

Liquidator's Progress Report

S.192

Pursuant to Sections 92A and 104A and 192
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

07241779

Name of Company

Abercarn Properties Limited

I / We

Charles Michael Brook, The Media Centre, 7 Northumberland Street, Huddersfield, HD1 1RL

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

The Progress Report covers the period from 07/02/2014 to 06/02/2015

Signed



Date

02.04.2015.

Brook Business Recovery Limited
The Media Centre
7 Northumberland Street
Huddersfield
HD1 1RL

Ref 2045/CMB/MSM

SATURDAY



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COMPANIES HOUSE

Liquidator's Annual Progress Report to Creditors & Members

**AbercarnProperties Limited - In
Liquidation**

**For the period 7 February 2014
– 6 February 2015**

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1 Introduction and Statutory Information

- 1 1 Charles Book of Brook Business Recovery (BBR) LLP, The Media Centre, 7 Northumberland Street, Huddersfield, HD1 1RL was appointed Liquidator of Abercarn Properties Limited (the **Company**) on 7 February 2014. This report provides an update on the progress of the liquidation for the year ended 6 February 2015.
- 1 2 The registered office of the Company has been changed to The Media Centre, 7 Northumberland Street, Huddersfield, HD1 1RL and its registered number is 07241779.

2 Realisation of Assets

- 2 1 Attached at Appendix A is my Receipts and Payments Account for the period from 7 February 2014 to 6 February 2015.
- 2 2 The director's statement of affairs showed that the Company did not have any realisable assets. I can confirm that my investigations have not revealed any assets which could be realised for the benefit of creditors.

3 Investigations

- 3 1 In accordance with the Company Directors Disqualification Act 1986 I have submitted a report on the conduct of the Directors of the Company to the Department for Business Innovation & Skills (**BIS**). As this is a confidential report, I am not able to disclose the contents.
- 3 2 Shortly after appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account information provided by creditors either at the initial meeting or as a response to my request to complete an investigation questionnaire.
- 3 3 It was brought to my attention by creditors that the former Director, Mr Tams, was assumed to have a significant overdrawn loan account balance arising from what appeared to be an unexplained disparity between the actual consideration paid by the Company for its acquisition of a property and the value of the property on acquisition as shown in the accounts. I have carried out an investigation of this allegation and, whilst the accounting records of the Company do not adequately reflect a variety of transactions that were entered into by the Company at or around that time, Mr Tams has provided me with a detailed explanation and analysis of financial transactions that do appear to resolve the deficiency and lead me to conclude that there is no such overdrawn loan account.
- 3 4 If creditors are able to provide me with additional information to support the contention that the overdrawn loan account is not resolved I shall be pleased to look further into the matter. Creditors are however asked to note that there are no funds in the estate to enable investigation by me beyond the requirements placed upon me by the Insolvency Act 1986 and that any additional action required of me by creditors will require appropriate funding.

4 Creditors

Secured Creditors

- 4 1 On 28 June 2010 the Company granted a debenture to Stately-Albion Limited ('Stately') who at the date of liquidation were owed £254,205 in respect of a loan made to the Company to facilitate the purchase of the property. The amount owing relates to the shortfall due to Stately following the sale of the property.

Preferential Creditors

- 4 3 The Company does not have any preferential creditors.

Unsecured Creditors

- 4 4 The only other creditor of the Company was HM Revenue and Customs. HM Revenue Customs have submitted a claim in the liquidation of £68,948.90.
- 4 5 In accordance with the provisions of Rule 4.186 of the Insolvency Rules 1986 I hereby give notice that no dividend will be declared to creditors in this matter as there have been no realisations.

5 Liquidator's Remuneration

- 5 1 On 7 February 2015 Creditors approved a resolution that the Liquidator be remunerated by reference to time properly spent by him and his staff in managing the Liquidation.
- 5 2 The following time costs have been incurred by the Liquidator:

	Amount incurred to date £	Paid to date £	Amount Outstanding £
7 February 2014 to 6 February 2015	3,070.00	Nil	3,070.00
Total	3,070.00	Nil	3,070.00

- 5 3 Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during this period in respect of the costs fixed by reference to time properly spent by me in managing the Liquidation.
- 5 4 In addition at the meeting held on 7 February 2014 creditors approved my firm's fee of £4,000 plus VAT and disbursements for assisting in the preparation of the statement of affairs and the convening the meetings of members and creditors. This fee has been paid in full by a third party.
- 5 5 Attached as Appendix C is additional information in relation to this firm's policy on staffing, the use of subcontractors, disbursements and details of our current charge-out rates by staff grade.

6 Liquidator's Expenses

- 6 1 The following expenses have been incurred since my appointment as Liquidator. These expenses were paid by a third party.

Supplier /Service Provider	Nature of expense incurred	Amount incurred to date £	Paid to date £	Amount Outstanding £
Willis	Bordereau	18 00	18 00	Nil
Courts Advertising Limited	Advertising	253 80	253 80	Nil

- 6 2 No Category 2 disbursements have been charged in this matter.

Creditors' rights

- 6 1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report.
- 6 2 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, in all the circumstances, the basis fixed for the Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this progress report, are excessive.

7 Next Report

- 7 1 I can confirm that I will shortly be in a position to conclude my investigations following which I will be seeking clearance from HM Revenue and Customs. Once clearance has been obtained I will then be in a position to write to all creditors with my final progress report ahead of convening the final meeting of creditors.



Charles M Brook
Liquidator

**Abercarn Properties Limited
(In Liquidation)
Liquidator's Abstract of Receipts & Payments**

Statement of Affairs		From 07/02/2014 To 06/02/2015
(254,205 00)	SECURED CREDITORS Stately-Albion Limited	<u>NIL</u> NIL
(68,948 00)	UNSECURED CREDITORS Customs & Excise	<u>NIL</u> NIL
(1,000 00)	DISTRIBUTIONS Ordinary Shareholders	<u>NIL</u> NIL
<u>(324,153 00)</u>		<u>NIL</u>
	REPRESENTED BY	<u>NIL</u>



Charles Michael Brook
Liquidator

Time Entry - Cumulative Detailed SIP9 Time & Cost Summary

2045 - Abercam Properties Limited
From 07/02/2015 To 06/02/2015
Project Code POST

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£Average Hourly Rate (£)	Hours Cum (POST Only)	Time Costs Cum (POST Only)
700 Formalities	0 00	0 00	0 00	0 00	0 00	0 00	1 20	227 00
705 Taxation & VAT	0 00	0 00	0 00	0 00	0 00	0 00	0 30	70 50
802 Directors communication	0 00	0 00	0 00	0 00	0 00	0 00	1 50	450 00
Admin & Planning	0 00	0 00	0 00	0 00	0 00	0 00	3 00	747 50
600 Case Specific	0 00	0 00	0 00	0 00	0 00	0 00	2 40	710 00
Case Specific Matters	0 00	0 00	0 00	0 00	0 00	0 00	2 40	710 00
501 Unsecured Creditors	0 00	0 00	0 00	0 00	0 00	0 00	0 30	70 50
504 Statutory Reporting to Creditors	0 00	0 00	0 00	0 00	0 00	0 00	0 50	90 00
Creditors	0 00	0 00	0 00	0 00	0 00	0 00	0 80	160 50
201 CODA Reports	0 00	0 00	0 00	0 00	0 00	0 00	3 90	942 00
Investigations	0 00	0 00	0 00	0 00	0 00	0 00	3 90	942 00
202 Pursuing Antecedent Transactions	0 00	0 00	0 00	0 00	0 00	0 00	1 70	510 00
Realisation of Assets	0 00	0 00	0 00	0 00	0 00	NAN	1 70	510 00
Total Hours	0 00	0 00	0 00	0 00	0 00	NAN	11 80	3,070 00
Total Fees Claimed						0 00		

Additional Information in Relation to Liquidator's Fees Pursuant to Statement of Insolvency Practice 9

For a copy of the guide, **A Creditor's Guide to Insolvency Practitioners' Fees** you may log on to the website of the Association of Business Recovery Professionals ("R3") at www.r3.org.uk

Policy

Detailed below is this firm's policy in relation to

- staff allocation and the use of sub-contractors,
- professional advisors, and
- disbursements

1.1 Staff Allocation and the use of Sub-contractors

The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case

The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment. Our charge out rate schedule below provides details of all grades of staff and their experience level.

We have not utilised the services of any sub-contractors in this case.

1.2 Professional Advisors

No professional advisors have been utilised in this matter.

1.3 Disbursements

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance¹ requires that such charges should be disclosed to those who are responsible for approving his remuneration, together with an explanation of how those charges are made up and the basis on which they are arrived at.

Best practice guidance classifies expenses into two broad categories

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

(A) The following items of expenditure are re-charged as described

- Internal meeting room usage for the purpose of statutory meetings of creditors is re-charged at the rate of £50 per meeting provided that at least 1 creditor attends,
- Car mileage is re-charged at the rate of 40 pence per mile,
- Storage of books and records (when not rechargeable as a *Category 1 expense*) is recharged on the basis that the number of standard archive boxes held in storage for a particular case bears to the total of all archive boxes for all cases in respect of the period for which the storage charge relates,

(B) The following items of expenditure will normally be treated as general office overheads not subject to a re-charge

- Telephone and facsimile
- Printing and photocopying
- Stationery

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

2 Charge-out Rates

A schedule of charge-out rates for this assignment effective from 1 July 2014 is detailed below

Grade of Staff	Charge-out rate £ per hour
Partner / Appointment Taker	300
Manager	200
Administrator	135
Cashier	100

3 Quality of service and complaints procedure

We pride ourselves on providing a high quality service at all times. However, if at any time you would like to discuss with us how our service could be improved, or if you are dissatisfied in any way with the service, please contact our principal, Charles Brook directly. We undertake to look into any complaint carefully and promptly and to do all that we can to resolve the issue. If you feel that our service is less than satisfactory, we undertake to do everything reasonable to address your concerns.

If you are still not satisfied, or if you would simply prefer to do so in the first instance, you may of course take the matter up with The Insolvency Service which is the division of The Department for Business Innovation and Skills (BIS) with overall responsibility for the maintenance of standards in our industry. For this purpose you are invited to use The Insolvency Service Complaints Gateway.

The contact details for the Gateway are

Email ip.complaints@insolvency.gsi.gov.uk

Tel 0845 602 9848 – calls are charged at between 1p and 10 5p per minute from a land line, for mobiles, between 12p and 41p per minute if you are calling from the UK

By Post The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds LS11 9DA

Further information on the Gateway can be found at

<http://bis.gov.uk/insolvency/contact-us/IP-Complaints-Gateway>