

Liquidator's Progress ReportPursuant to Sections 92A, 104A and 192 of the
Insolvency Act 1986**S.192**

To the Registrar of Companies

Company Number

05755026

Name of Company

(a) Insert full name of
company

(a) DAVE KING PLANT

Limited

(b) Insert full name(s)
and address(es)~~Mr~~ (b)PETER J. DUFFY
9 WOODHILL ROAD
PORTISHEAD
BRISTOL BS20 7EUthe liquidator(s) of the company attach a copy of my/our Progress Report
under section 192 of the Insolvency Act 1986The Progress Report covers the period from 12th APRIL 2013
to 11th APRIL 2014

Signed

Peter J. Duffy

Date

8th May 2014Presenter's name,
address and
reference
(if any)IP Services Ltd
9 Woodhill Road
Portishead
Bristol BS20 7EU
Tel: 01275 843555
Fax: 0117 315 0463

TUESDAY



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13/05/2014

#336

COMPANIES HOUSE

IP Services Ltd

Licensed Insolvency Practitioner

Accounting to Stakeholders

Trading Address & Registered Office

9 Woodhill Road, Portishead, Bristol BS20 7EU

Tel 01275 843555

Fax 0117 3150463

Email poduffy@ipservices.co.uk

Web www.ipservices.co.uk

**TO CREDITORS
TO SHAREHOLDERS
TO THE REGISTRAR of COMPANIES
cc THE DIRECTORS**

8th May 2014

**RE: DAVE KING PLANT LIMITED ("DKPL")
- IN CREDITORS VOLUNTARY LIQUIDATION**

Companies House Registration Number: 05755026

Former Trading Address: Kestrel Court, Harbour Road, Portishead BS20 7AN

REPORT INTRODUCTION

Following my appointment as Liquidator of Dave King Plant Ltd on 12th April 2013 I set out below my first annual report in respect of the liquidation

LIQUIDATOR'S ACCOUNT

I enclose a copy of my Receipts and Payments Account from 12th April 2013 to 11th April 2014. For comparison purposes, amounts estimated to realise per the Directors' Estimated to Realise Statement as at 12th April 2013 are also shown. Funds have been held in a designated account with the Cooperative Bank plc. That account has been fully reconciled.

I hope the entries are largely self-explanatory.

RENTED PREMISES

DKPL rented office space at Kestrel Court as above. These were vacated prior to my appointment as liquidator.

ASSETS

I comment below on the major categories of assets.

Office Furniture & Laptop

Having reviewed these items I concluded that it was not economic to formally value or try to sell them and so I de facto disclaimed them.

IP Services Ltd

Trade Debtors

As advised at the initial creditors meeting I was of the firm view that the best way to maximize realizations from debtors was to enlist director Dave King's assistance and to incentivize him with commission remuneration calculated as 7.5% of cleared receipts. This resulted in a payment to him of £907.87.

Only £6,105 has been realized from trade debtors compared with the directors' estimated total of £17,712. This is disappointing. It appears to me that at least £13,763 is still legally due though, in the absence of replies from debtors to my requests for payment, there may be issues of which I am unaware. I intend to apply further pressure including issuing Court proceedings in order to bring this aspect to a head.

Other Debtors

As regards two small employee loans repayable I concluded that they were offsettable against much higher employee residual claims.

I reviewed detailed analyses of director Phil Boyse's and Dave King's director loan account balances of £6,555 and £112 respectively and did not identify any material transactions reflected therein which were not in reality payments on account of reasonable remuneration, or reimbursement of business related disbursements. Fairness dictated that they not be pursued for repayment.

The company's records showed an amount of £2,896 as recoverable in respect of deferred tax. My initial review points to the possibility of reclaiming some £28,516 in corporation tax paid in respect of the accounting period ended 31 March 2010. I shall shortly review this possibility with a specialist tax consultant.

As anticipated, recoverable VAT has been offset against liabilities to HMRC in respect of VAT and PAYE NI.

Cash in IP Services Ltd Client Account

This account was fully analysed in the Directors Report to the creditors meeting on 12th April 2013.

Summary

For the reasons outlined above realisations achieved have to date been significantly less than directors' initial estimates.

COMPANY TRANSACTIONS WITH THE DIRECTORS & CONNECTED PARTIES

In my Introduction to the S98 creditors meeting on 12th April 2013, a copy of which was circularized to creditors on 15th April 2013, I outlined as follows known transactions with directors and their associates.

IP Services Ltd

"Both directors operated director loan / current accounts the end balances of which are shown in the attached report

On the basis that he knew £1,355 was due to come in shortly from sale of a company car (a Citroen Berlingo), from which he could be partially repaid, David King paid on his personal credit card £3,766 to Ashmead Building Supplies Ltd against their invoice dated 5 February 2013. Accordingly he directed the subsequently received proceeds of the Citroen sale to his personal account " " .

I vouched the Citroen Berlingo transaction and came to the conclusion that it was not inherently unfair to creditors

I have reviewed the directors' loan accounts and have not identified any material transactions reflected therein which were not reasonable remuneration or reimbursement of business related disbursements

Please see ' Assets / Trade Debtors ' above re debt collection commission I have paid to director Dave King

I am not aware of any transactions with connected parties other than the foregoing

INVESTIGATION MATTERS

I have carried out a thorough investigation of the affairs of the company prior to my appointment as Liquidator. This investigation included standard enquiries including as regards the following

- Avoidance of property dispositions
- Misapplication of property
- Misfeasance
- Fraudulent trading
- Wrongful trading
- Transactions at undervalue
- Preferences
- Transactions defrauding creditors
- Other matters as specified by my regulators

See in the preceding paragraph above my summary as regards the Citroen Berlingo transaction

As requested I reviewed the transfer of assets in November 2012 to a supplier creditor M J Church. The directors explained that this was done in order to secure further supplies for ongoing construction contracts. The document of assignment dated 21 November 2012 was not drafted by a lawyer but the intention is clear. Although M J Church did not reply to my enquiry letter dated 22 January 2014, DKPL's own records show that the book value of the assigned assets was £24,478 and that the closing creditor liability owed to M J Church was £84,515, an excess of £60,037. I have similarly ascertained that the value of supplies on credit received from M J Church after the assignment totalled more than £24,478. It appears therefore that DKPL got full value for the assigned assets and that creditors have not been prejudiced by the transaction.

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As required by statute in every creditors voluntary liquidation, I submitted a report under the Company Directors Disqualification Act to the Department of Trade and Industry. The confidentiality of that report is mandatory except in special circumstances.

I have not identified any issues requiring further action.

IP SERVICES' PRE LIQUIDATION ADVICE & ASSISTANCE COSTS

My time costs of £6,300 and disbursement costs were outlined in my Introduction to the S98 creditors meeting on 12th April 2013, a copy of which was circularized to creditors on 15th April 2013. They were approved for payment by directors Dave King and Phil Boyse, and by creditors, and have been paid from realizations since my appointment as liquidator.

LIQUIDATOR'S COSTS

I have complied with the statutory and other duties placed upon me as Liquidator, collecting debts owed to the company, submitting statutory returns, inviting and noting claims, keeping accounts, reviewing the company's affairs and reporting to the Government Disqualification Unit under the Company Directors Disqualification Act 1986, attending to creditors' and other parties' queries as required during the course of the liquidation, and reporting.

At the creditors meeting on 12th April 2013 the following resolutions were passed:

the Liquidator's fees should be dealt with on a time-charge basis calculated at the standard hourly rates of IP Services Ltd as adjusted from time to time, £150, £120, £90, and £55 per hour, and that the Liquidator shall have authority to draw fees on account and to reimburse specific disbursements, subject to statutory rules.

the liquidator may charge and reimburse his disbursements as closely as possible to actual cost with no profit or overhead or estimated element. Circular letter postage is to be reimbursed at actual cost as is external copying. Any mileage is to be charged at Inland Revenue approved scale rate, currently 45p per mile.

In common with all professional firms, my scale rates as liquidator increase from time to time over the period of the administration of each insolvency case. IP Services Ltd or any successor firm reserves the right to change the rates and grade structure. Hourly time charge rates from commencement of this case, depending on the level of skill and responsibility involved in different types of work, have been as follows:

From 1-1-13	£150, £120, £90, £55 per hour
From 1-1-14	£150, £120, £90, £55 per hour

The above rates are subject to annual review and adjustment if applicable. The minimum charging unit is three minutes. I charge most of my own time at the level 2 (£120) and level 3 (£90) hourly rates.

My time costs as liquidator from 12th April 2013 to 11th April 2014 totaled £7,633.50 in respect of 84.40 hours worked producing an average charged hourly rate of £90.44. Of this £2,534.98 has been paid leaving an unpaid balance of £5,098.52. A detailed analysis of time costs by personnel and by work category is enclosed.

IP Services Ltd

As regards disbursements, my policy is to charge as closely as possible to actual cost with no profit, overhead or estimated element. Circular letter postage is reimbursed at actual cost as is external copying. Mileage is charged at Inland Revenue scale rate, currently 45p per mile. All disbursements have been reimbursed and are reflected in the enclosed receipts and payments account, except for the following: £12 in respect of search fees and a fee of £52.50 paid to DKPL's former bookkeeper.

No Category 2 (i.e. partially estimated) expenses have been charged.

A guide to liquidators' fees is available at <http://www.insolvency-practitioners.org.uk> then Regulation and Guidance / Creditors Guides to Fees / Guides for England and Wales / Liquidators' Fees (November 2011), or is available from me on request.

Creditors have a right to request certain information as regards liquidator's remuneration and expenses, and to challenge liquidator's remuneration and expenses. Details of these rights can be found in the guide to liquidator's fees referred to above.

CREDITORS

Secured Creditors

No charges were registered at Companies House.

Preferential Creditors

I processed employee claims and data through to the Redundancy Payments Service from whom I have received a preferential claim for £5,328.88 in respect of wages and holiday pay paid to employees. I have received no residual preferential claims from employees.

Realizations to date have been insufficient in this case to fund payment of any dividend to preferential creditors.

Unsecured Creditors

I processed employee claims and data through to the Redundancy Payments Service from whom I have received an unsecured claim for £18,597 in respect of unpaid wages, pay in lieu of notice and redundancy pay.

I advertised for claims in the London Gazette and circularized proof of debt forms for the use of creditors. I have submitted returns to HM Revenue & Customs and have received claims for PAYE NI in the amount of £6,070.82, and confirmation of no claim for VAT after set off of a refund. Various other creditors have submitted proofs of debt. However, realizations to date have been insufficient in this case to fund payment of any dividend to unsecured creditors.

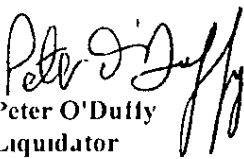
IP Services Ltd

CONCLUSION

The key issues remaining in the liquidation are pursuit of two unpaid trade debtor balances, and also investigation of the possibility that £28 516 in respect of corporation tax paid may be reclaimed

Please contact me by email by phone or in writing with any queries you may have regarding the foregoing

Yours sincerely


Peter O'Duffy
Liquidator

IP Services Ltd

Registered in England No 03602204 VAT No 728 8126 14
Directors Peter O'Duffy 1 CCA & R3, Mary O'Duffy BEd
Peter O'Duffy Insolvency Practitioner, Licensed in the United Kingdom
by ACCA 29 Lincolns Inn Fields, London WC2A 3EE

DAVE KING PLANT LIMITED

- In Creditors Voluntary Liquidation

CLOSING RECEIPTS & PAYMENTS ACCOUNT

From 12th April 2013 to 11th April 2014

Director's Estimated To Realise at 12-4-13 £		Year to 11-4-14 £
	<u>RECEIPTS</u>	
105	Office Furniture	
17,712	Trade Debtors	6,105 00
6,946	Other Debtors	
4,422	Cash in IP Services Ltd Client Account	4,422 27
	Bank Interest - Gross	2 57
	VAT Refunded by HMRC	1,924 41
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29,185		12,454 25
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	<u>PAYMENTS</u>	
	IP Services Pre Liquidation Advice and Assistance Time Costs	6,300 00
	S98 Meeting Fee	69 00
	Statutory Advertising	166 80
	Statutory Bond	296 00
	Post Redirection	120 00
	Debt Collection Commission - D King Director	907 87
	Backup Stick	5 83
	Postage	124.37
	Searches	5 00
	Liquidator's Fees	2,534 98
	VAT On Payments	1,924 40

		12,454 25

	CASH AT BANK	0 00
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NAME OF CASE: DAVE KING PLANT LIMITED											
Summary of time charged for year 12th April 2013 to 11th April 2014											
Work Type Codes -		Work Level									
		1	2	3	4	5	6	7	8	Total Hours	Average Rates £/h
1	=										
2	=										
3	=										
4	=										
5	=										
6	=										
7	=										
8	=										
Reviews, Planning and Administration											
Investigations											
Asset Realisation											
Trading											
Creditor claims / distributions / reports											
Accounting and Treasury , Tax and VAT											
Statutory Compliance											
Clerical Assistance											
Officeholder charged at rates 1, 2, 3 and 4											
Managers / consultants charged at rates 2, 3 and 4											
Administrators charged at rates 3 and 4											
Minimum time unit = 3 minutes											
Work Level -		1	2	3	4	5	6	7	8	Total Hours	Average Rates £/h
Officeholder		9 50	17 00	14 75		16 05	6 55	1 35		65 20	£6,505 75 £ 99 78
Junior Administrator									5 65	5 65	£310 75 £55 00
SUB - CONTRACTORS -											
Gail Boulton ACCA						2 90	1 65			4 55	£322 00 £70 77
Sarah Purchase bookkeeper			9 00							9 00	£495 00 £55 00
Total Hours		9 50	26 00	14 75	0 00	18 95	8 20	1 35	5 65	84 40	
Related Charges		£901 50	£2,375 75	£1,536 00	£0 00	£1,688 50	£699 50	£121 50	£310 75		£7,633 50
Average Rates £/hr		£94 89	£91 38	£104 14	n/a	£89 10	£85 30	£90 00	£55 00		£90 44