

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

05927037

Name of Company

Malcolm Hinder Industrial Flooring Ltd

I / We

Stephen Penn, 1st Floor - Block A, Loversall Court - Clayfields, Tickhill Road - Doncaster, South Yorkshire,
DN4 8QG

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 16/03/2016 to 15/03/2017

Signed

Date

Absolute Recovery Limited
1st Floor, Block A
Loversall Court, Clayfields
Tickhill Road
Doncaster
DN4 8QG

Ref: MAL0406/SP/LB/MG

SATURDAY



A21 *A65WFAC0* 06/05/2017 #227
COMPANIES HOUSE

**Malcolm Hinder Industrial Flooring Ltd
(In Liquidation)
Liquidator's Abstract of Receipts & Payments**

Statement of Affairs	From 16/03/2016 To 15/03/2017
REPRESENTED BY	NIL
	NIL

Liquidator's Annual Progress Report to Creditors & Members

**Malcolm Hinder Industrial Flooring Ltd
- In Liquidation**

15 March 2017

Malcolm Hinder Industrial Flooring Ltd - IN LIQUIDATION

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Malcolm Hinder Industrial Flooring Ltd - IN LIQUIDATION

1 Introduction and Statutory Information

- 1.1 I, Stephen Penn of Absolute Recovery Limited, 1st Floor, Block A, Loversall Court, Clayfields, Tickhill Road, Doncaster, DN4 8QG, was appointed as Liquidator of Malcolm Hinder Industrial Flooring Ltd (the **Company**) on 16 March 2016. This progress report covers the period from 16 March 2016 to 15 March 2017 (the **Period**) and should be read in conjunction with any previous progress reports which have been issued.
- 1.2 The principal trading address of the Company was Unit 4, Park House Bridge Estate, Langley Road, Salford, M6 6JQ. The business traded under the name
- 1.3 The registered office of the Company has been changed to First Floor, Block A, Loversall Court, Clayfields, Tickhill Road, Doncaster, DN4 8QG and its registered number is 05927037.

2 Progress of the Liquidation

- 2.1 This section of the report provides creditors with an update on the progress made in the liquidation during the **Period**.
- 2.2 At Appendix A is my Receipts and Payments Account for the **Period**.
- 2.3 My initial opinion of the assignment was that it should be of a straight forward nature with the majority of early administration focused upon statutory duties.
- 2.4 Based on the Statement of Affairs I considered that it was unlikely a dividend would be payable to creditors.
- 2.5 I considered that I had the staff and resources to properly administer the liquidation and appointed a case manager and a case administrator to deal with the day to day administration
- 2.6 I did not believe it was necessary to consult creditors generally with regard to any strategy.
- 2.7 The company did not operate a pension scheme.
- 2.8 I have not had to deal with any employee claims.
- 2.9 I implemented a redirection upon the company's mail for the first 3 months of the liquidation and whilst on this occasion it was unsuccessful, it is generally a useful tool to identify unknown assets. The redirection did uncover additional creditors.
- 2.10 I have entered into correspondence with several creditors regarding the affairs of the company, some of which were unaware of the liquidation and provided guidance where required.
- 2.11 It should be noted that in the main this work has been performed to comply with statutory duties and generally, within reason, this liquidation has progressed as anticipated.

Realisation of Assets

- 2.12 *For the purpose of the Statement of Affairs the director advised that the company had no assets. To date, no realisations have been made.*

Creditors (claims and distributions)

- 2.13 Further information on the anticipated outcome for creditors in this case can be found at section 3 of this report. A Liquidator is not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 2.14 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.

Malcolm Hinder Industrial Flooring Ltd - IN LIQUIDATION

- 2.15 The above work will not necessarily bring any financial benefit to creditors generally, however a Liquidator is required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. *The more creditors a company has, the more time and cost will be involved by the Liquidator in dealing with those claims.*
- 2.16 I consider the following matters worth noting in my report to creditors at this stage:
- There were 8 unsecured creditors' claims in this case with a value per the director's statement of affairs of £48,077.24. No formal adjudication of creditor claims has taken place, I would only propose to do so in the event that a dividend was payable.
 - There were no secured creditors.
 - There were no preferential creditors.
 - It was not envisaged that a dividend would be payable to any class of creditor.

Investigations

- 2.17 Some of the work the Liquidator is required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (**CDDA 1986**) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Liquidator can pursue for the benefit of creditors.
- 2.18 I can confirm that I have submitted a report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986. As this is a confidential report, I am unable to disclose the contents.
- 2.19 Shortly after appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account information provided by creditors either at the s98 meeting or as a response to my request to complete an investigation questionnaire.
- 2.20 My investigations revealed the following;
- 2.21 2 Individuals acted as directors of the company during the 3-year period leading up to liquidation, neither of the directors have returned to me a questionnaire.
- 2.22 The last set of accounts filed at Companies House was for the period ending 31 October 2014, approximately 15 months prior to liquidation. I am not aware of any draft accounts for any later period.
- 2.23 I have received bank statements for the business current account for the 12-month period leading up to liquidation which have been fully analysed.
- 2.24 Having undertaken a review of all these documents and various other papers concerning the company's financial affairs I identified several transactions that on face value could be regarded as transactions at an undervalue, preference or a general breach of fiduciary duty in accordance The Insolvency Act 1986.

I have requested the director provide me with explanations for these transactions along with supporting documentation to evidence the payments made. In response to my request, the director has advised that the company's books & records were destroyed by the landlord via a skip company. I have issued a letter to the skip company to clarify the directors statement, however I have not received a response to date.

3 Creditors

Secured Creditors

- 3.1 The company has no secured creditors.

Preferential Creditors

The company has no preferential creditors.

Unsecured Creditors

- 3.2 I have received claims totalling £37,893.85 from 3 creditors. I have yet to receive claims from 4 creditors whose debts total £9,908.89 as per the Company's statement of affairs.
- 3.3 I would confirm that it is anticipated there will be insufficient funds realised after defraying the expenses of the liquidation to pay a dividend to unsecured creditors.

4 Liquidator's Remuneration

- 4.1 My fees estimate/information was originally provided to creditors on 17 March 2016 and a date was set for consideration of my remuneration being 17 April 2016, I did not receive any votes from any creditors therefore my remuneration was not set nor agreed.
- 4.2 Although my remuneration is not based upon time costs, practice guidelines suggest that a summary of time costs should be disclosed to creditors to justify remuneration levels. My time costs for the Period are £6,282.50. This represents 28.30 hours at an average rate of £222.00 per hour.
- 4.3 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from my firm's website.
- 4.4 Attached at Appendix B is additional information in relation to the Liquidator's fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

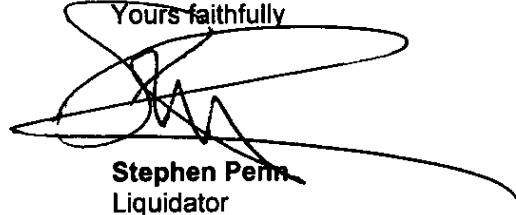
5 Creditors' Rights

- 5.1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report.
- 5.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this progress report, are excessive.

6 Next Report

- 6.1 I am required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation, unless I have concluded matters prior to this, in which case I will write to all creditors with my final progress report ahead of convening the final meeting of creditors.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Stephen Penn', written over the typed name and title.

Stephen Penn
Liquidator

Malcolm Hinder Industrial Flooring Ltd
(In Liquidation)

LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

	Statement of affairs £	From 16/03/2016 To 15/03/2017 £	From 16/03/2016 To 15/03/2017 £
RECEIPTS			
		<u>0.00</u>	<u>0.00</u>
PAYMENTS			
		<u>0.00</u>	<u>0.00</u>
Net Receipts/(Payments)		<u>0.00</u>	<u>0.00</u>
MADE UP AS FOLLOWS			
		<u>0.00</u>	<u>0.00</u>

Appendix B

Additional Information in Relation to the Liquidator's Fees, Expenses & Disbursements

1 Staff Allocation and the Use of Sub-Contractors

- 1.1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.
- 1.2 The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment.
- 1.3 We are not proposing to utilise the services of any sub-contractors in this case.

2 Professional Advisors

- 2.1 On this assignment we have not used any professional advisors.

3 Liquidators Expenses and Disbursements

- 3.1 The estimate of expenses (including disbursements) which were anticipated at the outset of the liquidation was provided to creditors when the basis of my fees was approved, a copy of which is set out below:

Expense	Estimated cost £
Category 1 disbursements charged by the firm:	
Statutory advertising	88.00 per advert
Specific penalty bond	48.00
Re-direction of the company's mail	160.00
Postage	19.20
External room hire	£Nil
Travel expenses	£Nil
Category 2 disbursements charged by the firm:	
None	

Current position of Liquidator's expenses

- 3.2 An analysis of the expenses paid to the date of this report, together with those incurred but not paid at the date of this report is provided below:

	Paid in prior period £	Paid in the period covered by this report £	Incurred but not paid to date £	Total anticipated cost £
Category 1 disbursements				
Statutory advertising	Nil	Nil	176.00	264.00
Specific penalty bond	Nil	Nil	48.00	48.00
Re-direction of the company's mail	Nil	Nil	160.00	160.00
Postage	Nil	Nil	14.49	34.29
Computer Services - Insolv	Nil	Nil	110.00	110.00
Category 2 disbursements				
None				

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- 3.3 Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case. These disbursements are included in the tables of expenses above.
- 3.4 Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage. Details of Category 2 disbursements charged by this firm (where appropriate) were provided at the time the Liquidator's fees were approved by creditors. Any Category 2 disbursements incurred are specifically highlighted in the tables of expenses above.

4 Charge-Out Rates

- 4.1 Absolute Recovery Limited's current charge-out rates effective from appointment are detailed below. Please note this firm records its time in minimum units of 6 minutes.

	(Per hour) £
Partner	350
Manager	225 - 275
Other Senior Professional	150 - 175
Assistants & Support Staff	100

New rates from 3 November 2016.

	(Per hour) £
Partner	350
Manager/Senior Manger	225 - 275
Other Senior Professional	175 - 225
Administrator/Cashier	150 - 175
Junior Administrator	100
Assistants & Support Staff	100