

The Insolvency Act 1986

Administrator's final progress report

Name of Company

Benjoy Nutrition Limited

Company number

06803181

In the
High Court of Justice

(full name of court)

Court case number
10705 of 2011

We,
David Elliott
Moore Stephens LLP
Victory House
Quayside
Chatham Maritime
Kent ME4 4QU

Simon Paterson
Moore Stephens LLP
Victory House
Quayside
Chatham Maritime
Kent ME4 4QU

administrators' of the above company attach a final progress report for the period

From

12 December 2011

To

3 December 2012

Insert date

Signed

Joint Administrator

Dated

3 December 2012

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 register

David Elliott
Moore Stephens LLP
Victory House
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DX Number

01634-895100
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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04/12/2012

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COMPANIES HOUSE

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This report is intended for use by those parties entitled to a copy thereof under Rule 2.47 and Rule 2.110 of the Insolvency Rules 1986. It may contain information that is privileged, confidential or exempt from disclosure and any dissemination, distribution or copying of it and its attachments is strictly prohibited.

Any estimated outcomes for creditors are for illustration only and cannot be relied upon as guidance as to the actual outcome for creditors.

David Elliott is authorised in the UK to act as an insolvency practitioner by the Institute of Chartered Accountants in England and Wales.

Simon Paterson is authorised in the UK to act as an insolvency practitioner by the Insolvency Practitioners Association.

The affairs, business and property of the Company are being managed by the joint administrators' who act as Agents of the Company without personal liability.

1. Statutory information

Company name	Benjoy Nutrition Limited
Company number	06803181
Registered office	Victory House Quayside Chatham Maritime Kent ME4 4QU
Court reference	High Court of Justice No 10705 Of 2011
Date of appointment	12 December 2011
Joint administrators	David Elliott Simon Paterson
	There have been no changes in the office holders
Joint administrators' address	Victory House Quayside Chatham Maritime Kent ME4 4QU
Paragraph 100(2) statement	The functions and powers of the joint administrators may be exercised by either or both of the joint administrators jointly and severally
Appointor	FSE Loan Management Limited as the holder of a qualifying floating charge created on 1 July 2011 and registered at Companies House on 8 July 2011
Appointor's address	Harbour Court, Compass Road, North Harbour, Portsmouth,

2. Conduct of the administration

- 2 1 There have been no deviations or amendments to the original proposal which was approved without modifications
- 2 2 There has been no application to extend the term of the administration
- 2 3 The receipts and payments account attached at Appendix I details the asset realisations during the administration
- 2 4 As advised when the progress report was circulated in June this year, no purchaser could be found for the business and steps have been taken to recover the remaining assets of the business over the last six months. This has primarily related to the outstanding book debts
- 2 5 The company factored its book debts with Calverton Factors and they collected the sum of £9,158, discharging their ledger balance of £3,830 and costs of £4,440. They re-assigned the remaining sales ledger for collection. There was a surplus of £1,823 that was passed to us by the factors. In addition cash at bank of £583 was recovered, along with vat refunds for the period to 31 January 2012 of £4,451. A further vat refund totalling £1,613.27 has been processed and repayment of this sum is currently awaited.
- 2 6 The sales ledger re-assigned to the company by the factors showed gross debts of £21,280 before the deduction of the charges detailed above together with other sundry debit notes for such items as faulty stock and customer refunds. Each of the customers with an outstanding debt have been contacted and correspondence entered into with them. To date the sum of £2,260 has been received and the collection process is on going. Some customers have raised invoices for items such as on going advertising support and these are being challenged. It is likely that in order to achieve any recovery, legal action will be required. In addition to this action, we are also investigating the possibility of applying the late payment legislation in order to secure further sums that may be due to the company. It had been hoped that the collection process would have been completed by now but certain customers have proved very difficult to deal with and have failed to respond to correspondence and telephone calls.
- 2 7 Following the decision to cease trading, steps were taken to dispose of the remaining stock held by the company. This stock was held at a depot in Cheshire and was incurring a weekly storage charge. In addition the stock had a sell by date and being a food stuff, care had to be taken to ensure appropriate disposal. The storage company initially indicated that they would seek a buyer and offset any proceeds received against their debt. However they were unable to source a

purchaser and ultimately the stock was disposed of on the basis that the purchaser collected all stock, both in date and out of date, on a nil cost basis

2 8 The administrators also sought a purchaser for the patents and trademarks owned by the company. There was interest shown in these items but this did not result in an offer being received, once the interested parties had completed their investigations into the product.

2 9 It had been anticipated that the realisation of assets would be completed before the anniversary of the administration, thus negating the need for the company to proceed into liquidation and thus minimising costs. Unfortunately this has not proved possible and steps have now been taken to place the company into liquidation.

3 Pre appointment costs and expenses

3 1 Moore Stephens LLP incurred time costs of £6,606.50 prior to appointment, together with legal fees and disbursements of £4,114.41. As advised in our proposals, authorisation will be sought from the charge holder that the time costs incurred prior to appointment with a view to placing the company into administration by FSE Loan Management Limited be approved, if there are sufficient assets realised to discharge these costs.

3 2 These time costs incurred arose primarily as a result of the costs involved in preparing the documents to place the company into Administration, meetings with various interested parties regarding the future of the company and meetings, calls and correspondence with the directors. No pre-appointment costs or expenses have been drawn.

4 Joint administrators' remuneration and category 2 disbursements

4 1 Authorisation will be obtained from the secured charge holder that the remuneration of the Joint Administrators be fixed by reference to the time properly given by the joint administrators and their staff in attending to matters arising in the administration in accordance with Rule 2.106(2)(b) of the Insolvency Rules 1986. In addition, authorisation has been sought from the secured creditor that the Joint Administrators shall be authorised to draw their firm's internal costs and expenses in dealing with the estate, including photocopying, printing, facsimile, storage, mileage and room hire, as and when funds permit.

4 2 Fees will only be drawn should sufficient asset realisations be made.

4 3 The time costs incurred to date have arisen primarily as a result of dealing with those matters detailed in our proposals to creditors dated 3 February 2012 and subsequently in attending to various aspects, including the agreement of post administration expense, enquiries from parties interested in acquiring the remaining assets and the recovery of book and other debts. In addition we have dealt with the statutory functions required under the Insolvency Act and Rules and also enquiries from creditors. In addition we have dealt with the statutory functions required under the Insolvency Act and Rules and also enquiries from creditors.

4 4 A detailed breakdown of the joint administrators' time costs and category 2 disbursements together with current charge out rates are attached at Appendix II. No fees have been drawn.

4 5 Should you wish to receive a copy of "A Creditors' Guide to Administrators' Fees" this is available on the Moore Stephens website <http://www.moorestephens.co.uk/corporaterecovery.aspx> or by requesting a copy from this office in writing or by telephone.

5 Joint administrators' expenses

5 1 A schedule of all expenses incurred in the administration, together with those incurred since the previous progress report have been detailed at Appendix III.

5 2 The Administrators have engaged the services of TLT Solicitors, who have assisted in various aspects of the case, including advising on copyright issues and also drafting the sale agreement with the prospective purchaser. The company also outsourced the administrative function dealing with accounting services to A&L Chartered Accountants and the logistics services to Windfall Logistics. The Administrators agreed to retain the services of both of these companies as it was considered more cost effective to continue on this basis rather than to transfer the administration in house.

5 3 In addition the administrators have incurred production, storage and transport costs with March Foods and Bougheys, who provided services to the company prior to administration.

5 4 During September a first payment of 50p in the £ was made in respect of the administration expenses incurred, excluding the fees of TLT and it is anticipated that a further payment will be made once asset realisations have been completed. It is anticipated that the administration expenses, excluding the fees of TLT, will eventually be discharged in full.

6. Creditors' rights

- 6 1 Within 21 days of receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) or any unsecured creditor with the permission of the court may request in writing that the joint administrators provide further information about their remuneration or expenses (other than pre-administration costs) which have been itemised in the progress report

Within 14 days of receipt of the request, we must provide all of the information asked for, except so far as we consider that

- the time or cost of preparation of the information would be excessive, or
- disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or
- we are subject to an obligation of confidentiality in respect of the information

We are also required to give reasons for not providing all of the requested information

Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may, within 8 weeks of receipt of this progress report make an application to court on the grounds that the basis fixed for the joint administrators' remuneration, the remuneration charged, or the expenses incurred by the joint administrators as set out in the progress report are excessive

7 Liabilities

7 1 Secured creditors

FSE Loan Management Limited have a fixed and floating charge debenture which was created on 1 July 2011 and registered at Companies House on 8 July 2011. As the charge post dates 15 September 2003, the Prescribed Part rules apply

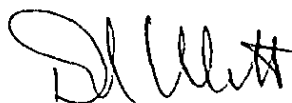
There have been insufficient asset realisations for there to be any net property available and therefore it is currently anticipated that there will be no Prescribed Part available to unsecured creditors

7 2 Preferential creditors

I am not aware of any preferential creditors

7 3 Unsecured creditors

There is no prospect of a dividend becoming available to the unsecured creditors



David Elliott
Joint Administrator

Joint Administrators' receipts and payments account

Benjoy Nutrition Limited (In Administration)

	Statement of affairs £	From 11/06/2012 To 03/12/2012 £	From 12/12/2011 To 03/12/2012 £
RECEIPTS			
Trade Debtors		7,334 65	9,777 04
Cash at Bank		0 00	583 56
Trade Debtors		1,641 70	1,641 70
VAT Repayment		0 00	4,451 60
Interest Gross of Tax		3 83	5 46
		<u>8,980 18</u>	<u>16,459 36</u>
PAYMENTS			
Purchases		1,445 90	2,150 90
*		2,230 72	2,230 72
Calverton Factors		2,006 74	2,006 74
Factors Charges		4,440 30	4,440 30
Website Domain Registration Fees		15 99	15 99
Bank Charges		637 20	637 20
Office Holders Outlays		389 66	389 66
Trade Creditors		1,000 00	0 00
		<u>12,166 51</u>	<u>11,871 51</u>
Net Receipts/(Payments)		<u>(3,186 33)</u>	<u>4,587 85</u>
MADE UP AS FOLLOWS			
VAT Receivable			976 19
Bank 2 - Current (F)			1,613 27
Bank 2 - Deposit (F)			3,611 66
Vat Control Account			(1,613 27)
			<u>4,587 85</u>

Breakdown of time costs and category 2 disbursements

Benjoy Nutrition Limited - In Administration

Summary of Moore Stephens' time-costs from 11/06/2012 to Closure

	Partner / Associate	Director / Manager	Admin	Support staff	Total hours	Time cost (£)	Av rate £/h
Statutory compliance administration and planning	1 05		0 75	13 45	15 25	1 639 95	107 54
Investigations	-	2 00		1 20	3 20	608 00	190 00
Realisation of assets	1 30	-	0 80	0 55	2 65	619 95	233 94
Creditors	3 05		3 15	0 80	7 00	1,475 05	210 72
Total hours	5 40	2 00	4 70	16 00	28 10		
Total time costs £	1 944 00	560 00	523 30	1 315 65		4 342 95	154 55

Summary of Moore Stephens' time-costs from 12/12/2011 to Closure

	Partner / Associate	Director / Manager	Admin	Support staff	Total hours	Time cost (£)	Av rate £/h
Pre appointment	17 55	1 50	-	0 10	19 15	6 606 50	
Statutory compliance administration and planning	4 45	8 85	5 00	25 70	44 00	5 934 35	134 87
Investigations	-	2 40	-	3 30	5 70	804 00	141 05
Realisation of assets	54 50	1 05	2 90	1 65	60 10	20 327 60	338 23
Trading	6 75		0 05		6 80	2 435 75	358 20
Creditors	23 00	3 80	14 35	0 80	41 95	10 513 85	250 63
Case specific matters	-	0 55	2 25	-	2 80	400 00	142 86
Total hours	106 25	18 15	24 55	31 55	180 50		
Total time costs £	38 250 00	3 602 75	2 656 95	2 512 35		47 022 05	260 51

Total remuneration drawn on account

Nil

Charge out rates -

Rates effective from	1st-Nov 2012	1st Nov 2010
Partner/ Associate	£320-£530	£310-£510
Manager	£155-£300	£150-£290
Administrator	£55-£155	£53-£150
Support	£30-£115	£30-£109

Time charged in 3 minute units or multiples thereof

Examples of work generally undertaken but not limited to

Pre appointment

- Appointment process
- Providing advice to directors
- Liaising with secured creditors
- Negotiating the sale of the business

Statutory compliance, administration and planning

- Compliance with other regulatory requirements
- Statutory reporting and compliance
- Case planning
- Administrative set up
- Appointment notification
- Maintenance of records

Realisation of assets

- Identifying, securing insuring assets
- Retention of title
- Property, business and asset sales
- Debt collection
- Tax reclaims

Creditors

- Communication with creditors
- Creditors' claims (including employees and other preferential creditors)

Investigations

- SIP 2 review
- CDDA reports
- Investigating antecedent transactions

Trading

- Management of operations
- Accounting for trading
- On-going employee issues

Case specific matters

- Pension issues

Breakdown of time costs and category 2 disbursements continued

Benjoy Nutrition Limited - In Administration

Summary of Moore Stephens' disbursements

	Undrawn costs brought forward from previous period(s) £	Costs incurred 11/06/2012 to Closure £	Costs drawn This period £	Costs incurred 12/12/2011 to Closure £	Cumulative Costs drawn £
Car mileage	332 85	-	-	332 85	166 42
Photocopying / printing	1 65	-	-	1 65	0 83
Storage	39 00	78 00	-	117 00	39 00
Total	373 50	78 00		451 50	206 25
Total undrawn costs to carry forward					245 25

Category 2 disbursement rates -

Type	Rate
Car mileage	£0 45 per mile maximum
Photocopying/printing	£0 15 per sheet
Colour photocopying	£2 50 per sheet
Fax	£0 40 per sheet
Storage - standard box	£3 90 per box per quarter (min £30 per quarter)
Room hire	£30-£50 per hour

Summary of accrued and drawn costs

Benjoy Nutrition Limited - In Administration

Cost Description	Undrawn costs brought forward from previous period(s) £	This period 11/06/2012 to Closure		Cumulative 12/12/2011 to Closure	
		Costs incurred £	Costs drawn £	Costs incurred £	Costs drawn £
Legal fees & expenses	14 203 71	-	37 20		37 20
Accountancy fees	3,717 88	-	2 230 72	3,717 88	2 230 72
Production and Storage Costs	3,609 84	-	1,445 90	4,314 84	2,150 90
Insurance	1,000 00	(750 00)		250 00	
Bank charges	-	1,200 00	600 00	1,200 00	600 00
Telephone	3 78	-	1 89	3 78	1 89
Postage	-	93 89	46 95	93 89	46 95
Specific penalty bond	120 00	-	60 00	120 00	60 00
Travel	138 15	-	69 07	138 15	69 07
Land registry & company search fees	11 00	-	5 50	11 00	5 50
Total	22,804 36	543 89	4,497 23	9,849 54	
Total undrawn costs to carry forward					5,202 23
					4,647 31

Summary of professional services

Professional advisor	Nature of work	Fee arrangement
A&L Chartered Accountants	Accounting Services	Time costs
TLT Solicitors LLP	Solicitors	Time costs
Windfall Logistics	Logistice	Time costs
JLT Speciality Ltd	Insurance brokers	Risk based premium

The Insolvency Act 1986

Notice of move from administration to creditors' voluntary liquidation

2.34B

Name of Company
Benjoy Nutrition Limited

Company number
06803181

In the High Court of Justice <small>(full name of court)</small>
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Court case number 10705 of 2011

We, David Elliott
Moore Stephens LLP
Victory House
Quayside
Chatham Maritime
Kent ME4 4QU

Simon Paterson
Moore Stephens LLP
Victory House
Quayside
Chatham Maritime
Kent ME4 4QU

having been appointed administrators of Benjoy Nutrition Limited, Victory House, Quayside, Chatham Maritime, Kent, ME4 4QU

on 12 December 2011 by High Court of Justice

hereby give notice that
the provisions of paragraph 83(1) of Schedule B1 to the Insolvency Act 1986 apply, and it is
proposed that

David Elliott of Moore Stephens LLP, Victory House, Quayside, Chatham Maritime, Kent, ME4 4QU
will be the liquidator of the company (IP No 1141)

Signed



Joint Administrator

Dated

3 December 2012

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 the public

David Elliott Moore Stephens LLP Victory House Quayside Chatham Maritime Kent ME4 4QU	01634-895100 DX Exchange
DX Number	

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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04/12/2012
COMPANIES HOUSE

#180

TUESDAY

Strictly Private & Confidential

BENJOY NUTRITION LIMITED ("THE COMPANY")

Final report to the members and creditors in accordance with Rule 2.47 and 2.110 of the Insolvency Rules 1986

3 December 2012

Moore Stephens LLP
Victory House
Quayside
Chatham Maritime
Kent ME4 4QU

Tel 01634-895100
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