

Section 106

Return of Final Meeting in a
Creditors' Voluntary Winding UpPursuant to Section 106 of the
Insolvency Act 1986

To the Registrar of Companies

S.106

Company Number

06561734

Name of Company

Envirotel Limited

/s/ We Simon Franklin Plant
9 Ensign House
Admirals Way
Marsh Wall
London
E14 9XQ

Daniel Plant
9 Ensign House
Admirals Way
Marsh Wall
London
E14 9XQ

Note: The copy account must be
authenticated by the written
signature(s) of the Liquidator(s)

1 give notice that a general meeting of the company was duly ~~held on~~/summoned for 25 February 2013 pursuant to section 106 of the Insolvency Act 1986, for the purpose of having an account (of which a copy is attached) laid before it showing how the winding up of the company has been disposed of, ~~and that the same was done accordingly~~ / no quorum was present at the meeting.

2 give notice that a meeting of the creditors of the company was duly ~~held on~~/summoned for 25 February 2013 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having the said account laid before it showing how the winding up the company has been conducted and the property of the company has been disposed of and ~~that the same was done accordingly~~/no quorum was present at the meeting

The meeting was held at 9 Ensign House, Admiral's Way, Marsh Wall, London, E14 9XQ

The winding up covers the period from 8 April 2011 (opening of winding up) to the final meeting (close of winding up)

The outcome of any meeting (including any resolutions passed) was as follows

Signed _____

Date 25 February 2013

S F P
9 Ensign House
Admirals Way
Marsh Wall
London
E14 9XQ

Ref ETL0002/SFP/DXP/NGL

FRIDAY



A30

A239DE6Q

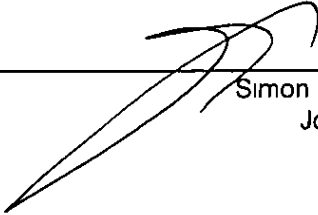
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#251

COMPANIES HOUSE

Envirotel Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments
From 8 April 2011 To 25 February 2013

S of A £		£	£
	ASSET REALISATIONS		
132 00	Surplus VAT from Administration	131 66	
206 00	Balance from Administration	205 72	
	Bank Interest Gross	1 27	
			338 65
	COST OF REALISATIONS		
	Pension Advice	202 86	
	Surplus Joint Admin Fees	135 69	
	Bank Charges	0 06	
	DTI Unclaimed Dividends	0 04	
			(338 65)
	UNSECURED CREDITORS		
(283,628 00)	Trade and expense	NIL	
(129,230 00)	HM Revenue and Customs	NIL	
			NIL
	DISTRIBUTIONS		
(2 00)	Ordinary Shareholders	NIL	
			NIL
(412,522 00)			(0.00)
	REPRESENTED BY		
			NIL


 Simon Franklin Plant
 Joint Liquidator

Strictly Private and Confidential

Envirotel Limited (In Liquidation) ("ETL")

Final Report to Creditors

**Simon Franklin Plant
MIPA FABRP**

**Daniel Plant
MIPA FABRP**

**SFP
9 Ensign House
Admirals Way
Marsh Wall
London
E14 9XQ**

**Tel: +44 (207) 5382222
Fax +44 (207) 5383322
Email. simonp@sfpgroup.com
danielp@sfpgroup.com**

This report has been written and presented for the sole purpose of complying with the relevant provisions of the Insolvency Act 1986 and the Enterprise Act 2002. It may not be disclosed, disseminated or copied without our prior written permission, other than to those entitled under statute or otherwise as ordered by the Court, and no liability will be accepted to any other person or party who acts or refrains from acting on its contents.

A) Introduction

I refer to my annual progress report ("Annual Report") dated 16 May 2012, prepared in accordance with Section 104A of the Insolvency Act 1986 (as amended) ("the Act") and Rule 4.49C of the Insolvency Rules 1986 (as amended) ("the Rules"). The Annual Report advised that the only matters preventing closure of the Liquidation were SFP Forensic Limited ("SFP Forensic") investigations and to finalise matters in respect of ETL's pension scheme. These have now been finalised and I now consider it appropriate to commence the closure of ETL's Liquidation and obtain my release as Joint Liquidator.

Accordingly, I am now convening final meetings of members and creditors, pursuant to Section 106 of the Act, to present my final report pursuant to Rule 4.126 of the Rules and to obtain approval for my release as Joint Liquidator. This report covers the period from 7 April 2012 to date and should be read in conjunction with the Annual Report.

B) Asset Realisations

All assets have been realised and details of these were imparted to creditors in the Annual Report.

Bank Interest

The only receipt since the Annual report has been nominal credit interest earned on estate funds held at the Bank of Ireland.

C) Payments

No further payments have been made to agents, in addition to those communicated to creditors previously.

Expenses paid from the estate are reflected on the enclosed Receipts and Payments account and are self explanatory.

Estate funds were banked in a designated client account at a UK bank and accordingly there is no account held by the Secretary of State to reconcile the attached report to.

D) Investigation

In accordance with my statutory duty, a requisite D Form addressing the directors' conduct has been submitted to the Department for Business, Innovation and Skills.

My enquiries into ETL's affairs were assisted by SFP Forensic and are now complete. There is no prospect of a recovery for the benefit of creditors.

E) Joint Liquidators' Time Costs and Disbursements

In accordance with Rule 4 127(5A) of the Rules, the basis of remuneration as agreed in the Administration, applies in the Liquidation, fixed under Rule 2 106. As such, the Joint Liquidators are authorised to draw remuneration on a time cost basis and recover Disbursements as categorised in Statement of Insolvency Practice ("SIP 9"), Category 2

During the period from the first anniversary of ETL's Liquidation to date, the value of time costs of my staff and me in attending to various matters, amounts to £6,213. Time costs to date total £13,968, plus VAT. A breakdown of those time costs, together with a summary of charge out rates of staff allocated to deal with this matter and a standard activity summary is attached

During the Liquidation, no fees have been drawn representing Joint Liquidators' remuneration. Accordingly, my firm has incurred a write off in relation to post-appointment time costs of £13,968

SFP Forensic, SFP Recoveries Limited ("SFP Recoveries"), SFP Property Limited ("SFP Property") and SFP Datastore Limited ("SFP Datastore") (collectively, "the Associated Entities") are entities which are associated with the Joint Liquidators' firm, SFP. Pursuant to SIP 9 payments made to outside parties in which the office holder or his firm or any associate has an interest should be treated as a Category 2 Disbursement. In accordance with SIP 9, this report provides requisite information concerning the Associated Entities.

The Associated Entities have been established by SFP to perform functions which either the office holders or outside agencies could undertake. It is considered that by virtue of their specialist nature and close proximity to SFP they will achieve better results than the office holders, their team or any outside agencies would be able to accomplish.

The remuneration of the Associated Entities is on an hourly basis, divided into 6 minute units and calculated as follows

Entity	Basis of Remuneration	Staff Hourly Charge Out Rates
SFP Forensic	Time Cost	£100 - £500*
SFP Recoveries	Time Cost	£100 - £500*
SFP Property	Time Cost	£100 - £350*
SFP Datastore	Fixed Fee / Time Cost	£18 50 - £75* / **

* These may fluctuate / alter during the course of the Liquidation

** Please see enclosed breakdown of SFP and Associated Entities' Charge Out Rates for Storage and Retrieval Rates

During the period from the first anniversary of ETL's Liquidation to date, SFP Forensic, SFP Recoveries, SFP Property and SFP Datastore have incurred fees of £2,558, £25, £10 and £83, respectively. During the course of the Liquidation, SFP Forensic, SFP Recoveries, SFP Property and SFP Datastore have incurred time costs of £5,603, £1,593, £531 and £290 respectively. SFP Datastore have also incurred disbursements in the sum of £284 in respect of boxes purchased and storage costs incurred. Breakdowns of time costs incurred by the Associated Entities are enclosed, from which you will note that none of them have drawn any fees.

Collectively, the Associated Entities have incurred a write off in relation to the post appointment time costs of £8,017.

Creditors have previously been provided with the definitions of SIP 9, Category 1 and Category 2 Disbursements. Expenses in the sum of £235 have been incurred in respect of companies' house searches, statutory advertising, redirection of mail and the Joint Liquidators' bond. Postage costs in the sum of £294 have also been incurred during the Liquidation. No Disbursements of either category have been recovered.

F) Joint Administrators' Remuneration

At the date ETL moved from Administration into Liquidation, the Joint Administrators had incurred outstanding post appointment time costs of £55,750. During the Liquidation period, Joint Administrators' remuneration totalling £136 has been recovered.

G) Creditors' Rights

Pursuant to Rule 4.49E of the Rules, within 21 days of receiving this final report a creditor may request that the Joint Liquidators provide further information about the remuneration and expenses set out in the report. A request must be in writing and may be made by a secured creditor or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors or with the permission of the Court.

In accordance with Rule 4.131 of the Rules, any secured creditor, or unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors, or with the permission of the Court, may apply to the Court on the grounds that the remuneration or other expenses are excessive. Any such application must be made no later than 8 weeks after receipt of this report.

H) Outcome for Creditors

Secured Creditors

There are no secured creditors in the Liquidation.

Preferential Creditors

Preferential claims totalling £11,110 have been received to date, in respect of employees' arrears of wages and outstanding holiday pay. Claims have not been adjudicated upon, as no dividend will be paid to preferential creditors.

Prescribed Part

As previously stated in the Joint Administrators' Proposals for ETL, it was considered that the prescribed part, defined under Section 176A of the Act would not be payable.

Unsecured Creditors

Unsecured claims received to date total £401,747. Claims have not been adjudicated upon as no dividend will be paid to non-preferential unsecured creditors.

In accordance with Rule 11.7 of the Rules, I declare that the realisations to date have not been sufficient enough to enable a dividend distribution to any class of creditor.

I) Formal Business

In accordance with Section 106 of the Act and pursuant to Rule 4.126 of the Rules final meetings of members and creditors of ETL will be held on Monday, 25 February 2013 at 10.00 am and 10.30 am to receive this draft report, which will become the Joint Liquidators' final report, unless there are any changes following an application by creditors in accordance with paragraph G) above and for the purpose of the following, namely that

- i) The Joint Liquidators' final receipts and payments account be approved; and
- ii) The Joint Liquidators receive their release.

The following documentation is enclosed

- Statutory information in relation to ETL,
- the Joint Liquidators' final receipts and payments account;
- notice of final meetings of members and creditors;
- a proxy form to enable members and creditors to vote at the final meetings without attending in person,
- an analysis of the Joint Administrators' time costs for the Administration period 18 May 2010 to 7 April 2011,

- an analysis of the Joint Liquidators' time costs for the period 7 April 2012 to 19 December 2012,
- a SIP 9 standard activity summary sheet,
- an analysis of SFP Forensic's time costs for the period 7 April 2012 to 19 December 2012,
- an analysis of SFP Recoveries' time costs for the period 7 April 2012 to 19 December 2012,
- an analysis of SFP Property's time costs for the period 7 April 2012 to 19 December 2012,
- an analysis of SFP Datastore's time costs for the period 7 April 2012 to 19 December 2012,
- a breakdown of charge out rates for SFP and the Associated Entities,
- a proof of debt form; and
- a creditors' guide to Liquidators' fees

Please ensure that the proxy form is completed and received by this office by 12.00 noon on the business day before the meeting. Whilst faxed proxies are accepted, email proxies are not. If you have not previously submitted a proof of debt, please do so together with your completed proxy form.

Pursuant to Rule 4.60 of the Rules, in fixing of the venue for the meetings of creditors, due regard must be given to the convenience of the creditors. In the circumstances, I consider that my office at SFP, 9 Ensign House, Admirals Way, Marsh Wall, London E14 9XQ is centrally located and easily accessible by the majority of creditors and it is cost effective in the circumstances to convene the meeting at this location.

Finally, I would like to advise you that these meetings are a formality required by the Act and there is no specific requirement for you to attend. The only business of the meetings will be that referred to in the paragraph above and there will be no other formal business conducted.

Should you have any further queries, please contact the Administrator dealing with this matter, Amy Lowden.

Yours faithfully



Simon Plant
Joint Liquidator

Statutory Information

Envirotel Limited (In Liquidation)

Company Number:	06561734
Current Registered Office:	9 Ensign House Admirals Way Marsh Wall Docklands London E14 9XQ
Previous Registered Office:	Unit 4 Waterside Business Park Wheelhouse Road Rugeley Staffordshire WS15 1LJ
Type of Insolvency:	Creditors' Voluntary Liquidation
Date of Appointment:	8 April 2011
Appointees:	Simon Plant Daniel Plant
Address:	SFP 9 Ensign House Admirals Way Marsh Wall London E14 9XQ

Envirotel Limited
(In Liquidation)
Joint Liquidators' Final Abstract of Receipts and Payments
for the period from 8 April 2011 to 19 December 2012

SofA Estimate £		Receipts & Payments From 8 Apr 11 to 7 Apr 12 £	Receipts & Payments From 8 Apr 12 to 19 Dec 12 £	Anticipated Receipts & Payments From 19 Dec 12 to 25 Feb 13 £	Anticipated Outcome at 25 Feb 13 £
ASSET REALISATIONS					
132.00	VAT from Administration	131.66	-	-	131.66
206.00	Balance From Administration	205.72	-	-	205.72
	Bank Interest	0.87	0.30	-	1.17
<u>338.00</u>		<u>338.25</u>	<u>0.30</u>	<u>-</u>	<u>338.55</u>
COST OF REALISATIONS					
	Joint Administrators' Remuneration		-	135.69	135.69
	Pension Advice - Alexander Forbes	202.86	-	-	202.86
		<u>202.86</u>	<u>-</u>	<u>135.69</u>	<u>338.55</u>
	Balance In Hand	<u>135.39</u>			<u>NIL</u>
REPRESENTED BY.					
	Current Account	94.82			
	VAT Receivable	40.57			
		<u>135.39</u>			

Notice of Final Meetings

Pursuant to
Section 106 of the Insolvency Act 1986 & Rule 4.126 of the Insolvency Rules 1986

IN THE MATTER OF ENVIROTEL LIMITED (IN LIQUIDATION)

AND

IN THE MATTER OF THE INSOLVENCY ACT 1986

NOTICE IS HEREBY GIVEN that Final Meetings of the Members and Creditors of Envirotel Limited (in Liquidation) will be held at 10.00 am and 10.30 am respectively, on 25 February 2013 at the offices of SFP, 9 Ensign House, Admirals Way, Marsh Wall, London, E14 9XQ.

The meetings are called pursuant to Section 106 of the Insolvency Act 1986 and Rule 4.126 of the Insolvency Rules 1986 for the purpose of enabling the Joint Liquidators to present an account of the winding up and for the passing of resolutions in order to finalise the Liquidation. A member or creditor entitled to attend and vote is entitled to appoint a proxy to attend and vote instead of him and such proxy need not also be a member or creditor

Proxies to be used at the meetings should be lodged with the Liquidator at SFP, 9 Ensign House, Admirals Way, Marsh Wall, London, E14 9XQ no later than 12 noon on the business day before the meetings.

Signed:.....

Simon Plant
Joint Liquidator

Dated: 19 December 2012

INSOLVENCY ACT 1986
SPECIAL PROXY (Creditors' Voluntary Winding Up)
In the matter of
Envirotel Limited (In Liquidation)
and in the matter of the Insolvency Act 1986

Notes to help completion of the form.

Please give full name & address for communication.

Name of Member /
Creditor

Address

Please insert name of person (who must be 18 or over) or the "Chairman of the meeting" if you wish to provide for alternative proxy-holders in the circumstances that your first choice is unable to attend please state the name(s) of the alternatives as well.

Name of proxy-holder

1

2

3

Please delete words in brackets if the proxy-holder is only to vote as directed, ie he has no discretion.

I appoint the above person to be my/the member's / creditor's proxy-holder at the meeting of members / creditors to be held on 25 February 2013 or at any adjournment of that meeting. The proxy-holder is to propose or vote as instructed below (and in respect of any resolution for which no specific instruction is given, may vote or abstain at his/her discretion).

Voting Instructions for the following resolutions:

Please complete this section by either voting for or against the proposed resolution.

1. "that the Joint Liquidators' receipts and payments account be approved" and

FOR / AGAINST

*Delete as appropriate

2. "that the Joint Liquidators receive their release"

FOR / AGAINST

*Delete as appropriate

Any other resolutions which the proxy-holder is to propose or vote in favour of or against should be set out in number paragraphs in the space provided below paragraph 4. If more room is required please use the other side of this form.

This form must be signed

Only to be completed if the member or creditor has not signed in person.

Signature _____

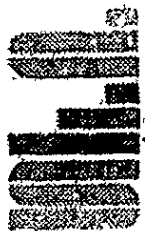
Date _____

Name in CAPITAL LETTERS _____

Position with member / creditor or relationship to member / creditor or other authority for signature

Please Note that if you Nominate the chairman of the meeting to be your proxy-holder he will be the current liquidator.

SFP



ENVIROTEL LIMITED (IN LIQUIDATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE ADMINISTRATION PERIOD 18 MAY 2010 TO 07 APRIL 2011

	0.00	22.60	0.00	0.00	0.00	0.00	17.70	46.00	1.60	65.50	37.70	27.70	218.80
Administration and Planning													
Investigation	0.00	1.20	0.00	0.00	0.00	0.00	0.00	0.20	0.00	0.00	0.00	0.00	1.40
Realisation of assets	0.00	5.40	0.00	0.00	0.00	0.00	0.20	10.40	0.00	0.40	3.50	0.00	19.90
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.20	0.00	0.00	0.00	0.00	0.20
Creditors	0.00	5.30	0.00	0.00	0.00	0.00	0.50	33.70	0.00	2.10	4.50	14.80	61.00
Total	0.00	34.50	0.00	0.00	0.00	0.00	18.40	90.50	1.60	68.00	45.80	42.50	301.30
Average rate £ per hour	0.00	400.00	0.00	0.00	0.00	0.00	250.00	225.00	200.00	150.00	100.00	75.00	189.35
Total Costs £	0.00	13,800.00	0.00	0.00	0.00	0.00	4,600.00	20,362.50	320.00	10,200.00	4,580.00	3,187.50	57,050.00
Total costs from 18/05/2010 to 07/04/2011													57,050.00
Remuneration drawn during Administration													1,300.00
Remuneration drawn during Liquidation													135.62

See Appendix for Summary Charge Out Rates for staff

SFP



ENVIROTEL LIMITED (IN LIQUIDATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 08 APRIL 2012 TO 19 DECEMBER 2012

SUMMARY OF TIME AND CHARGE COSTS FOR THE YEAR 2012											
CLASSIFICATION OF WORK FUNCTION											
Managing Partner	Partner	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total				
Administration and Planning	0.00	0.00	0.00	4.00	0.60	0.00	7.50	0.10	18.10	1.00	31.30
Investigation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.10	0.10
Realisation of assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.30	0.00	0.00	0.00	0.70	1.30	2.30
Total	0.00	0.00	0.00	4.00	0.90	0.00	7.50	0.10	18.80	2.40	33.70
Average rate £ per hour	0.00	0.00	0.00	300.00	275.00	0.00	225.00	175.00	150.00	100.00	184.35
Total Costs £	0.00	0.00	0.00	1,200.00	247.50	0.00	1,567.50	17.50	2,820.00	240.00	6,212.50
Total costs from 08/04/2011 to 07/04/2012											7,755.00
Total costs from 08/04/2011 to 19/12/2012											13,967.50
Remuneration drawn on account											0.00

See Appendix for Summary Charge Out Rates for staff

SIP 9 STANDARD ACTIVITY SUMMARIES

Standard Activity	Examples of Work
Administration and Planning	Case Planning Administrative set up Appointment notification Maintenance of records Statutory reporting
Investigation	SIP 2 CDDA report Investigating antecedent transactions
Realisation of assets	Identifying, securing, insuring assets Retention of title Debt collection Property, business and asset sales
Trading	Management of operation Accounting for trading On-going employee issues
Creditors	Communication with creditors Creditor claims (including employees and other preferential creditors)

SFP



FORENSIC

ENVIROTEL LIMITED (IN LIQUIDATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 08 APRIL 2012 TO 19 DECEMBER 2012

CLASSIFICATION OF WORK FUNCTION	Managing Director	Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total
Administration and Planning	1.20	0.00	0.00	0.00	0.00	0.00	0.30	3.60
Investigation	0.30	0.00	0.00	0.00	0.00	0.00	1.00	5.10
Realisation of assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.20
Total	1.50	0.00	0.00	0.00	0.00	0.00	1.30	8.90
Average rate £ per hour	500.00	0.00	0.00	0.00	0.00	0.00	100.00	287.36
Total Costs £	750.00	0.00	0.00	0.00	0.00	0.00	130.00	2,557.50
Total costs from 08/04/2011 to 07/04/2012								3,045.00
Total costs from 08/04/2011 to 19/12/2012								5,602.50
Remuneration drawn on account								0.00

See Appendix for Summary Charge Out Rates for staff

SFP



RECOVERIES

ENVIROTEL LIMITED (IN LIQUIDATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 08 APRIL 2012 TO 19 DECEMBER 2012

CLASSIFICATION OF WORK FUNCTION	Managing Director	Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total
Administration and Planning	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investigation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of assets	0.00	0.00	0.00	0.00	0.10	0.00	0.00	0.10
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.10	0.00	0.00	0.10
Average rate £ per hour	0.00	0.00	0.00	0.00	250.00	0.00	0.00	250.00
Total Costs £	0.00	0.00	0.00	0.00	25.00	0.00	0.00	25.00
Total costs from 08/04/2011 to 07/04/2012								1,567.50
Total costs from 08/04/2011 to 19/12/2012								1,592.50
Remuneration drawn on account								0.00

See Appendix for Summary Charge Out Rates for staff

SFP



PROPERTY

ENVIROTEL LIMITED (IN LIQUIDATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 08 APRIL 2012 TO 19 DECEMBER 2012

CLASSIFICATION OF WORK FUNCTION	Managing Director	Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total
Administration and Planning	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investigation	0.00	0.00	0.00	0.00	0.00	0.00	0.10	0.10
Realisation of assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	0.10	0.10
Average rate £ per hour	0.00	0.00	0.00	0.00	0.00	0.00	100.00	100.00
Total Costs £	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Total costs from 08/04/2011 to 07/04/2012								521.00
Total costs from 08/04/2011 to 19/12/2012								531.00
Remuneration drawn on account								0.00

See Appendix for Summary Charge Out Rates for staff

SFP



DATASTORE

ENVIROTEL LIMITED (IN LIQUIDATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 08 APRIL 2012 TO 19 DECEMBER 2012

CLASSIFICATION OF WORK FUNCTION	Managing Director	Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total
Administration and Planning	0.10	0.00	0.00	0.00	0.00	0.00	1.00	1.10
Investigation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.10	0.00	0.00	0.00	0.00	0.00	1.00	1.10
Average rate £ per hour	75.00	0.00	0.00	0.00	0.00	0.00	75.00	75.00
Total Costs £	7.50	0.00	0.00	0.00	0.00	0.00	75.00	82.50
Total costs from 08/04/2011 to 07/04/2012								207.50
Total costs from 08/04/2011 to 19/12/2012								290.00
Remuneration drawn on account								0.00

See Appendix for Summary Charge Out Rates for staff

PROOF OF DEBT - GENERAL FORM

In the matter of Envirotel Limited
(In Liquidation)
and in the matter of The Insolvency Act 1986

Date of Winding-Up: 8 April 2012

1.	Name of Creditor	
2.	Address of Creditor	
3.	Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the date the company went into liquidation (see note)	£
4.	Details of any document by reference to which the debt can be substantiated [Note the liquidator may call for any document or evidence to substantiate the claim at his discretion]	
5.	If the total amount shown above includes Value Added Tax, please show:- (a) amount of Value Added Tax (b) amount of claim NET of Value Added Tax	£ £
6.	If total amount above includes outstanding uncapitalised interest please state amount	£
7.	If you have filled in both box 3 and box 5, please state whether you are claiming the amount shown in box 3 or the amount shown in box 5(b)	
8.	Give details of whether the whole or any part of the debt falls within any (and if so which) of the categories of preferential debts under section 386 of, and schedule 6 to, the Insolvency Act 1986 (as read with schedule 3 to the Social Security Pensions Act 1975)	Category Amount(s) claimed as preferential £
9.	Particulars of how and when debt incurred.	
10.	Particulars of any security held, the value of the security, and the date it was given	£
11.	Signature of creditor or person authorised to act on his behalf	
	Name in BLOCK LETTERS	
	Position with or relation to creditor	

PROOF OF DEBT - GENERAL FORM (CONTD...)

Admitted to Vote for

£

Date

Liquidator

Admitted preferentially for

£

Date

Liquidator

Admitted non-preferentially for

£

Date

Liquidator

NOTE: A company goes into liquidation if it passes a resolution for voluntary winding up or an order for its winding up is made by the court at a time when it has not already gone into liquidation by passing such a resolution

A CREDITORS' GUIDE TO LIQUIDATORS' FEES

ENGLAND AND WALES

1 Introduction

1.1 When a company goes into liquidation, the costs of the proceedings are paid out of its assets. The creditors, who hope to recover some of their debts out of the assets, therefore have a direct interest in the level of costs, and in particular the remuneration of the insolvency practitioner appointed to act as liquidator. The insolvency legislation recognises this interest by providing mechanisms for creditors to be the basis of the liquidator's fees. This guide is intended to help creditors to ensure that their rights to appoint and monitor their liquidator are properly exercised and that any fees charged are reasonable and justified. It also provides information about the liquidator's duties and the challenges they may encounter in the exercise of these duties.

2 Liquidation procedure

2.1 Liquidation (or 'winding up') is the most common type of corporate insolvency procedure. Liquidation is the formal winding up of a company's affairs, including the realisation of its assets and the distribution of the proceeds in a prescribed order of priority. Liquidation may be either voluntary, when it is initiated by resolution of the shareholders, or compulsory, when it is initiated by order of the court.

2.2 Voluntary liquidation is the more common of the two. An insolvent voluntary liquidation is called a creditors' voluntary liquidation (often abbreviated to 'CVL'). In this type of liquidation, an insolvency practitioner acts as liquidator throughout and the creditors can vote on the appointment of the liquidator at the first meeting of creditors.

2.3 In a compulsory liquidation, on the other hand, the function of liquidator is, in most cases, initially performed not by an insolvency practitioner but by an official called the official receiver. The official receiver is an officer of the court and an official belonging to the Insolvency Service. In most compulsory liquidations, the official receiver becomes liquidator immediately on the making of the winding-up order. Where there are significant assets, an insolvency practitioner will usually be appointed to act as liquidator in place of the official receiver, either at a meeting of creditors convened for the purpose or directly by the Insolvency Service on behalf of the Secretary of State. Where an insolvency practitioner is not appointed, the official receiver remains liquidator.

2.4 Where a compulsory liquidation follows immediately on an administration, the court may appoint the former administrator to act as liquidator. In such cases, the official receiver does not become liquidator. An administrator may also subsequently act as liquidator in a CVL.

3 The liquidation committee

3.1 In a liquidation (whether voluntary or compulsory), the creditors have the right to appoint a committee called the liquidation committee, with a minimum of 3 and a maximum of 8 members, to monitor the conduct of the liquidation and approve the liquidator's fees. The committee is usually established at the creditors' meeting which appoints the liquidator, but in cases where a liquidation follows immediately on an administration any committee established at the meeting of the administration will continue in being as the liquidation committee.

3.2 The liquidator must call the first meeting of the committee within 6 weeks of its establishment (or later, if the committee is not established until a later date). The committee may also hold further meetings at specified times agreed by the committee, or when requested by a member of the committee, or when the liquidator decides he needs to hold one. The liquidator is required to report to the committee at least every 6 months on the

progress of the liquidation, unless the committee directs otherwise. This provides an opportunity for the committee to monitor and discuss the progress of the recovery and the level of the liquidator's fees.

4 Fixing the liquidator's remuneration

4.1 The basis for fixing the liquidator's remuneration is set out in Rules 4.127-4.127B of the Insolvency Rules 1986. The Rules state that the remuneration shall be fixed:

- as a percentage of the value of the assets which are realised or realised or
- by reference to the time properly given by the liquidator and his staff in attending to matters arising in the liquidation, or
- as a flat amount.

Any combination of these bases may be used to fix the remuneration, and different bases may be used for different things done by the liquidator. Where the remuneration is based on a percentage, different percentages may be used for different things done by the liquidator.

It is for the liquidation committee (if there is one) to determine on which of these bases, or combination of bases, the remuneration is to be fixed. Where it is based on a percentage, it is for the committee to determine the percentage or percentages to be applied. Rule 4.127A states that in arriving at its decision, the committee shall have regard to the following matters:

- the complexity (or otherwise) of the case
- any responsibility of an exceptional kind or degree which falls on the liquidator in connection with the liquidation
- the effectiveness with which the liquidator appears to be carrying out, or to have carried out, his duties
- the value and nature of the assets which the liquidator has to deal with.

4.2 If there is no liquidation committee, or if the committee does not make the requisite determination, the liquidator's remuneration may be fixed by a resolution of a meeting of creditors. The creditors' time allowed for the various matters or parts in the case of the liquidation. A resolution specifying the terms on which the liquidator is to be remunerated may be taken at the meeting which appoints the liquidator.

4.3 If the remuneration is not fixed as above, it will be fixed in steps of the following sort: in a CVL, it will be fixed by the court on application by the liquidator. In a compulsory liquidation, it will be fixed by the court on application by the liquidator. In a compulsory liquidation, it will be fixed by the court on application by the liquidator. In a compulsory liquidation, it will be fixed by the court on application by the liquidator.

4.4 Where the liquidator follows directly on from an administration in which the liquidator had acted as administrator, the basis of remuneration fixed in the administration continues to apply in the liquidation (subject to paragraph 6 below).

5 Review of remuneration

Where there has been a material and substantial change in circumstances since the basis of the liquidator's remuneration was fixed, the liquidator may request that it be changed. The request must be made to the same body as initially approved the remuneration and the same rules apply as to the original approval.

6 What information should be provided by the liquidator?

6.1 When fixing basis of remuneration

6.1.1 When seeking agreement for the basis or bases of remuneration, the liquidator should provide sufficient supporting information so as to enable the basis agreed to be appropriate having regard to all the circumstances of the case. The nature and extent of the information provided will depend on the steps during the period of the task at which payment is being sought. The liquidator should also provide details of the basis of remuneration.

6.1.2 If any part of the remuneration is sought on a time costs basis, the liquidator should provide details of the amount of time used and during charge-out rates, both by grades of staff, of those people who have been or who are likely to be involved in the time costs aspects of the case.

6.1.3 The liquidator should also provide details and the cost of any work that has been or is intended to be sub-contracted out that could otherwise be carried out by the liquidator or his or her staff.

6.1.4 If work has already been carried out, the liquidator should state the proposed charge for the period to date and provide an explanation of why it has been achieved in the period and how it was achieved, sufficient to enable the committee to be satisfied as to the reasonableness of the charges. Where the proposed charge is calculated on a time costs basis, the liquidator should disclose the time spent and the charge-out rates in larger cases split by grades of staff and analysed by appropriate activity. The liquidator should also provide details and the cost of any work that has been sub-contracted out that could otherwise be carried out by the liquidator or his or her staff.

6.2 After the basis of remuneration has been fixed

The liquidator is required to send progress reports to creditors at specified intervals (see paragraph 7.1 below). When reporting periodically to creditors, in addition to the matters specified in paragraph 7.1, the liquidator should provide an explanation of what has been achieved in the period under review and how it was achieved, sufficient to enable the committee to be satisfied as to the reasonableness of the charges. The liquidator should be able to understand when the remuneration charged is reasonable in the circumstances of the case (which recognises that the liquidator must fulfil certain statutory obligations and regulatory requirements that might be perceived as bringing no added value for the estate). Where any remuneration is on a time costs basis, the liquidator should disclose the time spent and the charge-out rates in larger cases split by grades of staff and analysed by appropriate activity. The liquidator should also provide details and the cost of any work that has been sub-contracted out that could otherwise be carried out by the liquidator or his or her staff.

6.3 Disbursements and other expenses

6.3.1 Costs not paid by and reimbursed to the liquidator in connection with the liquidation should be appropriate and reasonable. Such costs will fall into two categories:

- Category 1 disbursements: These are costs where there is specific expenditure directly attributable both to the liquidation and a payment to an independent third party. These may include, for example, advertising expenses, postage, telephone charges, travel expenses, and independent costs reimbursed to the liquidator or his or her staff.

• Category 2 disbursements: These are costs that are directly attributable to the liquidation but not to a payment to an independent third party. They may include shared or disclosed costs that can be allocated to the liquidation in a proper and reasonable basis, for example, business mileage.

Category 2 disbursements can be disallowed after approval, although the liquidator should be required to disclose information about them in the same way as any other expenses. Category 2 disbursements may be granted only if they have been approved in the same manner as the liquidator's remuneration. When seeking approval, the liquidator should explain, for each category of expense, the basis on which the charge is being made.

6.3.2 The following are not permitted

- a charge calculated as a percentage of remuneration
- an administration fee or charge additional to the liquidator's remuneration
- recovery of basic overhead costs such as office and equipment costs, depreciation and finance charges.

6.4 Restrictions for secured creditors

Where the liquidator retains an asset on behalf of a secured creditor and receives remuneration out of the proceeds (see paragraph 11.1 below), he should disclose the amount of the remuneration to the committee (if there is one) in any meeting of creditors convened for the purpose of determining net assets and in any reports he sends to creditors.

7 Progress reports and requests for further information

7.1 The liquidator is required to send annual progress reports to creditors. The reports must include:

- details of the basis fixed for the remuneration of the liquidator (or if not fixed at the date of the report, the steps taken during the period of the report to fix it).
- if the basis has been fixed, the remuneration charged during the period of the report, the proportion of which it was actually paid during that period (noted where it is based on a set amount, in which case it may be shown as the amount without any apportionment for the period of the report).
- if the report is the first to be made after the basis has been fixed, the remuneration charged during the period covered by the previous report, together with a declaration of the work done during those periods, irrespective of whether payment was actually made during the period of the report.
- a statement of the expenses incurred by the liquidator during the period of the report, irrespective of whether payment was actually made during that period.
- a statement of the creditors' right to request further information, as explained in paragraph 7.2, and their right to challenge the liquidator's remuneration and expenses.

7.2 Within 21 days of receipt of a progress report for 3 business days where the report has been prepared for the purpose of a meeting to receive the liquidator's remuneration, a creditor may request the liquidator to provide further information about the remuneration and expenses laid out in the report. A request must be in writing and may be made either by a secured creditor or by an unsecured creditor with the concurrence of at least 10% in value of unsecured creditors (including himself) or the permission of the court.

7.3 The liquidator must provide the requested information within 14 days unless he considers that:

- the time and cost involved in preparing the information would be excessive, or

- disclosure would be prejudicial to the conduct of the liquidation or might be expected to lead to unfavourable publicity against any person, or
- the liquidator is subject to an obligation of confidentiality in relation to the information requested.

In which case he must give the reasons for not providing the information.

Any creditor may apply to the court within 21 days of the liquidator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information.

8. Provision of information - additional requirements

The liquidator must provide certain information about the time spent on the case, the charges upon request by any creditor, director or shareholder of the company.

The information which must be provided is -

- the total number of hours spent on the case by the liquidator or staff assigned to the case,
- for each grade of staff, the average hourly rate at which they are charged out,
- the number of hours spent by each grade of staff in the relevant period.

The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the liquidator's appointment or where he has vacated office the date that he vacated office.

The information must be provided within 28 days of receipt of the request by the liquidator and requests must be made within two years from vacation of office.

9. What if a creditor is dissatisfied?

1. Except in cases where there is a liquidation committee it is the creditors as a body who have authority to approve the liquidator's fees. To enable them to carry out this function they may require the liquidator to call a creditors' meeting. In order to do this, at least ten per cent in value of the creditors must consent with the request, which must be made to the liquidator in writing.

2. If a creditor believes that the liquidator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the liquidator are in all the circumstances excessive he may provide certain documents are sent, made to the court.

3. Application may be made to the court by any secured creditor, or by any unsecured creditor, provided at least 10 per cent in value of unsecured creditors (including himself) agree, or he has the permission of the court. Any such application must be made within 8 weeks of the liquidator's proposed report in which the charging of the remuneration is included or the expenses in question are reported (see paragraph 7.1 above). If the court does not dismiss the application (which it may if it considers that the creditors could or should have given the liquidator a copy of the application and supporting evidence at least 14 days before the hearing).

4. If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed, or the expenses be disallowed or reduced. Unless the court orders otherwise, the costs of the application must be paid by the applicant and not out of the assets of the insolvent company.

10. What if the liquidator is dissatisfied?

If the liquidator considers that the remuneration paid to the liquidation committee, or in the preceding administration, is insufficient or that the basis used to fix it is inappropriate he may request that the amount or rate be increased, or the basis changed, by resolution of the creditors. If the committee had the remuneration fixed by the liquidation committee, the creditors in the preceding administration or in accordance with the statutory scale is insufficient, or that the basis used to fix it is inappropriate, he may apply to the court for the amount or rate to be increased or the basis changed. If he decides to apply to the court he must first at least 14 days notice to the members of the committee and the committee may nominate two or more of its members to appear or be represented at the court hearing. If there is no committee, the liquidator's request for an application must be done by such of the creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid out of the assets.

11. Other matters relating to remuneration

1. Where the liquidator receives assets on behalf of a bankrupt creditor he is entitled to be remunerated out of the proceeds of sale in accordance with a scale set out in the Rules. Usually, however, the liquidator will agree the basis of his fee for dealing with charged assets with the secured creditor concerned.

2. Where two (or more) joint liquidators are appointed it is for them to agree between themselves how the remuneration should be apportioned. Any dispute between them may be referred to the court, the committee or a meeting of creditors.

3. If the appointed liquidator is a solicitor and employs his own firm to act in the insolvency proceedings, costs may not be paid unless authorised by the committee or the creditors of the estate.

4. If a new liquidator is appointed in place of another, any determination, resolution or court order which must in effect immediately before the replacement continues to have effect in relation to the remuneration of the new liquidator until a further determination, resolution or court order is made.

5. Where the basis of the remuneration is a set amount, and the liquidator desires to act before the time has elapsed at the end of which the set amount for remuneration was set, application may be made for a determination of the amount that should be paid to the outgoing liquidator. The application must be made in the time limits as approved by the remuneration. Where the outgoing liquidator and the incoming liquidator are from the same firm, they may jointly agree the appropriate amount to pay.

6. There may also be necessary when creditors will agree to make their own contributions to pay for the liquidator to carry out tasks which cannot be paid for out of the assets of the insolvent company or because it is uncertain whether the assets of the insolvent company will be sufficient to pay for the liquidator. Arrangements of this kind are sometimes made by liquidators of insolvent companies. Any arrangements of this kind will be a matter for agreement between the liquidator and the creditors concerned and will not be subject to the statutory rules relating to remuneration.

12. Effective date

This guide applies unless a company goes into liquidation on or after 1 November 2011.