

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

6495388

Name of Company

A & P Melvin Plant Hire Limited

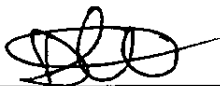
I / We

Donna Louise Cartmel, 3 The Studios, 320 Chorley Old Road, Bolton, Lancs, BL1 4JU

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 12/12/2013 to 11/12/2014

Signed



Date

12/12/14

Lawson Fox
3 The Studios
320 Chorley Old Road
Bolton
Lancs
BL1 4JU

Ref PA2965/DLC/BW/CASH

FRIDAY
THU



A49DU2V7

A20 12/06/2015 #89
COMPANIES HOUSE

A48E03QJ

A08 28/05/2015 #30
COMPANIES HOUSE

LAWSONFOX

TO ALL KNOWN MEMBERS & CREDITORS

Our ref: DC/PA2965/003
Direct dial: 0844 4537022
Email: Donna.Cairn@lawsonfox.co.uk
Date: 12 December 2014

Dear Sirs

A & P MELVIN PLANT HIRE LIMITED - IN LIQUIDATION ("the Company")

LIQUIDATOR'S PROGRESS REPORT FOR THE PERIOD TO

I have pleasure in enclosing my progress report to members and creditors, following my appointment as Liquidator on 12 December 2013.

BACKGROUND

Company Number: 6495388

Former Trading Address: Unit 1 Commercial Road Bromborough Wirral CH42 3NL

Registered Office: c/o 3 The Studios, 320 Chorley Old Road, Bolton BL1 4JU, previously at 34 Irby Road, Heswall, Wirral L61 6XE

On 22 November 2013 the board of directors signed notices convening meetings of the Company's members and creditors with a view to placing the Company into Liquidation.

On 12 December 2013 the Company's shareholders passed a special resolution placing the Company into Creditors' Voluntary Liquidation and nominating Donna Cairn as Liquidator.

At a meeting held on 12 December 2013 a resolution was passed by creditors confirming the appointment of myself as Liquidator.

RECEIPTS AND PAYMENTS TO DATE

Attached at Appendix 1 is the Liquidator's receipts and payment account as at 11 December 2014. A deposit for costs received in this case of £3,000 plus VAT was received from Mr P Melvin.



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3 The Studios,
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Lawson Fox Debt Solutions Limited. Registered Office
3 The Studios, 320 Chorley Old Road, Bolton BL1 4JU
Company Registered in England and Wales No 7119288
All of the Insolvency practitioners of this practice are
licensed in the UK by the Institute of Chartered
Accountants in England and Wales

ASSETS

No assets were shown in the Statement of Affairs however, further comment is made below on the enquiry work that has been undertaken to date.

PROGRESS OF LIQUIDATION

The main focus of the case administration during the year has been the investigation work done in determining whether or not the Company had assets at the date of liquidation which had not previously been disclosed and whether or not recovery action could be commenced. The main areas of investigation have revolved around:

- Ambiguities in ownership of plant and machinery and motor vehicles. DVLA searches showed certain assets in the name of A & P Melvin Plant Hire.
- Payments made through the Company's bank account to connected parties where no evidence has been provided as to the legitimacy of the payments.
- The purchase of vehicles using Company monies after the date on which the Company is alleged to have ceased trading
- Payments made by the Company in relation to vehicles held in the personal name of the director

The director has failed to deliver up any books and records and therefore the only information from which evidence can be obtained is via copy bank statements received from the Company's bank.

The director has to date not been particularly co-operative in responding to enquiries.

LIQUIDATOR'S REMUNERATION & EXPENSES

At the meeting of creditors held on 12 December 2013 a resolution was unanimously passed that the Liquidator be authorised to pay the sum of £3,000 plus VAT for assisting in the preparation of the Statement of Affairs and convening the meetings, which has been paid direct to Lawson Fox by Mr P Melvin.

My firm's fees have been calculated by reference to the amount of time expended by myself acting as Liquidator and by my staff in accordance with my firm's normal charge out rates and in accordance with the resolution passed at the first meeting of creditors.

The total number of hours expended to date in this matter amount to 52.10 hours at a total cost of £13,215.00. The amount of remuneration drawn in accordance with the resolution passed by creditors is shown in the attached receipts and payments account. A breakdown of time incurred in this matter is provided at Appendix 2.

Category 1 expenses do not require approval and relate to specific items, directly related to the case, where the cost is determined by reference to independent external suppliers invoices or published tariff charges. The following Category 1 expenses have been incurred and paid for:

Category 1 expenses incurred to date are:

DVLA Searches	£15.00
Statutory Advertising	£84.60

There are no other Category 1 disbursements that have been incurred and not paid for.

Category 2 expenses require approval and consist of all other items of expenditure, excluding fees. No expenses in this category have been incurred in the period. Whilst approval was given to pay such expenses it would not be the liquidator's intention to charge such expenses in this matter.

The policy for re-charging disbursements is provided at Appendix 3.

Creditors can access the 'Liquidator's Guide to Fees' via the website www.uniquebusinessfinance.co.uk/creditors/guide-to-fees. If you are unable to access the site please contact this office and a hard copy will be forwarded to you by post or email.

The charge out rates of the staff of Lawson Fox who are involved in the administration of this case are as follows:

<i>Grade</i>	<i>From 01 08.13 Rate per Hour (£)</i>
Directors & Office Holders	300 - 400
Senior Managers & Managers	250 - 300
Administrators	150 - 250
Support & Clerical	75 - 150

There have been no changes in charge-out rates since the date at which the basis of Liquidator's remuneration was approved. Time is charged to the case in units of 6 minutes.

A creditor or creditors, with at least 5% in value of the creditors or with the permission of the court, may request the liquidator to provide further information about the remuneration and expenses set out in the report. Any such request should be made within 21 days of receipt of this report, and be in writing addressed to the liquidator to the address detailed below.

If a creditor believes that the liquidator's remuneration is, in all the circumstances, excessive, the basis is inappropriate, or the expenses incurred by the liquidator are, in all the circumstances, excessive he may, provided certain conditions are met, apply to the court. Application may be made to the court by any secured creditor or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (including that creditor) or the permission of the court. Any such application must be made within 8 weeks of receipt of the progress report in which the charging of the remuneration or incurring of the expenses in question is first reported.

DIVIDEND PROSPECTS

Secured Creditors

Lloyds Bank plc hold a fixed and floating charge over the Company's assets. At the date of liquidation the indebtedness was estimated at £92,520.46

Preferential Creditors

No preferential claims have been received and none are anticipated

Prescribed Part

Where a floating charge has been created after 15 September 2003 and the company is in liquidation, Section 176A (2)(a)(b) of the Insolvency Act 1986 requires that a liquidator shall set aside a 'prescribed part of the company's net property available for the satisfaction of unsecured debtors, and shall not distribute that part to the proprietor of a floating charge except in so far as it exceeds the amount required for the satisfaction of unsecured debts'.

The amount of the prescribed part has been fixed by regulations and is calculated as follows.

Where the net property does not exceed £10,000	£Nil
Where the net property exceeds £10,000	50% of the first £10,000, plus 20% of the property that exceeds £10,000 up to a maximum prescribed part of £600,000

Unsecured Creditors

I have received claims totalling £118,640.25 from 17 creditors. I have yet to receive claims from 22 creditors whose debts total £158,588.33 according to the statement of affairs.

A floating charge over the Company's assets was granted to Lloyds Bank plc on 9 June 2008. Accordingly I am required to create a fund out of the Company's net floating charge property, known as the prescribed part, for unsecured creditors, which only applies to charges created after 15 September 2003. There are however no asset realisations in this case and therefore there are no funds available to calculate a prescribed part.

INVESTIGATION

As an essential part of my duties I have undertaken enquiries into the Company's past trading activities and the conduct of those individuals concerned in the management and the operations of the affairs of the Company.

The emphasis of these investigations is to ascertain full information on the whereabouts of the Company's assets whether or not disclosed in the statement of affairs verified by the directors and involves an examination of the Company's books

and records, correspondence received from creditors and interviews with the Company's officers.

I have now complied with my duties under the Company Directors Disqualification Act 1986.

CONCLUSION

Given the comments above on the enquiry work that has already been undertaken and the potential assets that may have been misappropriated by the Director creditors are asked whether or not they would be willing to fund an action being taken by the liquidator to initially summon the Director before the court to answer the outstanding queries relating to the potential assets. The estimated costs of taking such an action would be in the region of £5,000. Attached at Appendix 4 is a form to be completed and returned by creditors to indicate whether or not funding will be made available. Should creditors not provide sufficient funding no action will be taken and the case will be formally concluded.

NEXT REPORT

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 read 'Donna Cartmel', written over a horizontal line.

Donna Cartmel
Liquidator

APPENDIX 1

**A & P MELVIN PLANT HIRE LIMITED
IN LIQUIDATION**

RECEIPTS AND PAYMENTS ACCOUNT AS AT 11 DECEMBER 2014

	Per Statement of Affairs	Receipts and Payments to Date
	£	£
RECEIPTS		
Deposit for costs	Nil	<u>2,500.00</u>
		<u>2,500.00</u>
PAYMENTS		
Advertising		84.60
DVLA searches		15.00
Statement of Affairs fee		<u>2,317.00</u>
		<u>2,416.60</u>
Balance as at 11 December 2014		<u>83.40</u>
<i>Represented by:</i>		
Cash at bank		<u>83.40</u>

APPENDIX 2

A & P MELVIN PLANT HIRE LIMITED - IN LIQUIDATION
LIQUIDATOR'S TIME COSTS FOR THE PERIOD 12 DECEMBER 2013 TO 11
DECEMBER 2014
SIP 9 TIME SUMMARY

Classification of Work	Partner	Manager	Other Senior Professional	Assistants & Support Staff	Total Hours	Time Costs £	Avg Hourly Rate £
Administration & Planning	1 50	0 00	1.70	2 50	5.70	1,212 50	212 72
Investigation	7 70	0 00	29 50	0 00	37 20	10,455 00	281 05
Asset Realisation	0 00	0.00	0 50	1 60	2 10	245 00	116 67
Creditors	0 00	0 00	4 40	2 70	7 10	1,302.50	183 45
Case Specific Matters	0 00	0 00	0.00	0 00	0 00	0 00	
Total Fees £	3,680 00	0 00	9,025.00	510 00		13,215 00	
Total Hours	9 20	0 00	36 10	6 80	52 10		
Average Rate	400 00	0 00	250.00	75 00			

The above headings include inter alia:

Administration & Planning	Case planning, Appointment notification Maintenance of records, Statutory reporting, Tax and VAT
Realisation of Assets	Identifying and securing assets, debt collection, property, business and asset sales
Investigations	SIP2 review, reports pursuant to Company Directors Disqualification Act 1986, Investigating antecedent transactions
Creditors	Communications with creditors, creditor claims (including secured creditors, employees and preferential creditors)
Case Specific Matters	Agreeing prescribed part claims, advertising Distributions, making distribution of prescribed Part

APPENDIX 3

The note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Required professional practice states that such charges should be disclosed to those who are responsible for approving the office holders remuneration, together with an explanation of how those charges are made up and the basis on which they are arrived at.

DEFINITIONS

Required professional practice classifies expenses into two broad categories:

- Category 1 expenses (approval not required) – specific expenditure that is directly related to a particular insolvency case where the cost of the expense incurred is referable against an independent external supplier's invoice or published tariff of charges;
- Category 2 expenses (approval required) – all other items of expenditure:
 - * which cannot, or cannot easily, be directly related to a particular insolvency case because there is an element of shared or allocated cost; and/or
 - * where the cost of the expense incurred is an estimated, unitised cost with the estimate based on external costs or opportunity cost

CHARGING POLICY

- Category 1 expenses (approval not required) – with the exception of any items referred to below, all such items are re-charged to the case as they are incurred
- Category 2 expenses (approval required)
 - (a) The following items of expenditure are re-charged as describe:
 - Internal meeting room usage for the purpose of statutory meetings of creditors is re-charged at the rate of £75 per meeting, if at least one creditor is in attendance at the meeting
 - Car mileage is re-charged at the rate of 40 pence per mile
 - Storage of books and records (when not charged as a category 1 expense) is recharged at the rate of £1 per box per quarter
 - (b) The following items of expenditure will normally be treated as general office overheads not subject to a re-charge:
 - Telephone and facsimile
 - Printing and photocopying
 - Stationery

A re-charge made be made however, where the precise cost to the case can be determined because the item satisfies the test of a category 1 expense.

APPENDIX 4

**A & P MELVIN PLANT HIRE LIMITED
IN LIQUIDATION**

Name of creditor,

Address of creditor,

.....

.....

.....

Amount of claim: £.....

I/we are / are not* willing to fund the Liquidator's action against the Director to obtain further information concerning potential assets belonging to the Company and determining whether or not recovery action should be instigated

I/we are prepared to fund the Liquidator in the amount of £.....

Signed

Name in capitals:

Position of signatory

In relation to creditor,

Return to:

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3 The Studios
320 Chorley Old Road
Bolton
BL1 4JU