Gerard Anthony Friar of KPMG LLP, 191 West George Street, Glasgow G2 2LJ ("the Successor Practitioner") be appointed as the administrator of the companies listed in Schedule A to this Order in place of the Respondent with immediate effect
- 4 For the avoidance of doubt, the Applicant will remain in office as the administrator of the companies listed in Schedule A to this Order and will hold office jointly together with the Successor Practitioner (such appointment to be joint and several)
- 5 The Respondent be removed from the office of liquidator of each of the companies and the limited liability partnership listed in Schedule B to this Order with immediate effect
- 6 The Successor Practitioner be appointed as liquidator of the companies and the limited liability partnership listed in Schedule B to this Order in place of the Respondent with immediate effect
- 7 For the avoidance of doubt, the Applicant will remain in office as the liquidator of the companies and the limited liability partnership listed in Schedule B to this Order and will hold office jointly together with the Successor Practitioner (such appointment to be joint and several)
- 8 Notwithstanding the removal of the Respondent and the appointment of the Successor Practitioner as administrator of the companies listed in Schedule A to this Order any progress reports that are filed in relation to each of these companies will continue to cover the period specified in Rule 2.47(3) of the Insolvency Rules 1986
- 9 Notwithstanding the removal of the Respondent and the appointment of the Successor Practitioner as the liquidator of the companies and the limited liability partnership listed in Schedule B to this Order any progress reports that are filed in relation to these companies will continue to cover the period specified in Rule 4.49C-CVL(2) of the Insolvency Rules 1986 and any progress reports that are filed in relation to the limited liability partnership will continue to cover the period specified in Rule 4.49C-CVL(2) of the Insolvency Rules 1986 conform to Regulation 10 of and Schedule 6(II) paragraph 3 of the Limited Liability Partnerships Regulations 2001/1090

- 10 The Successor Practitioner do give notice of his appointment to all creditors of the estates listed in Schedules A and B to this Order and the Secretary of State for Business, Innovation and Skills within 28 days of the date of this Order by way of advertisement in the London Gazette
- 11 All creditors of the estates listed in Schedules A and B to this Order do have permission to apply to the Court, on notice to the Applicant, within 28 days of the advertisement referred to in paragraph 10 of this Order for the purposes of applying to vary or discharge the Order in so far as it affects the estate or estates of which they are a creditor
- 12 The time for service of the Application Notice upon the Respondent be abridged
- 13 There be no Order as to costs such that KPMG LLP bear the cost of and incidental to this application without indemnity from any of the estates affected
- 14 Permission to apply

Schedule A
Administrations

No.	Name	Appointed on	Court of proceedings (in any)	Case Reference
1.	Acorn Business Park (Durham) Limited	19 08 2013	High Court of Justice, Chancery Division, Newcastle District Registry	0861 of 2013
2	Park View Property Investments Limited	02 09 2013	High Court of Justice, Chancery Division, Newcastle District Registry	0893 of 2013

Schedule B

Creditors Voluntary Liquidations

No.	Name	Appointed on	Court of proceeding (if any)	Case Reference
1.	Cream (GP No 5) Limited	25 05 2012	N/A	N/A
2	Llewelyn-Davies Limited	08 04 2013	N/A	N/A
3	BLN Property Developments Limited	30.10 2013	High Court of Justice, Chancery Division	3484 of 2011
4	Outdoor Power Tools Limited	23 05 2014	N/A	N/A
5	Argyle Street Properties (No 2) Limited	05 11 2014	High Court of Justice, Chancery Division	3483 of 2011
6	Galloway Homes LLP	18 02 2015	High Court of Justice, Chancery Division, Leeds District Registry	1070 of 2013

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ORDER

**Gateley (Scotland) LLP
107 West Regent Street
Glasgow
G2 2BA
DX GW120 GLASGOW
Tel. 0141 221 2300
Fax 0141 221 5800
Ref FMK/KPM1.213/MJB
Solicitors for the Applicant and Respondent**