

The Insolvency Act 1986

2.24B

Administrator's progress report

Name of Company Rigsby New Homes Poole Ltd

Company number 06162692

In the High Court of Justice, Chancery Division, Companies Court <small>[full name of court]</small>
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Court case number 13021 of 2009
--

We
Jane Bronwen Moriarty
KPMG LLP
Arlington Business Park
Theale
Reading
RG7 4SD

David John Standish
KPMG LLP
Arlington Business Park
Theale
Reading
RG7 4SD

Administrators of the above company attach a progress report for the period

from

28 February 2014

to

27 August 2014

Signed

Jane Moriarty

Joint Administrator

Dated

12 September 2014

Contact Details:

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form. The contact information that you give will be visible to searchers of the public record.

Sheilagh Richardson KPMG LLP Arlington Business Park Theale Reading RG7 4SD	
DX Number	DX 146800 (Theale) 2
	DX Exchange

When you have completed and signed this form, please send it to the Registrar of Companies at -

Companies House, Crown Way, Cardiff CF14 3UZ

DX 33050 Cardiff

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COMPANIES HOUSE



**Rigsby New Homes Poole Limited
(in administration)**

Progress report
Report to creditors pursuant to Rule 2.47 of
the Insolvency Rules 1986 (as amended)

KPMG LLP
12 September 2014
This report contains 14 pages
JBM/NDG/DMC/SMR/IF



*Rigsby New Homes Poole Limited
(in administration)
Progress report
KPMG LLP
12 September 2014*

Notice: About this Report

This Report has been prepared by Jane Moriarty and David Standish, the Joint Administrators of Rigsby New Homes Poole Limited, solely to comply with their statutory duty to report to creditors under the Insolvency Rules 1986 on the progress of the administration, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This Report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in Rigsby New Homes Poole Limited.

Any estimated outcomes for creditors included in this Report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

Any person that chooses to rely on this Report for any purpose or in any context other than under the Insolvency Rules 1986 does so at its own risk. To the fullest extent permitted by law, the Joint Administrators do not assume any responsibility and will not accept any liability in respect of this Report to any such person.

Jane Bronwen Moriarty is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in Ireland. David John Standish is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association.

The Joint Administrators act as agents for Rigsby New Homes Poole Limited and contract without personal liability. The appointments of the Joint Administrators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the administration.



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Glossary

Administrators	Jane Moriarty and David Standish
Administration Order	High Court of Justice, Chancery Division, Companies Court Court case number 13021 of 2009
ARIM	Allsop Residential Investment Management (ARIM) Limited
Company	Rigsby New Homes Poole Limited (Company Registered Number 06162692)
Directors	Mark Entwistle Griffins Formations Limited
Secured Creditor/ the Bank/ RBS	Royal Bank of Scotland Plc, 36 St Andrew Square, Edinburgh EH2 2YB

The references in this report to Sections, Paragraphs or Rules are to the Insolvency Act 1986, Schedule B1 of the Insolvency Act 1986 and the Insolvency Rules 1986 (all as amended) respectively



1 Introduction

Kevin Mawer and Jane Moriarty were appointed Administrators of the Company on 8 April 2009 by the Court following an application by the Bank

On 30 September 2013, an order was made in the High Court appointing David Standish as Joint Administrator of the Company in place of Kevin Mawer following Kevin Mawer's resignation from KPMG LLP. In accordance with the Order, creditors and members were given notice of the Order by advertisement in the London Gazette on 7 October 2013

This Report has been prepared in accordance with Rule 2.47 and covers the period from 28 February 2014 to 27 August 2014

Statutory information required by Rule 2.47 is attached as Appendix 1. An abstract of the Administrators' receipts and payments account up to 27 August 2014 is attached as Appendix 2. The figures on the account are shown net of VAT

1.1 Statement of Administrators' proposals

Our proposals were circulated to all known members and creditors on 29 May 2009 and were deemed to have been approved, without modification on 10 June 2009

Subsequently, the period of the administration was extended by six months to 7 October 2010 by consent of the Secured Creditors in accordance with Paragraph 76(2)(b). Two further 12 month extensions to the administration were granted by the Court on 22 September 2010 and 5 September 2011. A further 24 month extension to the administration was granted by the Court on 7 September 2012. The administration is currently due to end on 7 October 2014

1.2 Purpose of administration

The purpose of the administration continues to be to maximise the return to creditors as a whole through the investigation work we are undertaking. Should this not be achieved, the Administrators will pursue the objective of realising property in order to make a distribution to one or more secured or preferential creditors

2 Realisation of assets

2.1.1 Freehold land and buildings

The Company's principal asset is a portfolio of freehold land and buildings. We have now completed all matters relating to freehold land and buildings

2.1.2 Bank interest

Bank interest of £1,829 has been earned on funds held during the period covered by this report, bringing total interest received to date to £22,878



2.1.3 Other refunds

A refund in the sum of £8,209 was received in respect of overpaid insurance premiums prior to the sale of the Company's assets. In addition, the sum of £1,429 was received in respect of service charge arrears at Ewell Road.

2.1.4 Investigations

We are continuing to assess potential claims that the Company may have against parties for the recovery of funds or assets, and have made claims in the bankruptcy of one of the Directors and the liquidations of Rigsby New Homes Limited and GMPK Developments Limited (related companies).

Due to the nature of these potential claims we do not consider that it is appropriate to disclose further details at the current time.

These issues will be passed on to the appointed liquidators following the Court hearing on 30 September 2014 (see Section 5, Exit from Administration).

3 Costs of realisation

3.1 Administrators' remuneration

The statutory provisions relating to remuneration are set out in Rule 2.106. Further information is given in the Association of Business Recovery Professionals' publication *A Creditors' Guide to Administrators' Fees*, a copy of which can be obtained at [http://www.r3.org.uk/media/documents/publications/professional/Guide to Administrators Fees Nov2011.pdf](http://www.r3.org.uk/media/documents/publications/professional/Guide%20to%20Administrators%20Fees%20Nov2011.pdf)

However, if you are unable to access this guide and would like a copy please contact Sheilagh Richardson on 0118 373 1408.

The Association of Business Recovery Professionals' Statement of Insolvency Practice No. 9 requires the Administrators to provide a detailed analysis of time spent and charge out rates for each grade of staff for the various areas of work carried out. See Appendix 3 for details. The hourly charge out rates for staff engaged on the administration are included at Appendix 4. Please note that rates can change from time to time.

The time cost analysis attached as Appendix 3 shows that the Administrators' time costs from 28 February 2014 to 27 August 2014 are £29,789, representing 85 hours at an average hourly rate of £352. This brings total time costs incurred since the start of the administration to £1,247,855.

Since the Company has insufficient property to enable a distribution to be made to unsecured creditors, we have obtained the approval of the Secured Creditor that the basis of our remuneration be by reference to the time properly given by the Insolvency Practitioners (acting as Administrators) and their staff in attending to matters arising in the administration.

Remuneration drawn in this reporting period is £400,000, therefore, total remuneration drawn to date is £1,100,000, together with £8,936 drawn in respect of disbursements, plus VAT.



3.2 Agents/Valuers fees

In the period covered by this Report we have paid £2,250 to Lambert Smith Hampton Group in respect of auction fees for the sale of part of Glanmor House

4 Estimated outcome for creditors

4.1 Secured Creditor

As previously advised, the Company owed RBS approximately £186 million on appointment, secured by way of fixed charges over properties within the Company's property portfolio and a debenture dated 3 May 2007

Total distributions to date are £6.8 million. The final outcome for RBS continues to be uncertain due to the ongoing pursuit of claims in the bankruptcy estate of one of the Directors and against related companies in liquidation.

4.2 Preferential creditors

The Company did not have any employees and, therefore, there are no preferential creditors to consider in this matter.

4.3 Unsecured creditors and the Prescribed Part

There are currently no floating charge realisations to facilitate the payment of a dividend to unsecured creditors by virtue of the Prescribed Part or otherwise in the administration.

However, our pursuit of claims in the bankruptcy of one of the Directors and against related companies in liquidation may lead to further recoveries and an element of these may be floating charge assets which could potentially result in a payment to unsecured creditors by virtue of the Prescribed Part during the subsequent liquidation.

5 Outstanding matters

The following matters remain outstanding in the administration:

- pursuit of claims in the bankruptcy estate of one of the Directors, and
- pursuit of claims against related companies in liquidation

5.1 Exit from administration

Since we are continuing to assess potential claims that the Company may have against parties for the recovery of funds or assets, and have made claims in the bankruptcy of one of the Directors and the liquidations of Rigsby New Homes Limited and GMPK Developments Limited (related companies), we considered it most appropriate to move the Company into liquidation in order to complete the outstanding matters.

Therefore, we applied to Court to end the administration whilst simultaneously petitioning for the winding up of the Company. A Court hearing is to take place on 30 September 2014 to appoint Jane Moriarty and David Standish as Joint Liquidators.



*Rigsby New Homes Poole Limited
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Progress report
KPMG LLP
12 September 2014*

5.2 **Future reporting**

We will send our final progress report to the Company's creditors following the Court hearing on 30 September 2014

A handwritten signature in black ink that reads 'Jane Moriarty'.

Jane Moriarty
Joint Administrator



Appendix 1 – Statutory information

Company name & Trading style	Rigsby New Homes Poole Limited
Administration Order	High Court of Justice, Chancery Division, Companies Court Court case number 13021 of 2009
Date of appointment	8 April 2009
Administrators' details	Jane Bronwen Moriarty is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in Ireland David John Standish is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association
Former Administrator	Kevin Mawer
Functions	The functions of the Administrators are being exercised by either or both of them in accordance with Paragraph 100(2) of Schedule B1 of the Act
Application of EC regulations	EC regulations apply and these proceedings will be Main Proceedings as defined in Article 3 of the EC regulations
Company Directors	Mark Entwistle (from 6 November 2007 to date) Griffins Formations Limited (from 15 March 2007 to 7 November 2009)
Company Secretary	Andrew Blackstone (resigned 9 March 2009)
Date of incorporation	15 March 2007
Company registration number	06162692
Previous registered office	24-32 London Road, Newbury, Berkshire RG14 1LA
Present registered office	c/o KPMG LLP Arlington Business Park, Theale, Reading, Berkshire RG7 4SD
Authorised share capital	1,000 Ordinary £1 shares
Issued share capital	1 Ordinary £1 share
Shareholder	Rigsby Group Ltd 1 Ordinary £1 Share
Employees	0



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Appendix 2

Administrators' abstract of receipts and payments

RECEIPTS		£
Brought forward from previous Abstract (if Any)		10,570,124 34
Sundry refunds		25 00
Insurance refund		8,208 73
Bank interest, gross		1,829 34
Floating ch VAT control		1,892 90
Fixed charge VAT control		10,073 74
Carried forward to * continuation sheet / next abstract		10,592,154 05
PAYMENTS		£
Brought forward from previous Abstract (if Any)		9,862,639 18
Administrators' fees		400,000 00
Administrators' expenses		1,067 33
Agents'/Valuers' fees		2,250 00
Bank charges		20 00
Other property costs		1,429 12
Fixed ch VAT rec'able		80,663 47
Carried forward to * continuation sheet / next abstract		10,348,069 10

* Delete as appropriate

* Delete as appropriate

Note - The receipts and payments must severally be added up at the foot of each sheet and the totals carried forward from one abstract to another without any intermediate balance so that the gross totals shall represent the total amounts received and paid by the administrator since he was appointed

Rigsby New Homes Poole Ltd
(In Administration)
Administrators' Abstract of Receipts & Payments

Statement of Affairs	From 28/02/2014 To 27/08/2014	From 08/04/2009 To 27/08/2014
	FIXED CHARGE ASSETS	
19,235,645 62	Freehold & leasehold properties	9,836,944 83
	ARIM re insurance contributions	11,914 97
	Service charge/ground rent/insurance	6,357 54
	Sundry refunds	612 43
	Rent	34,362 88
	Insurance refund	8,208 73
	Bank interest, gross	22,878 05
	10,063 07	9,921,279 43
	FIXED CHARGE COSTS	
	Freehold & leasehold acquisition costs	470,000 00
	SDLT	14,100 00
	Chancel indemnity Insurance	150 00
	Administrators' fees	1,100,000 00
	Administrators' expenses	8,935 81
	Legal fees	696,975 28
	Other legal fees	5,069 00
	Agents'/Valuers' fees	186,959 94
	ARIM agent/management fees	16,702 89
	Irrecoverable vat	64,887 78
	Bank charges	280 00
	Other property costs	21,380 61
	Insurance of assets	117,004 20
	Security	94,395 50
	(404,766 45)	(2,796,841 01)
	FIXED CHARGE CREDITORS	
(17,985,833 79)	Fixed charge creditor	6,800,000 00
	NIL	(6,800,000 00)
1,249,811.83	(394,703.38)	324,438.42
	REPRESENTED BY	
	Fixed ch VAT rec'able	80,353 47
	Fixed charge current	244,084 95
		324,438.42



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Appendix 3

Analysis of Administrators' time costs

Rigsby New Homes Poole Limited (in administration)

Time cost analysis 28 February 2014 to 27 August 2014

	Partner / Director	Manager	Administrator	Support	Total hours	Time cost	Average hourly rate
Cashiering							
General (Cashiering)			4 20		4 20	£875 00	£208 33
Reconciliations (& IPS accounting reviews)			1 30		1 30	£267 50	£205 77
General							
Books and records			1 00		1 00	£223 00	£223 00
Fees and WIP			1 10		1 10	£263 50	£239 55
Open cover insurance			0 90		0 90	£238 50	£265 00
Statutory and compliance							
Checklist & reviews		0 50	0 90		1 40	£431 00	£307 86
Closure and related formalities	1 00	1 25	17 40		19 65	£5,698 25	£289 99
Reports to debenture holders	1 00	4 00	0 30		5 30	£2,464 50	£465 00
Strategy documents	4 00	1 65			5 65	£2,575 25	£455 80
Tax							
Post appointment VAT		0 70	2 60		3 30	£958 50	£290 45
Creditors and claims							
General correspondence		5 00			5 00	£2,375 00	£475 00
Secured creditors		1 00			1 00	£475 00	£475 00
Statutory reports		9 80	11 10		20 90	£7,164 50	£342 80
Asset Realisation							
Freehold property		13 50	0 50		14 00	£5,780 00	£412 86
Total in period 28 February 2014 to 27 August 2014					84 70	£29,789 50	£351 71
Carried forward 8 April 2009 to 27 February 2014					3,735 60	£1,218,065 50	£326 07
Total time 8 April 2009 to 27 August 2014					3,820.30	£1,247,855 00	£326 64



Appendix 4

Schedule of rates of charging

£/hour	01.04.09 to 30.09.10	01.10.10 to 30.09.12	01.10.12 to 30.09.13	01.10.13 to present
Director/Partner	£440 - £515	£460 - £535	£485 - £565	£485 - £565
Management	£320 - £405	£345 - £425	£365 - £450	£385 - £475
Administrators	£165 - £225	£175 - £240	£185 - £250	£195 - £265
Support	£105	£110	£115	£120

KPMG Restructuring policy for the recovery of disbursements

Where funds permit the officeholder will look to recover both category 1 and category 2 disbursements from the estate. For the avoidance of doubt, such expenses are defined within SIP 9 as follows:

Category 1 disbursements These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the officeholder or his or her staff.

Category 2 disbursements These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage. Any disbursements paid from the estate are disclosed within the attached summary of disbursements.

The only Category 2 disbursements that KPMG Restructuring currently charges is mileage, this is calculated as follows:

Mileage claims fall into three categories:

Use of privately-owned vehicle or car cash alternative – 45p per mile

Use of company car – 60p per mile

Use of partner's car – 60p per mile

For all of the above car types, when carrying KPMG passengers an additional 5p per mile per passenger will also be charged where appropriate.