

In accordance with Rule 18.7 of the Insolvency (England & Wales) Rules 2016 and Sections 92A, 104A and 192 of the Insolvency Act 1986.

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



A18 \*A82MFWQA\* 03/04/2019 #391  
COMPANIES HOUSE

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### 1 Company details

Company number 0 6 9 3 9 3 7 2

Company name in full Xander (North East) Limited

→ Filling in this form  
Please complete in typescript or in bold black capitals.

### 2 Liquidator's name

Full forename(s) Steven Philip

Surname Ross

### 3 Liquidator's address

Building name/number 1 St James' Gate

Street

Post town

Newcastle upon Tyne

County/Region

Postcode

N E 1 4 A D

Country

### 4 Liquidator's name ①

Full forename(s) Matthew

Surname Higgins

① Other liquidator  
Use this section to tell us about another liquidator.

### 5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator  
Use this section to tell us about another liquidator.

# LIQ03

## Notice of progress report in voluntary winding up

### 6 Period of progress report

From date	<sup>d</sup> 1	<sup>d</sup> 6	<sup>m</sup> 0	<sup>m</sup> 2	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8
To date	<sup>d</sup> 1	<sup>d</sup> 5	<sup>m</sup> 0	<sup>m</sup> 2	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9

### 7 Progress report

☐ The progress report is attached

### 8 Sign and date

Liquidator's signature

Signature

X

*[Handwritten signature]*

*[Handwritten signature]*

X

Signature date

<sup>d</sup> 0	<sup>d</sup> 5	<sup>m</sup> 0	<sup>m</sup> 4	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9
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**In the matter of**  
**Xander (North East) Limited In Liquidation ('the Company')**  
**Joint Liquidators' progress report**  
**5 April 2019**

**Steven Philip Ross and Matthew Higgins - Joint Liquidators**  
**RSM Restructuring Advisory LLP**  
**1 St James' Gate**  
**Newcastle upon Tyne**  
**NE1 4AD**

**Tel: 0191 255 7000**  
**Email: [restructuring.newcastle@rsmuk.com](mailto:restructuring.newcastle@rsmuk.com)**

## Sections

1. Progress of the liquidation
2. Details of what remains to be done and matters preventing closure
3. Creditors' claims and dividend prospects
4. Receipts and payments summary
5. Joint Liquidators' remuneration and expenses
6. Notice of Qualifying Decision Procedure
7. Creditors' right to information and ability to challenge remuneration and expenses

## Appendices

- A. Statutory information
- B. Dividend prospects
- C. Summary of receipts and payments
- D. RSM Restructuring Advisory LLP current charging, expenses and disbursements policy statement
- E. RSM Restructuring Advisory LLP Newcastle current charge out and category 2 disbursement rates
- F. Statement of expenses incurred in the period from 16 February 2018 to 15 February 2019
- G. Joint Liquidators' time cost analysis for the period from 16 February 2018 to 15 February 2019
- H. Joint Liquidators' fee scope and assumptions
- I. Estimate of the Joint Liquidators' expenses likely to be incurred
- J. Notice of a Qualifying Decision Procedure
- K. Voting paper
- L. Invitation to form a committee & Committee consent to act
- M. Proof of debt form

This report has been prepared in accordance with relevant legislation to provide creditors, members and the registrar of companies with information relating to the progress of the liquidation in the period from 16 February 2018 to 15 February 2019.

This report has been prepared solely to comply with the statutory requirements the relevant legislation. It has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the Company. Any estimated outcomes for creditors are illustrative and may be subject to significant change.

Neither the Joint Liquidators nor RSM Restructuring Advisory LLP accept any liability whatsoever arising from any decision or action taken or refrained from because of information contained in this report.

## **1 Progress of the liquidation**

### **1.1 Realisation of assets**

The Joint Liquidators are obliged to realise and get in the Company's property and maximise realisations. In some cases this does not result in sufficient realisations to enable a financial return to creditors, after taking into account the costs and expenses of realisation and dealing with the legislative requirements of administering the case. Details of the realisations made are set out below, with information relating to dividends, if any, contained within Appendix B.

#### **Book debts**

Book debts which had a book value in the statement of affairs at £4,505, were subsequently recovered in full.

#### **Cash at Bank**

Cash at Bank represent receipts of £2,695 represent a partial receipt of the proceeds for the sale of the company's assets pre liquidation.

All assets have now been recovered in full.

#### **Claim for compensation for mis-selling of interest rate hedging product**

The Joint Liquidators have now completed their investigations and confirmed that there is no evidence of mis-selling and therefore no redress due to the Company.

### **1.2 Investigations**

In accordance with our statutory obligations, we have filed the appropriate documentation in relation to the conduct of the directors.

We can advise you that, following our initial assessment, no further investigations were deemed necessary

### **1.3 Administration and planning**

Certain aspects of the work that the Joint Liquidators undertake are derived from the underlying legal and regulatory framework for cases of this nature. This work, which does not usually result in any direct financial return to creditors, is a necessary aspect of ensuring that the Joint Liquidators are complying with both their legislative and best practice responsibilities, and ensuring that the case is managed efficiently and effectively. It includes matters such as:

- Periodic case reviews, ongoing case planning and strategy,
- Maintaining and updating computerised case management records,
- Dealing with routine correspondence not attributable to other categories of work,
- Ongoing consideration of ethical and anti-money laundering regulations,
- General taxation matters, including seeking tax clearance from HMRC,
- Preparation of receipts and payments accounts, maintenance of cashiering records,
- General administrative matters in relation to closing the case,
- Pension schemes, liaising with PPF/Pensions Regulator/Trustees and
- Consideration of Health and Safety and environmental regulations

## **2 Details of what remains to be done and matters preventing closure**

### **2.1 Assets remaining to be realised**

All assets have now been recovered.

#### **Connected Party Transactions**

On 16 December 2017, which was less than 1 year prior to the passing of the said Board Resolution, the company sold its assets comprising stock, fixtures and goodwill to Deli Espresso Gosforth Limited, a company connected by virtue of common directors and shareholders

These assets were sold for £6,000 plus vat and this amount was paid in part; £2,695.20 was paid to RSM Restructuring Advisory LLP and the balance outstanding was to be paid within 3 months from the appointment of the Liquidator.

The company did not take independent professional advice on the transaction but a valuation was obtained from Grievesons Valuers and Auctioneers who are members of NAVA. The fee paid was in excess of this valuation.

The Companies Act 2006 requires transactions of this nature to be approved by the shareholders of the company; approval of the transaction by the shareholders was given in accordance with this requirement on 16 December 2017.

Neither RSM or the proposed liquidator or any partner or employee of either of them acted in any capacity either for the company (as defined above) or any other party to any transaction subject to the disclosure requirements set out above.

### **3 Creditors' claims and dividend prospects**

Dividend prospects and projected returns to creditors are attached, including any amount due to under the prescribed part, if any.

The Joint Liquidators are obliged to deal with a number of matters in relation to creditors to comply with both the legislative and best practice requirements and to ensure creditors are kept informed. Creditors will only derive an indirect financial return from this work on cases where a dividend has been paid.

These matters include:

- Preparation and issue of progress reports and associated documentation;
- Maintenance of schedules of preferential and unsecured creditors' claims;
- Dealing with correspondence and telephone calls;
- Where necessary, consideration of creditors' claims; acceptance or rejection of claims and complying with legislative obligations in relation to adjudication of creditors' claims generally for voting and, if applicable, dividend purposes;

#### **3.1 Prescribed part**

The 'Prescribed Part' is a statutory amount, calculated as a percentage of net floating charge realisations, which entitles unsecured creditors to a share of realisations. This is calculated on a sliding scale up to maximum of £600,000 before costs.

There are no creditors secured by charges over the assets and undertakings of the Company. There is therefore no requirement to estimate the amount of the prescribed part of the assets under Section 176A of the Insolvency Act 1986.

### **4 Receipts and payments summary**

We attach a summary of our receipts and payments for the period from 16 February 2018 to 15 February 2019, along with cumulative figures where applicable.

#### **VAT basis**

Receipts and payments are shown net of VAT with any amount due to or from HM Revenue and Customs shown separately.

### **5 Joint Liquidators' remuneration and expenses**

#### **5.1 Pre-appointment fees and expenses**

The Joint Liquidators are seeking approval for their reasonable and necessary expenses for assisting the directors with the preparation of the statement of affairs and in seeking the creditors' nomination of liquidator through the deemed consent procedure. These have been incurred on a fixed fee basis, in accordance with the terms of our engagement. We believe this fixed fee is fair and reasonable and is in line with the time costs incurred.

If approved, these fees will be paid from the assets realised in the Liquidation.

- Statement of Affairs' fee £3,000 plus VAT
- Administering the deemed consent procedure £3,000 plus VAT

## **5.2 Authority for remuneration, disbursements and expenses**

The Joint Liquidators are seeking approval for their post-appointment remuneration of £5,000 plus vat to be drawn on a fixed fee basis in accordance with the attached resolution. The fixed fee has been requested (rather than any other basis) because there are limited assets in the Liquidation and it is anticipated that a proportion of the fixed fee will not be recovered due to the lack of funds.

The fixed fee has been based on the assumptions set out in the attached appendix. Should these prove to be inaccurate, or the circumstances change, the Joint Liquidators may need to seek approval to increase their fees.

For a fixed amount of £5,000 plus VAT in accordance with the fee scope and assumptions dated 5 April 2019.

The Joint Liquidators cannot draw more than this amount without obtaining the further approval of the general body of creditors.

## **5.3 Expenses and disbursements**

Attached are the Joint Liquidators' charging, expenses and disbursement policy statement, together with the current rates. Details of the expenses (including category 1 and category 2 disbursements) that the Joint Liquidators have incurred in the period of the report are attached.

## **6 Notice of Qualifying Decision Procedure**

The Joint Liquidators are requesting creditors agree the basis upon which they are to be remunerated and may draw disbursements in accordance with the notice attached at Appendix J.

If so approved, the maximum amount that the Joint Liquidators will be able to draw in relation to their post-appointment fees will be £5,000 plus vat unless they obtain further approval.

Accordingly, you are requested to complete and return the enclosed Voting Paper together with a completed Proof of Debt form to RSM Restructuring Advisory LLP 1 St James' Gate, Newcastle upon Tyne, NE1 4AD by no later than the decision date stated in the notice attached. Documents sent by fax are acceptable. If you have previously submitted a proof of debt form in these proceedings, there is no requirement to submit a further form unless your claim has changed.

## **7 Creditors' right to information and ability to challenge remuneration and expenses**

In accordance with the relevant legislation creditors have a right to request further information about remuneration or expenses and to challenge such remuneration or expenses.

If you wish to make a request for further information, then it must be made within 21 days of receipt of this report in writing by either by (i) any secured creditor or (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors.

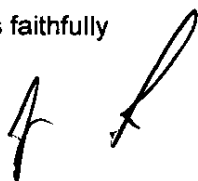
Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to court on the grounds that the remuneration charged, the basis fixed or expenses incurred by the liquidator are in all the circumstances excessive.

Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of remuneration or incurring of the expenses in question.

A Creditors' Guide to Liquidators' Fees, which provides information for creditors in relation to the remuneration of a Liquidator, can be accessed at <http://rsm.insolvencypoint.com> under 'general information for creditors'. A hard copy can be requested from my office by telephone, email or in writing.

Should you have any further queries please do not hesitate to contact me.

Yours faithfully



**Steven Philip Ross**  
**RSM Restructuring Advisory LLP**  
**Joint Liquidator**

Steven Philip Ross is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

Matthew Higgins is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment



## Appendix A

### Statutory information

Company information		
Company name:	Xander (North East) Limited	
Company number:	06939372	
Date of incorporation:	19 June 2009	
Trading name:	None	
Trading address:	1 St James' Gate Newcastle upon Tyne NE1 4AD	
Principal activity:	Unlicensed Restaurant and cafe	
Registered office:	RSM Restructuring Advisory LLP, 1 St James' Gate, Newcastle upon Tyne, NE1 4AD	
Liquidation information		
Joint Liquidator:	Steven Philip Ross and Matthew Higgins	
Date of appointment:	16 February 2018	
Correspondence address and contact details of case manager:	Martin Madgwick 0191 255 7000 RSM Restructuring Advisory LLP, 1 St James' Gate, Newcastle upon Tyne, NE1 4AD	
Name, address and contact details of Joint Liquidator:	<b>Primary Office Holder</b> Steven Philip Ross 1 St James' Gate, Newcastle upon Tyne, NE1 4AD 0191 255 7058 IP Number: 9503	<b>Joint Office Holder</b> Matthew Higgins 1 St James Gate, Newcastle Upon Tyne NE1 4AD 0191 2557118 IP Number: 13570

## Appendix B

### Dividend prospects

	Owed	Paid to date	Estimated future prospects
Unsecured creditors	£28,405	NIL	NIL
Estimated net property	N/A		
Estimated prescribed part available for unsecured creditors	N/A		

Any estimated outcome for creditors is illustrative and may be subject to change.

**Xander (North East) Limited**  
**In Liquidation**  
**Joint Liquidators' Summary of Receipts & Payments**

Statement of Affairs £		From 16/02/2018 To 15/02/2019 £	From 16/02/2018 To 15/02/2019 £
	<b>ASSET REALISATIONS</b>		
	Bank Interest Gross	1.46	1.46
2,695.00	Cash at Bank on Appointment	4,196.80	4,196.80
4,505.00	Debtors (Pre-Appointment)	3,003.20	3,003.20
		<u>7,201.46</u>	<u>7,201.46</u>
	<b>UNSECURED CREDITORS</b>		
(15,250.00)	Associated Creditors	NIL	NIL
(657.00)	Banks/Institutions	NIL	NIL
(9,588.00)	HM Revenue and Customs	NIL	NIL
(2,910.25)	Trade & Expense Creditors	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	<b>DISTRIBUTIONS</b>		
(100.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<b>(21,305.25)</b>		<b><u>7,201.46</u></b>	<b><u>7,201.46</u></b>
	<b>REPRESENTED BY</b>		
	Allied Irish Current Account		7,201.46
			<b><u>7,201.46</u></b>

## Appendix D

### RSM Restructuring Advisory LLP current charging, expenses and disbursements policy statement

#### Charging policy

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an *hourly charge out rate which is reviewed from time to time.*
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators.
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate.
- Time is recorded in 6-minute units at the rates prevailing at the time the work is done.
- The current charge rates for RSM Restructuring Advisory LLP Newcastle are attached.
- Time billed is subject to Value Added Tax at the applicable rate, where appropriate.
- It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it.
- RSM Restructuring Advisory LLP's charge out rates are reviewed periodically.

#### Expenses and disbursements policy

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate.
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not require approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 1' disbursements.
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) or payments to outside parties that the firm or any associate has an interest, require the approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 2' disbursements.
- A decision regarding the approval of category 2 disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP Newcastle will be sought from the relevant approving party in accordance with the legislative requirements.
- General office overheads are not re-charged to the insolvency estate as a disbursement.
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of the relevant approving party.
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate.

## Appendix E

### RSM Restructuring Advisory LLP Newcastle current charge out and category 2 disbursement rates

Hourly charge out rates		
	Rates at commencement £	Current rates £
Partner	385 to 485	525
Directors / Associate Directors	275 to 330	290 to 365
Manager	215 to 275	240 to 290
Assistant Managers	230	240
Administrators	145 to 215	145 to 215
Support staff	75 to 127	85 to 140

Category 2 disbursement rates	
Internal room hire	£100 per hour
Subsistence	£25 per night (from 3 <sup>rd</sup> September 2013) £23 per night (up to 2 <sup>nd</sup> September 2013)
Travel (car)	38p per mile (up to and including 31 March 2010) 40p per mile (from 1 April 2010) 42.5p per mile (from 1 April 2011)
'Tracker' searches	£10 per case

**Appendix F****Statement of expenses incurred in the period from 16 February 2018 to 15 February 2019**

Expenses (excluding category 2 disbursements) Type and purpose	Incurred in period	
	Paid £	Unpaid £
Bond	Nil	85.00
Statutory advertising	Nil	253.80
Website fee	Nil	8.00
Postage	Nil	8.70
<b>Sub Total</b>	<b>£Nil</b>	<b>£355.50</b>
<b>Category 2 disbursements</b>		
<b>Recipient, type and purpose</b>		
RSM Restructuring Advisory LLP - Mileage	Nil	Nil
RSM Restructuring Advisory LLP - Tracker search	Nil	Nil
<b>Sub Total</b>	<b>£Nil</b>	<b>£Nil</b>
<b>Total</b>	<b>£Nil</b>	<b>£355.50</b>

**NOTE:** This appendix may include estimated amounts where actual invoices have not been received. The amounts paid in the period are shown in the attached receipts and payments account. Invoices may have been paid in a period after that in which they were incurred.

# SIP9 Time Report - Level 2

Xander (North East) Limited

1099705-700 CVL - Post Appointment

For the period 16/02/2018 to 15/02/2019

Period	Hours Spent	Partners	Directors / Associate Directors	Managers	Assistant Managers	Administrators	Assistants & Support Staff	Total Hours	Total Time Costs	Average Rates
From Jan 2003										
	<b>Administration and Planning</b>									
	Appointment	0.0	0.0	0.0	0.0	2.6	0.0	2.6	£ 377.00	145.00
	Background Information	0.0	0.0	0.0	0.0	0.5	0.0	0.5	£ 72.50	145.00
	Case Management	0.0	0.0	2.5	0.0	0.9	0.8	4.2	£ 934.00	222.38
	Pension Scheme	0.0	0.0	0.0	0.0	0.5	0.0	0.5	£ 72.50	145.00
	Pre-appointment matters	0.0	0.0	0.0	0.0	0.2	0.0	0.2	£ 31.00	155.00
	Receipts and Payments	0.1	0.0	0.6	0.0	6.8	0.2	7.7	£ 1,633.00	212.08
	Tax Matters	0.0	0.0	0.2	0.0	0.3	0.0	0.5	£ 98.50	197.00
	<b>Total</b>	<b>0.1</b>	<b>0.0</b>	<b>3.3</b>	<b>0.0</b>	<b>11.8</b>	<b>1.0</b>	<b>16.2</b>	<b>£ 3,218.50</b>	<b>198.67</b>
	<b>Investigations</b>									
	Investigations/CDDA	0.0	0.0	3.6	0.0	0.0	0.0	3.6	£ 990.00	275.00
	<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>3.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3.6</b>	<b>£ 990.00</b>	<b>275.00</b>
	<b>Creditors</b>									
	Other Creditor Meetings and Reports	0.0	0.0	0.0	0.0	0.0	0.3	0.3	£ 24.00	80.00
	Secured Creditors	0.0	0.0	0.0	0.0	0.2	0.0	0.2	£ 29.00	145.00
	Unsecured Creditors	0.0	0.0	0.0	0.0	1.7	0.1	1.8	£ 259.00	143.89
	<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1.9</b>	<b>0.4</b>	<b>2.3</b>	<b>£ 312.00</b>	<b>135.65</b>
	<b>Total Hours (From Jan 2003)</b>	<b>0.1</b>	<b>0.0</b>	<b>6.9</b>	<b>0.0</b>	<b>13.7</b>	<b>1.4</b>	<b>22.1</b>	<b>£ 4,520.50</b>	<b>204.55</b>
	<b>Total Time Cost (From Jan 2003)</b>	<b>£ 50.00</b>	<b>£ 0.00</b>	<b>£ 1,903.50</b>	<b>£ 0.00</b>	<b>£ 2,438.50</b>	<b>£ 128.50</b>	<b>£ 4,520.50</b>		
<b>Total Hours</b>		<b>0.1</b>	<b>0.0</b>	<b>6.9</b>	<b>0.0</b>	<b>13.7</b>	<b>1.4</b>	<b>22.1</b>	<b>£ 4,520.50</b>	<b>204.55</b>
<b>Total Time Cost</b>		<b>£ 50.00</b>	<b>£ 0.00</b>	<b>£ 1,903.50</b>	<b>£ 0.00</b>	<b>£ 2,438.50</b>	<b>£ 128.50</b>	<b>£ 4,520.50</b>		
<b>Average Rates</b>		<b>500.00</b>	<b>0.00</b>	<b>275.87</b>	<b>0.00</b>	<b>177.89</b>	<b>91.79</b>	<b>204.55</b>		

## Appendix H

### Joint Liquidators' fee scope and assumptions

Activity	Scope and assumptions
Administration and planning	<p>Work that must be carried out in order to comply with statutory requirements imposed by the insolvency legislation.</p> <p>This includes filing and advertising of appointment documents, filing of <i>Statement of Affairs</i>, handling of receipts and payments, submission of VAT and Corporation Tax returns, undertaking file reviews, case planning and strategy, dealing with redirected mail, convening any non-statutory meetings, liaising with the Company's directors, case closure formalities.</p> <p>The fixed fee assumes that there are no pension schemes, that the Company's records are up to date, that no liquidation committee is appointed, and that the case can be concluded in 18 months.</p>
Realisation of assets	<p>All aspects of the realisation of assets including identifying, securing and insuring assets such as book debts. Other matters include dealing with landlords and arranging collection of leased assets.</p> <p>The fixed fee assumes there will be no legal action required to realise the assets; the Office Holder receives full co-operation of directors and that no contentious matters will arise;</p> <p>The fixed fee also assumes that there are no environmental and/or health and safety issues.</p>
Creditors	<p>Includes dealing with creditor queries, agreement of claims, distributions to creditors, and preparation of statutory formal reports to creditors.</p> <p>The fixed fee assumes</p>
Investigations	<p>Collection and review of the Company's accounting records in order to identify any potential or actual asset recoveries, antecedent transactions, transactions at under value or voidable dispositions.</p> <p>Reporting to the Department of Business, Energy and Industrial Strategy on the conduct of the Company's directors.</p> <p>The fixed fee assumes that the Office Holders' investigations uncover no material antecedent transactions which require legal advice or recovery action being undertaken.</p>
Trading	No trading is expected
Case Specific matters	N/A



## Appendix I

### Estimate of the Joint Liquidators' expenses likely to be incurred

Expenses (excluding category 2 disbursements)		£
Type and purpose		
Bond		85.00
Statutory advertising		100.00
Website fee		8.00
Storage agent (collection/storage of records)		300.00
Chattel asset agent valuation		500.00
Accountancy fees for information		1,000.00
Postage		50.00
	Sub Total	£2,043.00
Category 2 disbursements		£
Recipient, type and purpose		
RSM Restructuring Advisory LLP - Mileage		Nil
RSM Restructuring Advisory LLP - Tracker search		
	Sub Total	£Nil
	Total	£2,043.00

## Appendix J

### Notice of Qualifying Decision Procedure

**Xander (North East) Limited In Liquidation**

**Company No: 06939372**

**Steven Philip Ross and Matthew Higgins appointed as Joint Liquidators to the above company on 16 February 2018**

**Notice delivered to the creditors on: 9 April 2019**

**Decision date: 26 April 2019**

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**Notice Seeking Decision by a Qualifying Decision Procedure Pursuant to Section 246ZE of the Insolvency Act 1986 and Rule 18.20 of the Insolvency (England and Wales) Rules 2016 where the Joint Liquidators request the creditors determine the Joint Liquidators' remuneration basis and Rule 6.7 of the Insolvency (England and Wales) Rules 2016 where the Joint Liquidators request the creditors' approval of payment of the Joint Liquidators' unpaid pre-appointment costs and expenses.**

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**Notice is hereby given** to the creditors of the above named company seeking their decision on the following matters:

1. That in accordance with the fee scope and assumptions provided to creditors on 5 April 2019 the Joint Liquidators shall be authorised to draw remuneration at the fixed amount of £5,000 plus VAT.
2. That the Joint Liquidators shall be authorised to draw 'category 2' disbursements out of the assets as an expense of the liquidation, at the rates prevailing at the time the cost is incurred, current details of which have been advised.
3. That, RSM Restructuring Advisory LLP shall be paid the expenses reasonably and necessarily incurred in assisting the directors with the preparation of the statement of affairs and in seeking the creditors' nomination of liquidator through the deemed consent procedure out of the company's assets as an expense of the liquidation in accordance with insolvency legislation.
4. To appoint a Liquidation Committee to assist the Joint Liquidators (**Note: If you vote in favour of this resolution please ensure you nominate a representative**).

The decision is being sought by correspondence.

A voting form is attached, detailing the matters which require your decision, which should be completed and returned to me on or before the decision date.

Please note that to be able to vote you must have submitted a proof of debt form on or before the decision date, and that proof must have been admitted for the purposes of entitlement to vote.

CREDITORS who have OPTED OUT from receiving notices may nevertheless vote if the creditor provides a proof and voting form in accordance with the above provisions.

CREDITORS whose debts are treated as a SMALL DEBT in accordance with Rule 14.31(1) of the Insolvency (England and Wales) Rules 2016 must still deliver a proof if they wish to vote. Rule 14.31(1) states that Office Holders may treat a debt, which is a small debt according to the accounting records or the statement of affairs of the company, as if it were proved for the purposes of paying a dividend. Small debts are defined in Rule 14.1(3) as a debt (being the total amount owed to a creditor) which does not exceed £1,000).

The decisions on the matters above will be deemed to have been made at 23.59 hours on the decision date unless the threshold for requisitioning a physical meeting is met or exceeded within the requisite time scale.

A creditor who disagrees with the manner in which they are treated in relation to the above decision procedure may appeal to the Court within 21 days of the decision date.

### **Request for Physical Meeting**

Creditors may request that a physical meeting of creditors should be held to consider the proposed decisions by providing written notice of their request (together with a completed proof of debt) on or before 16 April 2019 to:

Martin Madgwick  
RSM Restructuring Advisory LLP,  
1 St James' Gate,  
Newcastle upon Tyne,  
NE1 4AD

Tel: 0191 255 7000  
Email: [restructuring.newcastle@rsmuk.com](mailto:restructuring.newcastle@rsmuk.com)

A physical meeting will be held if requisitioned by either 10% in value of the company's creditors, or 10% in number of the company's creditors or 10 of the company's creditors (collectively 'the requisition threshold'). If the threshold is met or exceeded, the proposed decision procedure will be terminated (and the proposed decisions will not be deemed to have been made) and a physical meeting of creditors will then be held.

#### **Establishment of committee**

Unsecured creditors have the right to decide whether a liquidation committee should be established, if sufficient creditors are willing to be members of a committee. Specific nominations for committee membership will be sought by correspondence. Any queries should be communicated to this office by telephone, email or in writing. Guidance on acting as a committee member can be found at the R3 website, [www.R3.org.uk](http://www.R3.org.uk). A hard copy can be requested by telephone, email or in writing to this office.

You may also wish to note that R3 have also produced guidance on the different insolvency processes, which can again be located at their website.

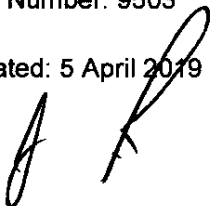
#### **Name, address and contact details of Joint Liquidator**

##### **Primary Office Holder**

Steven Philip Ross  
RSM Restructuring Advisory LLP  
1 St James' Gate,  
Newcastle upon Tyne,  
NE1 4AD

Tel: 0191 255 7000  
Email: [restructuring.newcastle@rsmuk.com](mailto:restructuring.newcastle@rsmuk.com)  
IP Number: 9503

Dated: 5 April 2019



**Steven Philip Ross**  
**RSM Restructuring Advisory LLP**  
**Joint Liquidator**

##### **Joint Office Holder**

Matthew Higgins  
RSM Restructuring Advisory LLP  
1 St James' Gate,  
Newcastle upon Tyne,  
NE1 4AD

Tel: 0191 255 7000  
Email: [restructuring.newcastle@rsmuk.com](mailto:restructuring.newcastle@rsmuk.com)  
IP Number: 13570

**NOTE: Please complete the enclosed proof of debt form and return it together with a detailed statement of your account, and voting form, and any other relevant documentation to Martin Madgwick, RSM Restructuring Advisory LLP, 1 St James' Gate, Newcastle upon Tyne, NE1 4AD.**

## Appendix K

### Voting paper

Xander (North East) Limited In Liquidation

Company No: 06939372

Steven Philip Ross and Matthew Higgins appointed as Joint Liquidators to the above company on 16 February 2018

Notice delivered to the creditors on: 9 April 2019

Decision date: 26 April 2019

**Voting Paper – Qualifying Decision Procedure pursuant to Rule 18.20 of the Insolvency (England and Wales) Rules 2016 where the Joint Liquidators request the creditors determine the Joint Liquidators' remuneration basis and Rule 6.7 of the Insolvency (England and Wales) Rules 2016 where the Joint Liquidators request the creditors approval of payment of the Joint Liquidators' unpaid pre-appointment costs and expenses.**

If you wish your vote to be counted please ensure you return this form, duly completed together with a proof of debt form (if one has not already been submitted) and a detailed statement of your claim on or before the decision date stated above.

### Voting instructions for decisions

\* delete as applicable

1. That in accordance with the fee scope and assumptions provided to creditors on 5 April 2019 the Joint Liquidators shall be authorised to draw remuneration at the fixed amount of £5,000 plus VAT.	For / Against*
2. That the Joint Liquidators shall be authorised to draw 'category 2' disbursements out of the assets as an expense of the liquidation, at the rates prevailing at the time the cost is incurred current details of which have been advised.	For / Against*
3. That, RSM Restructuring Advisory LLP shall be paid the expenses reasonably and necessarily incurred in assisting the directors with the preparation of the statement of affairs and in seeking the creditors' nomination of liquidator through the deemed consent procedure out of the company's assets as an expense of the liquidation in accordance with insolvency legislation	For / Against*
4. To appoint a Liquidation Committee to assist the Joint Liquidators (Note: If you vote in favour of this resolution please ensure you nominate a representative below)  Name, address and contact details of nominated creditors (up to 5) for whom you wish to vote for appointment to the creditors' liquidation committee of Xander (North East) Limited. Note: each creditor must complete a consent to act form (see attached)	For / Against*

\*I/We confirm that \*I am, am not / \*we are, are not a connected party or associate of the company as defined by Sections 249 and 435 of the Insolvency Act 1986.

Name of creditor

Address of creditor

Signed:

Date:

Name in BLOCK LETTERS

Position of signatory in relation to  
creditor, if not the creditor

**Rules 3.39, 4.15, 6.19, 7.55 and 10.76 of the Insolvency (England and Wales) Rules 2016**

**Xander (North East) Limited In Liquidation**  
**Company No: 06939372**

**Steven Philip Ross and Matthew Higgins appointed as Joint Liquidator to the above company on 16 February 2018**

**Notice delivered to the creditors on: 09 April 2019**

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**Notice to creditors and contributories inviting establishment of committee**

**Notice is hereby given** that creditors and contributories are invited to decide whether a Liquidation committee ('committee') should be established, provided that there are no fewer than three and no more than five creditors wishing to be represented on the committee. Nominations are invited for membership of any committee so established, such nominations to be received at 1 St James' Gate, Newcastle upon Tyne, NE1 4AD. Nominations will only be accepted from creditors who have submitted a proof of debt which is not fully secured and has neither been disallowed for voting purposes nor wholly rejected for dividend purposes.

Please note that, in order for a creditors' committee to be formed, there must be at least three creditors wishing to be represented on the committee. There can be no more than five committee members.

Guidance on acting as a committee member can be found at the R3 website, [www.R3.org.uk](http://www.R3.org.uk). A hard copy can be requested by telephone, email or in writing to this office.

You may also wish to note that R3 have also produced guidance on the different insolvency processes, which can again be located at their website.

Enclosed with this notice are a proof of debt form and a consent to act, both of which should be completed and returned to the above address by the date given above in order for your nomination to the committee to be considered further. If you have already submitted a proof of debt form you do not need to do so again.

**Name, address & contact details of Joint Liquidator**

**Primary Office Holder**

Steven Philip Ross  
RSM Restructuring Advisory LLP  
1 St James' Gate, Newcastle upon Tyne, NE1 4AD  
Tel: 0191 255 7058  
Email: [restructuring.newcastle@rsmuk.com](mailto:restructuring.newcastle@rsmuk.com)  
IP Number: 9503

**Joint Office Holder:**

Matthew Higgins  
RSM Restructuring Advisory LLP  
1 St James Gate, Newcastle Upon Tyne NE1 4AD  
Tel: 0191 2557000  
Email: [restructuring.newcastle@rsmuk.com](mailto:restructuring.newcastle@rsmuk.com)  
IP Number: 13570

Dated: 5 April 2019

  
**Steven Philip Ross**  
**RSM Restructuring Advisory LLP**  
**Joint Liquidator**

**NOTE: Please complete the enclosed proof of debt form and consent to act form and return them, to Martin Madgwick, RSM Restructuring Advisory LLP 1 St James' Gate, Newcastle upon Tyne, NE1 4AD.**

**Rule 17.5 of the Insolvency (England and Wales) Rules 2016**

**Xander (North East) Limited In Liquidation**  
**Company No: 06939372**

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**Steven Philip Ross and Matthew Higgins appointed as Joint Liquidator to the above company on 16 February 2018**

**Liquidation committee consent to act**

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*If you personally are a creditor, please complete only Part A of this form*

*If you represent a creditor (eg your employer), please complete only Part B*

**Part A**

I hereby consent to act as a member of the Liquidation committee in respect of the Creditors of the above-named.

Your name:

Your address:

Telephone:

E-mail:

Please sign here:

Dated:

**Part B**

I am duly authorised by proxy to act as a representative of the below named company as its representative on the Liquidation committee in respect of the CVL of the above-named, and hereby consent to do so.

Representative's name:

Creditor represented:

Representative's position  
in relation to the creditor:

Representative's address:

Telephone:

E-mail:

Please sign here:

Dated:

**Rule 14.4. of the Insolvency (England and Wales) Rules 2016**

**PROOF OF DEBT**

**Xander (North East) Limited In Liquidation**  
**Company No: 06939372**

**Steven Philip Ross and Matthew Higgins appointed as Joint Liquidator to the above company on 16 February 2018**

Relevant date for creditors' claims: 16 February 2018

1	Name of creditor If a company please also give company registration number	
2	Address of creditor for correspondence.	
3	Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the relevant date. Less any payments made after that date in relation to the claim, any deduction in respect of discounts and any adjustment by way of mutual dealings and set off in accordance with relevant legislation	£
4	Details of any documents by reference to which the debt can be substantiated. There is no need to attach them now, but you should retain them safely as the Joint Liquidator may ask you at a future date to produce any document or other evidence which is considered necessary to substantiate the whole or any part of the claim, as may the chairman or convenor of any qualifying decision procedure	
5	If amount in 3 above includes outstanding uncapitalised interest please state amount.	£
6	Particulars of how and when debt incurred If you need more space append a continuation sheet to this form	
7	Particulars of any security held, the value of the security, and the date it was given.	£ Date
8	Particulars of any reservation of title claimed in respect of goods supplied to which the claim relates.	
	Signature of creditor or person authorised to act on his behalf	
	Name in BLOCK LETTERS	
	Date	
	Position with or in relation to creditor	
	Address of person signing (if different from 2 above)	

**Notes:**

1. This form can be authenticated for submission by email, to [restructuring.newcastle@rsmuk.com](mailto:restructuring.newcastle@rsmuk.com), by entering your name in block capitals and sending the form as an attachment from an email address which clearly identifies you or has been previously notified to the office holder. If completing on behalf of a company, please state your relationship to the company

SXR/MJH/MXM/LXW/LSF/1099705/F0110cv150319

LIQ03

Notice of progress report in voluntary winding up



**Presenter information**

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

Contact name **Steven Philip Ross**

Company name **RSM Restructuring Advisory LLP**

Address **1 St James' Gate**

Post town **Newcastle upon Tyne**

County/Region

Postcode **N E 1 4 A D**

Country

DX

Telephone **0191 255 7000**



**Checklist**

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



**Important information**

**All information on this form will appear on the public record.**



**Where to send**

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



**Further information**

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**