The Insolvency Act 1986

Liquidator's Progress Report

S. 192

Pursuant to Sections 92A and 104A of the Insolvency Act 1986

To the Registrar of Companies

For official use

Company Number

225649

Name of Company

(a) Insert full name of company

a) A BETTER PROFAB

Limited

(b) Insert full name(s) and address(es) I/We (b) MICHELLE WILLIAMS OF BAILAMS & CO,
TY ANTUR, WAVIGATION PARK,
MERCYNON, RHOMORA CYNON TAF, CFAS 45N

the liquidator(s) of the company attach a copy of my/our Progress Report under section 192 of the Insolvency Act 1986

Signed Culing

Date 38) 4/2011

Presenter's name, address and reference (if any)

BALLAMS + CO
TY ANTUR
NAVIGATION PARY
ABER CYNON
KHONOOL CYNON TAF
CF45 45 V

For Official Use

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A Better Profab Limited (In Creditors Voluntary Liquidation)

Liquidators Progress Report pursuant to Section 104A of the Insolvency Act 1986 and Rule 4.49C of the Insolvency Rules 1986

Period of Report from 10th August 2010 to 9th August 2011

Notice:

This progress report has been produced solely to comply with our statutory duty to report to creditors and members of the Company and on the progress of the Liquidation This report should not be relied upon by any individual or entity, or used for any other purpose, referred to, reproduced, or quoted from in whole or in part by creditors and/or members for any other purpose

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Interpretation

"The Company"

A Better Profab Limited (In Creditors' Voluntary Liquidation)

"The Liquidator"

Michelle Williams, formerly of McAlister & Co Insolvency Practitioners, 10 St Helens Road, Swansea, SA1 4AW and now with Bailams & Co Insolvency Practitioners, Ty Antur,

Navigation Park, Abercynon, CF45 4SN

"Secured creditor"

Secured creditor means a creditor of the company who holds security over property of the company in accordance with Section 248 of the Insolvency Act 1986

"Preferential creditor"

A creditor of the company whose claim is preferential in accordance with Sections 386, 387 and Schedule 6 of the Insolvency Act 1986

1. Introduction

On the 10th August 2010 a resolution was passed by the members of the company to place the company into Liquidation and appoint Michelle Williams as Liquidator

2. Company Information

Company Name

A Better Profab Limited

Company Number

6703255

Registered Office

c/o Ty Antur, Navigation Park, Abercynon, CF45 4SN

Trading Address

Unit 1, Llys Glas Park, Amanwy, New Road,

Ammanford, SA18 3EZ

3. Appointment of Liquidator

The Liquidator was appointed by members and creditors on the 10th August 2010 There has not been any change in Liquidator, however the Liquidator has changed practice from McAlister & Co to Bailams & Co

4. Liquidator's Receipts and Payments

I attach at Appendix 1 to this report my receipts and payments from the 10th August 2010 to the 9th August 2011

5. Liquidator's Remuneration & Disbursements

At the creditors meeting held on the 10th August 2010, the Liquidator's remuneration had been fixed by a resolution of creditors at the meeting held pursuant to Section 98 of the Insolvency Act 1986 by reference to time property spent by her and her staff at the appropriate charge out rates attached, in attending to matters arising in the liquidation. All remuneration shall be payable at the discretion of the Liquidator.

A resolution was also passed to authorise the Liquidator to draw disbursements (including category 2 disbursements in accordance with Statement of Insolvency Practice 9).

Time costs for the period from the 10th August 2010 to the 9th August 2011 amount to £14,525 25 which represents 64 85 hours at an average rate of £223 98 per hour.

To date we have drawn the total amount of Liquidator's fees of £600

Category one disbursements in the sum of £130 00 and category two disbursements of £18 00 have been incurred during the period covered by this report, of which £20 34 has been drawn. (Category one disbursements relate to case bonding of £120 00 and company searches of £10 00. Category two disbursements relate to postage, telephone and photocopying.)

In accordance with Statement of Insolvency Practice 9, I attach a time cost summary at Appendix 2 to this report. A creditors' guide to Liquidator's fees is attached at Appendix 3.

Summaries of charge out rates are attached at Appendices 4a and 4b

6. Progress of the Liquidation during the period

Asset Realisations:

6.1 Book debts

The statement of affairs included two debtors with an estimated to realise value of £19,983

One debtor, a sole trader, had become bankrupt and no dividends were recoverable

Harding Evans solicitors were instructed to pursue the remaining debtor, which is a limited company that was subject to a Company Voluntary Arrangement (CVA) It appeared that the debt was outside of the debtor's CVA

After the issuing of a Statutory Demand, it has been established that the CVA has terminated and the former Supervisor intends to petition for the winding up of the company. I will await confirmation from the liquidator of the statement of affairs and will also monitor the liquidation to determine the potential recoverability, if any, for this case.

6.2 Cash at bank

The statement of affairs included cash at bank with an estimated realisable value of £742 00. This amount has not yet been realised

6.3 Client account funds

The statement of affairs included the sum of £4,383.00 in relation to funds held in a client account. Following the closure of the account, the sum of £4,384.20 was realised

6.4 Bank interest

The sum of £0 57 has been received, net of tax

7. Assets remaining to be realised

7.1 Book debts and cash at bank

I will continue to pursue the above matters and will update creditors on their progress in my next report

8. Statement of expenses

- **8.1** The following expenses have been incurred during the period of this progress report
 - Please see paragraph 5 in relation to liquidator's expenses
 - Harding Evans has been instructed on a percentage of realisation basis in relation to the recovery of book debts detailed in paragraph 6 1 No recoveries have been made to date

9. Outcome for creditors

Fixed charge holders

9.1 There are no fixed charge holders

Preferential creditors

9.2 Asset realisations are insufficient to enable dividends to be paid to preferential creditors

The Prescribed Part

9.3 Section 176A of the Insolvency Act 1986 provides that, where the Company has created a floating charge on or after the 15th September 2003, the Liquidator must make a prescribed part of the Company's net property available for the unsecured creditors and not distribute it to the floating charge holder except in so far as it exceeds the amount required for the satisfaction of unsecured debts. Net property means the amount which would, were it not for this provision, be available to floating charge holders out of floating charge assets (i.e. after accounting for preferential debts and the costs of realising the floating charge assets). The prescribed part of the Company's net property is calculated by reference to a sliding scale of 50% of the first £10,000 of net property and 20% of net property thereafter up to a maximum amount to be made available of £600,000

The prescribed part does not apply in this liquidation as there are no charges registered against the company

Floating charge holder

9.4 There are no floating charge holders

Unsecured creditors

9.5 Asset realisations are anticipated to be insufficient to enable dividends to be paid to unsecured creditors

10. Creditors' rights

Pursuant to Rule 4 49E of the Insolvency Rules 1986, a secured creditor, or unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question) or any unsecured creditor with less than 5% in value of unsecured creditors, but with permission of the court, may within 21 days of receipt of this report, request, in writing that I provide further information about our remuneration or expenses which have been detailed in this progress report

Pursuant to Rule 4 131 of the Insolvency Rules 1986, any secured creditor, or any unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors including that creditor, or any unsecured creditors with less than 10% in value of the unsecured creditors, but with the permission of the court, may within 8 weeks of receipt of this report make an application to court on the grounds that the remuneration charged or the expenses incurred as set out in this progress report are excessive or inappropriate

11. Investigation

I confirm that I have discharged my duties in relation to reporting requirements under the Company Directors' Disqualification Act 1986

12. Conclusion

The Liquidation is continuing at this time to continue with the matters raised in paragraph 7 above

I will report again in approximately 12 months or at the conclusion of this Liquidation, whichever is sooner

Michelle Williams F.C.C.A., M.A.B.R.P

Liquidator

Insolvency Practitioner licensed in the United Kingdom by the Association of Chartered Certified Accountants

Dated: 30th September 2011

Appendix 1

A Better Profab Limited Liquidator's Receipt and Payments For the period 10/8/2010 to 9/8/2011

Receipts	Statement of Affairs £	Realised to date £
Book debts	19,982.99	0 00
Cash at bank	742 00	0.00
Client account funds	4,383.00	4,384 20
Bank interest		0.57
Funded by liquidator		700 00
VAT receivable		700.00
	25,107 99	5,784.77
Payments		
Statutory advertising		302 40
Statement of affairs fee		4,000 00
Liquidator's fees		600 00
Liquidator's disbursements		20 34
VAT payable	_	861 99
	·	5,784.73
Cash at bank		0.04
	•	5,784 77

Time Entry - SIP9 Time & Cost Summary

A Better Profab Limited - In Liquidation From 10/8/2010 to 9/8/2011

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants and Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin and planning	4 00	00 0	00 0	575	9 7 5	1,546 25	158 59
Case specific matters	00 0	00 0	00 0	0.25	0 25	23 75	95 00
Creditors	2 90	0 30	00 0	4 75	7 95	1,230 25	154 75
Investigations	2 80	00 0	000	00 0	2 80	200 00	250 00
Realisation of assets	44 10	00 0	00 0	00 0	44 10	11,025 00	250 00
Trading	000	00 0	00 0	00 0	00 0	00 0	0.00
Total hours	53 80	0 30	00 0	10 75	64 85	14,525.25	223 98
Total fees claimed							

A CREDITORS' GUIDE TO LIQUIDATORS' FEES

ENGLAND AND WALES

1 Introduction

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 fix the basis of the liquidator's fees. This guide is intended to help creditors be aware of their rights to approve and monitor fees and explains the basis on which fees are fixed.

2 Liquidation Procedure

- Liquidation (or 'winding up') is the most common type of corporate insolvency procedure. Liquidation is the formal winding up of a company's affairs entailing 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 instituted by resolution of the shareholders, or compulsory, when it is instituted by order of the court.
- 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.
- 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 a member of The Insolvency Service, an executive agency within the Department of Trade and Industry. 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 Secretary of State for Trade and Industry. Where an insolvency practitioner is not appointed the official receiver remains liquidator. Official receivers charge their fees on the basis of a statutory scale which is laid down by the Insolvency Regulations 1994.
- 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.

3 The Liquidation Committee

- 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 5 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 for the purposes of the administration will continue in being as the liquidation committee.
- The liquidator must call the first meeting of the committee within 3 months of its establishment (or his appointment if that is later). And subsequent meetings must be held either at specified dates 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 insolvency and the level of the liquidator's fees.

4 Fixing the Liquidator's Fees

- 4.1 The basis for fixing the liquidator's remuneration is set out in Rule 4.127 of the Insolvency Rules 1986. The Rule states that the remuneration shall be fixed either.
 - as a percentage of the value of the assets which are realised or distributed or both, or
 - by reference to the time properly given by the liquidator and his staff in attending to matters arising in the insolvency

It is for the liquidation committee (if there is one) to determine on which of these bases the remuneration is to be fixed, and if it is to be fixed as a percentage, to fix the percentage to be applied. Rule 4 127 says 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 of degree which falls on the liquidator in connection with the insolvency,
- 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 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 take account of the same matters as the committee would. A resolution specifying the terms on which the liquidator is to be remunerated may be taken at the meeting which appoints the liquidator. If the remuneration is not fixed in any of these ways, it will be in accordance with the scale laid down for official receivers.
- What information should be provided by the Liquidator?
- 5.1 When seeking fee approval

- When seeking agreement to his fees the liquidator should provide sufficient supporting information to enable the committee or the creditors to form a judgement as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on
 - the nature of the approval being sought;
 - the stage during the administration of the case at which it is being sought; and
 - the size and complexity of the case
- Where, at any creditors' or commutee meeting, the liquidator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff, including principals, which are likely to be involved on the case
- Where the liquidator seeks agreement to his fees during the course of the liquidation, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the liquidator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case, where appropriate, such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the liquidator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the liquidator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the liquidator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case, but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent:
 - Administration and planning
 - Investigations
 - Realisation of assets
 - Trading
 - Creditors
 - Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff-

- Partner
- Manager
- Other senior professionals
- Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the liquidator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain

- Any significant aspects of the case, particularly those that affect the amount of time spent
- The reasons for subsequent changes in strategy
- Any comments on any figures in the summary of time spent accompanying the request the liquidator wishes to make
- The steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the
 assignment, budgeting, time recording, fee drawing or fee agreement.
- Any existing agreement about fees
- Details of how other professionals, including subcontractors, were chosen, how they were contracted to be paid, and what steps have been taken to review their fees

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases.

Where the fee is charged on a percentage basis the liquidator should provide details of any work which has been or is intended to be sub-contracted out which would normally be undertaken directly by a liquidator or his staff

5.2 After fee approval

Where a resolution fixing the basis of fees is passed at any creditors' meeting held before he has substantially completed his functions, the liquidator should notify the creditors of the details of the resolution in his next report or circular to them. When subsequently reporting to creditors on the progress of the liquidation, or submitting his final report, he should specify the amount of remuneration he has drawn in accordance with the resolution. Where the fee is based on time costs es should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 5.1.3. Where the fee is charged on a percentage basis the liquidator should provide the details set out in paragraph 5.1.4 above regarding work which has been subcontracted out.

5.3 Expenses and disbursements

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements. However, professional guidance issued to insolvency practitioners requires that, where the liquidator proposes to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs.

(such as room hire, document storage or communication facilities provided by the liquidator's own firm), they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

54 Realisations for secured creditors

Where the liquidator realises an asset on behalf of a secured creditor and receives remuneration out of the proceeds (see paragraph 81 below), he should disclose the amount of that remuneration to the committee (if there is one), to any meeting of creditors convened for the purpose of determining his fees, and in any reports he sends to creditors

5.5 Reporting in compulsory liquidations

It should be borne in mind that in compulsory liquidations there is no statutory requirement for the liquidator to report to creditors until the conclusion of the assignment. In most such cases, therefore, creditors will receive no information during the course of the liquidation unless they specifically request it.

6 What if a Creditor is dissatisfied?

- 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 concur with the request, which must be made to the liquidator in writing.
- 6.2.1 If a creditor believes that the liquidator's remuneration is too high he may, if at least 25 per cent in value of the creditors (including himself) agree, apply to the court for an order that it be reduced. If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the liquidator a copy of the application and supporting evidence at least 14 days before the hearing. Unless the court orders otherwise, the costs must be paid by the applicant and not out of the assets of the insolvent company.

7 What if the Liquidator is Dissatisfied?

If the liquidator considers that the remuneration fixed by the committee is insufficient he may request that it be increased by resolution of the creditors. If he considers that the remuneration fixed by the committee or the creditors or in accordance with the official receiver's scale is insufficient, he may apply to the court for it to be increased. If he decides to apply to the court he must give at least 14 days' notice to the members of the committee and the committee may nominate one or more of its members to appear or to be represented at the court hearing. If there is no committee, the liquidator's notice of his application must be sent to 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.

8 Other Matters Relating to Fees

- Where the liquidator realises assets on behalf of a secured creditor he is entitled to be remunerated out of the proceeds of sale in accordance with the scale laid down for the official receivers. Usually, however, the liquidator will agree the basis of his fee for dealing with charged assets with the secured creditor concerned.
- Where two (or more) joint liquidators are appointed it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute between them may be referred to the court, the committee or a meeting of creditors
- 8.3 If the appointed liquidator is a solicitor and employs his own firm to act in the insolvency, profit costs may not be paid unless authorised by the committee, the creditors or the court.
- There may also be occasions when creditors will agree to make funds available themselves to pay for the liquidator to carry out tasks which cannot be paid for out of the assets, either because they are deficient or because it is uncertain whether the work undertaken will result in any benefit to creditors. Arrangements of this kind are sometimes made to fund litigation or investigations into the affairs of the insolvent company. Any arrangements of this nature will be a matter for agreement between the liquidator and the creditors concerned and will not be subject to the statutory rules relating by remuneration.

BAILAMS & CO INSOLVENCY PRACTITIONERS LIMITED

BAILAMS & CO CHARGE OUT RATES

POSITION	HOURLY CHARGE OUT RATE (£)
Director 9 Languard Involvence Department	• • • • • • • • • • • • • • • • • • • •
Director & Licensed Insolvency Practitioner	250 - 280
Manager	160-215
Case Administrator	110-205
Assistant	75 -140
Secretarial and cashiering	50 - 75

BAILAMS & CO DISBURSEMENT CHARGES

Category 2 disbursement rates:

Photocopying/Printing 15p per sheet 40p per sheet

Postage Per current postal charges

IPS charge £25 per quarter

Mileage 40p mile Registered office fee £125 pa

Storage of boxes internally £4 per box per quarter

Destruction of boxes £8 50 per box

Meeting Room Hire £60 per meeting where held at Bailams & Co offices

Standard Activity Example of Work

Administration and Planning Statutory reporting and compliance

Compliance with other regulatory requirements

Case planning Administrative set up Appointment notification

Maintenance of records and progress reviews

Investigation SIP 2 review

Creditors

CDDA report

Review of questionnaires

Investigation of antecedence transactions

Liaising with committee

Realisation of Assets Identification, secure and insure assets

Retention of property

Debt collection

Property, business and asset sales

Trading Management of operation

Accounting for trading On-going employee issues

Communication with creditors

Creditors' claim and queries Reservation of title claims

Employee claims an Redundancy Payments claims

Preferential Claims

Reviewing and evaluating claims

All rates are subject to review annually. There may be a number of promotions throughout the various grades during the administration of cases. Should you require clarification on any of the above, do not hesitate to contact Bailams & Co on 01443 749 768.

MCALISTER & CO INSOLVENCY PRACTITIONERS LIMITED

MCALISTER & CO CHARGE OUT RATES

POSITION	HOURLY CHARGE
	OUT RATE (£)
Director & Licensed Insolvency Practitioner	250 - 280
Manager	160-215
Case Administrator	110-205
Assistant	75 -140
Secretarial and cashiering	50 - 75

MCALISTER & CO DISBURSEMENT CHARGES

Category 2 disbursement rates:

Photocopying/Printing 15p per sheet 40p per sheet

Postage Per current postal charges

IPS charge £25 per quarter

Mileage 40p mile Registered office fee £125 pa

Storage of boxes internally £4 per box per quarter

Destruction of boxes £8 50 per box

Meeting Room Hire £60 per meeting where held at McAlister & Co offices

Standard Activity Example of Work

Administration and Planning Statutory reporting and compliance

Compliance with other regulatory requirements.

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