

# 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

07350007

Name of Company

Arboriculture Limited t/a Shawyers

I / We

William Antony Batty, 3 Field Court, Grays Inn, London, WC1R 5EF

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 04/03/2016 to 03/03/2017

Signed \_\_\_\_\_



Date \_\_\_\_\_

9.5.17

Antony Batty & Company LLP  
3 Field Court  
Grays Inn  
London  
WC1R 5EF

THURSDAY



\*A666PAJD\*

A15

11/05/2017

#252

COMPANIES HOUSE

Ref: ARB/WAB/SB

**Arboriculture Limited t/a Shawyers  
(In Liquidation)  
Liquidator's Abstract of Receipts & Payments**

<b>Statement of Affairs</b>	<b>From 04/03/2016 To 03/03/2017</b>								
	<b>ASSET REALISATIONS</b>								
13,600.00 Uncertain	<table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Net Proceeds of Sale</td> <td style="text-align: right;">14,651.81</td> </tr> <tr> <td>Book Debts</td> <td style="text-align: right;">NIL</td> </tr> <tr> <td>Bank Interest Gross</td> <td style="text-align: right;">9.24</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">14,661.05</td> </tr> </table>	Net Proceeds of Sale	14,651.81	Book Debts	NIL	Bank Interest Gross	9.24		14,661.05
Net Proceeds of Sale	14,651.81								
Book Debts	NIL								
Bank Interest Gross	9.24								
	14,661.05								
	<b>COST OF REALISATIONS</b>								
	<table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Specific Bond</td> <td style="text-align: right;">58.00</td> </tr> <tr> <td>S98 &amp; SofA Fee</td> <td style="text-align: right;">2,600.00</td> </tr> <tr> <td>Pre Appointment Agents Fees</td> <td style="text-align: right;">2,500.00</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">(5,158.00)</td> </tr> </table>	Specific Bond	58.00	S98 & SofA Fee	2,600.00	Pre Appointment Agents Fees	2,500.00		(5,158.00)
Specific Bond	58.00								
S98 & SofA Fee	2,600.00								
Pre Appointment Agents Fees	2,500.00								
	(5,158.00)								
	<b>UNSECURED CREDITORS</b>								
(2,400.00) (21,354.00) (58,997.00)	<table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Trade &amp; Expense Creditors</td> <td style="text-align: right;">NIL</td> </tr> <tr> <td>HM Revenue &amp; Customs - corporation</td> <td style="text-align: right;">NIL</td> </tr> <tr> <td>HM Revenue &amp; Customs - VAT</td> <td style="text-align: right;">NIL</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">NIL</td> </tr> </table>	Trade & Expense Creditors	NIL	HM Revenue & Customs - corporation	NIL	HM Revenue & Customs - VAT	NIL		NIL
Trade & Expense Creditors	NIL								
HM Revenue & Customs - corporation	NIL								
HM Revenue & Customs - VAT	NIL								
	NIL								
	<b>DISTRIBUTIONS</b>								
(100.00)	<table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Ordinary Shareholders</td> <td style="text-align: right;">NIL</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">NIL</td> </tr> </table>	Ordinary Shareholders	NIL		NIL				
Ordinary Shareholders	NIL								
	NIL								
<b>(69,251.00)</b>	<b>9,503.05</b>								
	<b>REPRESENTED BY</b>								
	<table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Vat Receivable</td> <td style="text-align: right;">500.00</td> </tr> <tr> <td>Bank 1 Current - interest bearing</td> <td style="text-align: right;">9,003.05</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">9,503.05</td> </tr> </table>	Vat Receivable	500.00	Bank 1 Current - interest bearing	9,003.05		9,503.05		
Vat Receivable	500.00								
Bank 1 Current - interest bearing	9,003.05								
	9,503.05								



\_\_\_\_\_  
William Antony Batty  
Liquidator

ARBORICULTURE LIMITED T/A SHAWYERS- IN LIQUIDATION

LIQUIDATOR'S PROGRESS REPORT

ANTONY BATTY & COMPANY LLP  
3 FIELD COURT  
GRAYS INN  
LONDON  
WC1R 5EF

## ARBORICULTURE LIMITED T/A SHAWYERS- IN LIQUIDATION

This report is prepared in accordance with the provisions of the Insolvency Act 1986, which require the Liquidator to provide creditors with an update of the progress of the liquidation. The report has been prepared for the purpose of advising creditors. The report is private and confidential and may not be relied upon, referred to, copied or quoted from, in whole or in part, by creditors for any purpose other than advising them, or by any other person for any purpose whatsoever.

W A Batty was appointed as Liquidator of Arboriculture Limited t/a Shawyers on 04 March 2016.

WA Batty, SJ Evans, HF Jesseman and TW Gardiner are licensed as Insolvency Practitioners in the UK by The Institute of Chartered Accountants in England & Wales under S. 390 (2) of the Insolvency Act 1986.

### Abbreviations used in this report:

- Arboriculture Limited t/a Shawyers - ("Arboriculture" or "the Company")
- W A Batty - ("the Liquidator")
- HM Revenue & Customs - ("HMRC")
- MPS Facility Services Limited - ("The Purchasers" of "MPS")
- Millbank Consultants Limited ("Millbank")
- Mark Liddle Partnership Limited ("MLP")

## ARBORICULTURE LIMITED T/A SHAWYERS- IN LIQUIDATION

### CONTENTS

1. Introduction.
2. Asset realisations.
3. Creditors – Claims and Distributions.
4. Liquidator's receipts and payments.
5. Liquidator's remuneration & expenses.
6. Further Information for creditors.
7. Conclusion of the Liquidation.

### Appendices

- I Statutory Information.
- II Details of Liquidator.
- III Liquidator's Receipts and Payments account.
- IV Summary of Liquidator's time costs.
- V Summary of Liquidator's expenses.
- VI Schedule of charge out rates and disbursements policy.

## ARBORICULTURE LIMITED T/A SHAWYERS- IN LIQUIDATION

### 1. INTRODUCTION

#### 1.1 Purpose of Report

This report is prepared pursuant to the provisions of the Insolvency Act 1986, which require me as Liquidator to provide creditors and members with an update on the progress of the Liquidation.

This report covers the period from 04 March 2016 to 03 March 2017. This is the first progress report.

The following information is included in this report:

- Details of asset realisations.
- Details of any distributions made to creditors and likely further distributions.
- Details of the Liquidator's receipts and payments including details of assets realised and any costs paid.
- Information regarding fees and expenses.
- Other information for creditors.

#### 1.2 Progress of the Liquidation

During the period of the report I have corresponded with the director to obtain books and records to complete my statutory investigations and wrote to the bank to receive copy bank statements. I have instructed agents to pursue the collection of the director's loan account that remains outstanding.

I have also been in regular contact with the MPS for the realisation of the net proceeds of sale that took place prior to my appointment.

### 2. ASSET REALISATIONS

The Statement of Affairs indicated that the assets of the Company were those detailed below. I have undertaken the following work in order to protect and realise the known assets or potential assets of the Company during the period of this report:

#### 2.1 Net Proceeds of Sale

The business was sold and valued prior to my appointment to MPS, a Company also controlled by Martin Shawyer on for £20,000. Net proceeds of this sale were due to the Liquidation of £13,500.

The directors of MPS requested that the funds be paid to the liquidation on a deferred consideration basis and it was agreed that monthly instalments of £1,200 be paid. I have received these proceeds in full.

I can confirm that I commissioned an independent review of the pre appointment valuation report and will be investigating this matter further.

#### 2.2 Directors Loan Account

The 31 March 2015 accounts indicate that the directors had outstanding loan accounts of £32,663.

This matter is still being investigated.

### 2.3 Book Debts

At the date of appointment the director advised that there may be some debtors to recover. The Director realised for the benefit of the Liquidation £1,052.

The director has advised that no further debtors are realisable.

## 3. CREDITORS – CLAIMS AND DISTRIBUTIONS

There are a number of different classes of creditors in insolvency matters. These include:

Secured Creditors are creditors who hold fixed and or floating charge debenture security; they are paid in priority to other creditors, subject to preferential creditors and unsecured creditors under the prescribed part.

Preferential creditors comprise employees' claims for holiday pay and some arrears of wages. Preferential creditors are paid in priority to the prescribed part, floating chargeholders and unsecured creditors.

Unsecured creditors rank behind secured and preferential creditors. Unsecured creditors receive the surplus from net realisations after secured and preferential creditors and any payment which is made under the prescribed part.

### 3.1 Secured Creditors

I am not aware of any secured creditors in this matter.

### 3.2 Preferential creditors

I am not aware of any preferential creditors in this matter.

### 3.3 Prescribed Part

There are provisions of the insolvency legislation that require a liquidator to set aside a percentage of a company's assets for the benefit of the unsecured creditors in cases where the company gave a "floating charge" over its assets to a lender on or after 15 September 2003. This is known as the "prescribed part of the net property." A company's net property is that left after paying the preferential creditors and the costs of the liquidation, but before paying the lender who holds a floating charge. A liquidator has to set aside:

- 50% of the first £10,000 of the net property; and
- 20% of the remaining net property up to a maximum of £600,000.

The prescribed part regulations do not apply as there is no qualifying floating chargeholder.

### 3.4 Unsecured Creditors

Following my appointment I wrote to all creditors and provided them with the information presented to the creditors' meeting and requested that claims be submitted to me. I have received unsecured claims totalling £49,074 from six creditors, which compares to the Statement of Affairs estimate of £82,751 from four creditors.

The claims received from unsecured creditors include claims from HM Revenue & Customs for £17,035 in respect of VAT and £27,794 in respect of PAYE & NIC.

If there are sufficient funds to enable a distribution to be made to unsecured creditors, I will adjudicate on the claims received from creditors.

On the basis of the current information I anticipate that there will be sufficient funds to make distribution to creditors although at present they are unable to indicate the likely dividend.

Please note that I am required provide creditors with this report on the progress of the Liquidation and after each subsequent anniversary of my appointment and on the completion of the liquidation.

#### 4. LIQUIDATOR'S RECEIPTS AND PAYMENTS

A summary of my receipts and payments relating to the Company for the period from 04 March 2016 to 03 March 2017 is enclosed at Appendix III. I confirm that no account was held with the Secretary of State; therefore the account has not been reconciled with the Insolvency Services Account. Please note that receipts and payments in the account are shown net of VAT. I am also required to file a copy of the account with Companies House.

During the period of this report I have made the following significant payments not detailed elsewhere in this report:

Mark Liddle Partnership Limited has been paid £2,600 in respect of their outstanding fee for the assistance of setting up the creditors meeting and preparing the statement of affairs.

Millbank Consultants Limited has been paid £2,500 in respect of pre appointment valuation agent's fees.

Marsh Limited was paid £38 in respect of specific bonding cover, which is required for each insolvency appointment. Marsh Limited provides specialist insolvency insurance and bonding service. The premium is based on their standard charges.

The choice of professionals was based on the Liquidator's perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of the agreed fee arrangement with them. The fees charged have been reviewed and the Liquidator is satisfied that they are reasonable in the circumstances of this case.

Details of the significant receipts are shown in the Asset section of this report.

#### 5. LIQUIDATOR'S REMUNERATION & EXPENSES

##### 5.1 Approval of Basis of Remuneration & Expenses

My fees as Liquidator have been approved on 08 April 2016. I have requested that they be paid on a fixed of £12,000, together with category 2 expenses.

Category 1 expenses are payable without approval from creditors.

##### 5.2 Liquidator's Time Costs

Time costs for the period 04 March 2016 to 03 March 2017 amount to £8,037, representing twenty eight hours work, at an average charge out rate of £287 per hour.

To date I have not drawn any fees respect of my remuneration.

Appendix IV contains further information about time spent on the Liquidation and has been categorised into the headings shown below.

- **Administration and Planning:** includes case planning, administrative set-up, appointment notification, statutory reporting, compliance, cashiering, accounting, bank account reconciliations, and administrative functions.

- Realisation of Assets: includes specific bond application & review identifying, securing, insuring assets, retention of title issues, debt collection, property, business and asset sales.
- Investigations: includes reporting on the conduct of directors, investigating antecedent transactions and any other investigations that may be deemed appropriate.
- Trading: includes planning, strategy, trading accounting, managing operations on site, corresponding with suppliers and customers and on-going employee matters.
- Creditors: includes creditor set up, communication and meetings, reviewing and agreeing preferential and unsecured claims, corresponding with secured creditors, reviewing and obtaining advice in relation to security granted by the Company.

For the period of this report the time spent on this matter has been spent on the realisation of assets, as detailed in Section 2, the interaction with creditors, as detailed in Section 3, the investigations & enquiries into the Company's affairs as detailed in Section 6.1 and on the Case Administration and Planning. Specifically in relation to this last category I have spent time on case planning, the initial set up, the formalities of appointment, dealt with routine correspondence, opened and managed the estate bank account and cashbook, undertaken regular reconciliations of the bank account, conducted periodic reviews of the case, prepared and filed the necessary VAT & corporation tax returns and conducted the statutory tasks of the Liquidation such as filing the progress report and receipts & payments account at Companies House. Whilst this work does not give direct financial benefit to the creditors, it has to be undertaken by the office holder as it is required by statute or regulatory guidance, or is necessary for the orderly conduct of the proceedings.

Work such as preparing the necessary reports to the creditors and case management on this assignment has predominantly been carried out by a manager with the suitable level of experience and authority necessary to progress the Liquidation and who have worked on the assignment since the appointment, which avoids unnecessary duplication. Less complex areas of work such as administrative functions have been carried out by junior grades of staff.

A Guide to Liquidators' fees may be found at <http://www.antonybatty.com/resource>. I would also be pleased to send you a copy by e-mail or post on request. Details of current charge out rates are given at Appendix VI.

### 5.3 Liquidator's Expenses

A summary of my expenses for the period of this report is given at Appendix V. To date I have not drawn any fees respect of my expenses. Details of the disbursements policy are given at Appendix VI.

### 5.4 Creditor's Request for Further Information about Remuneration & Expenses

Under insolvency legislation, creditors have the right to request in writing further information regarding the remuneration or expenses set out in this report. The request can be made by either:

- a) a secured creditor, or
- b) an unsecured creditor with concurrence of at least 5% in value of unsecured creditors (including that creditor) or the permission of the Court.

The request must be made in writing within 21 days of receipt of this report.

### 5.5 Creditor's Claim that Remuneration and/or Expenses are Excessive

Under insolvency legislation, creditors have the right to challenge my remuneration and expenses by making an application to court. The application can be made by either:

- a) a secured creditor, or
- b) an unsecured creditor with concurrence of at least 10% in value of unsecured creditors (including that creditor) or the permission of the Court.

The application may be made on the grounds that my remuneration is, in all the circumstances, excessive; the basis of fixing the remuneration is inappropriate; or my expenses are, in all the circumstances, excessive.

Any such application must be made within 8 weeks of receipt of this report.

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

## 6. FURTHER INFORMATION FOR CREDITORS

### 6.1 Investigations

I am required to submit a report to the Department for Business, Innovation, and Skills concerning the conduct of those who have been directors of the Company at any time in the three years preceding the Liquidation. Whilst the content of this report is confidential, I confirm that this report has been submitted. This is a standard part of my duties and does not imply any criticism of the directors. Whilst complying with this statutory obligation is of no direct benefit to the creditors, it may identify potential recovery actions.

I am also required to investigate the affairs of the Company in general in order to consider whether any civil proceedings should be taken on its behalf. Any such recovery actions will ultimately be for the benefit of the creditors. On my appointment I wrote to the Bank in order to obtain the bank statements and relevant details directly. The director has not yet delivered up any records to assist with my investigations. I will continue to pursue.

To date following a review of the bank statements and Company accounting records, I am not aware of any such matters.

If there are any matters which may not have already been brought to my attention, please contact Sheniz Bayram at my office.

### 6.2 EC Regulation on Insolvency Proceedings

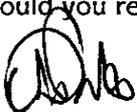
I consider that the EC Regulation on Insolvency Proceedings apply to the Liquidation of the Company. I also consider that they are "main" proceedings since the Company's registered office and trading address are in the United Kingdom.

### 6.3 Third Party Assets

Should any creditor believe that they own assets that may have been in the Company's possession, they should contact my office as soon as possible.

## 7. CONCLUSION OF THE LIQUIDATION

Once my investigations have all been completed I will be in a position to finalise this matter. Should you require any further information please contact Sheniz Bayram.



W A Batty  
Liquidator

## ARBORICULTURE LIMITED T/A SHAWYERS- IN LIQUIDATION

## STATUTORY INFORMATION

Company Number: 07350007  
 Date of Incorporation: 18 August 2010  
 Trading Name: Shawyers  
 Previous Registered Names: N.A  
 Registered Office: 3 Field Court, Gray's Inn, London, WC1R 5EF  
 Formerly: Unit 1 C, Deer Park Farm Industrial Estate, Fairoak, Southampton, SO50 7PZ  
 Trading Address: Unit 1 C, Deer Park Farm Industrial Estate, Fairoak, Southampton, SO50 7PZ  
 Principle business activity: Forestry & Logging

## Directors

<u>Name</u>	<u>Appointed</u>	<u>Resigned</u>
Claire Shawyer	16.11.10	-
Martin Shawyer	16.11.10	-

## Company Secretary

<u>Name</u>	<u>Appointed</u>	<u>Resigned</u>
Garbetts Nominees Ltd	18.08.10	16.11.10

Issued Share Capital 100 ordinary shares of £1 each

## Shareholders

<u>Name</u>	<u>Ordinary Shares</u>	<u>Percentage</u>
Claire Shawyer	50	50%
Martin Shawyer	50	50%

## Chargeholders

<u>Name</u>	<u>Type of Charge</u>	<u>Date of Charge</u>
N.A		

ARBORICULTURE LIMITED T/A SHAWYERS- IN LIQUIDATION

DETAILS OF APPOINTMENT OF THE LIQUIDATOR

Name and address of Liquidator:	W A Batty of 3 Field Court, Grays Inn, London, WC1R 5EF
Date of Appointment:	04 March 2016
By Whom Appointed	Members and creditors

**Arboriculture Limited t/a Shawyers  
(In Liquidation)  
Liquidator's Summary of Receipts & Payments  
To 03/03/2017**

S of A £		£	£
	<b>ASSET REALISATIONS</b>		
13,600.00	Net Proceeds of Sale	14,651.81	
Uncertain	Book Debts	NIL	
	Bank Interest Gross	9.24	
			14,661.05
	<b>COST OF REALISATIONS</b>		
	Specific Bond	58.00	
	S98 & SofA Fee	2,600.00	
	Pre Appointment Agents Fees	2,500.00	
			(5,158.00)
	<b>UNSECURED CREDITORS</b>		
(2,400.00)	Trade & Expense Creditors	NIL	
(21,354.00)	HM Revenue & Customs - corporation	NIL	
(58,997.00)	HM Revenue & Customs - VAT	NIL	
			NIL
	<b>DISTRIBUTIONS</b>		
(100.00)	Ordinary Shareholders	NIL	
			NIL
<b>(69,251.00)</b>			<b>9,503.05</b>
	<b>REPRESENTED BY</b>		
	Vat Receivable		500.00
	Bank 1 Current - interest bearing		9,003.05
			<b>9,503.05</b>



William Antony Batty  
Liquidator

ARB

Arboriculture Limited

2. May 2017

**SIP 9 - Time & Cost Summary**

Period: 04/03/16..03/03/17

## Time Summary

Classification of work function	Hours					Total Hours	Time Cost (£)	Average hourly rate (£)
	Partner	Manager	Other Senior Professionals	Assistants & Support Staff				
Administration & planning	0.00	13.70	0.10	1.10	14.90	4,161.00	279.26	
Investigations	0.00	9.60	0.00	0.00	9.60	2,832.00	295.00	
Realisations of assets	0.00	3.10	0.00	0.00	3.10	926.50	298.87	
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Creditors	0.00	0.40	0.00	0.00	0.40	118.00	295.00	
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Pre Jan 2003 Time	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Total Hours</b>	<b>0.00</b>	<b>26.80</b>	<b>0.10</b>	<b>1.10</b>	<b>28.00</b>	<b>8,037.50</b>	<b>287.05</b>	
<b>Total Fees Claimed</b>						<b>0.00</b>		

## ARBORICULTURE LIMITED T/A SHAWYERS- IN LIQUIDATION

## SUMMARY OF LIQUIDATOR'S EXPENSES

	Category 1	Category 2
	Total	Total
Statutory advertising	£194	
Photocopying		£30
Companies House search		£20
Postage		£13
	<u>£194</u>	<u>£63</u>
Drawn	<u>£0</u>	<u>£0</u>
Outstanding	<u>£194</u>	<u>£63</u>

## Antony Batty &amp; Company LLP

Time Costs – Charge out rates per hour and disbursements policy.

1 April 2013 – 31 March 2017

	2013\17
Office Holder (e.g. Liquidator)	£399
Senior Manager	£335
Case Manager	£295
Senior Administrator	£235
Administrator	£145
Junior Administrator	£80

Please note that these rates may be increased from time to time. Creditors will be notified of changes in the annual report.

Time is recorded in units of six minutes; the minimum unit of time is therefore six minutes.

Members of staff with the appropriate level of experience and authority have been and will be used for the various aspects of work necessary in this assignment.

## Disbursement Policy

Please note that the liquidator's disbursements are charged out at the following rates:-

Category 1 - represent recovery of necessarily incurred disbursements at the cost incurred. Sundry disbursements, such as advertising, where incurred appropriately, are recharged at 100% of the cost incurred.

There is a statutory requirement to advertise the following notices in the London Gazette: first meeting of creditors, resolutions for winding-up, appointment of Liquidators, final meetings and notices to creditors to submit claims. The London Gazette's price list can be accessed at <https://www.thegazette.co.uk/place-notice/pricing>.

Insurance and bonding is recharged at 100% of the relevant charge to the office holder.

There is a statutory requirement for the Liquidator to apply for specific bond cover based on the expected realisations in each appointment. The bond premiums may be found on our website: <http://antonybatty.com/resource>.

Travel costs with the exception of mileage costs are recharged at 100% of the cost incurred.

VAT is charged as appropriate.

## Category 2

Photocopying	15p per sheet.
Postage	Royal Mail postage rates (non-franked mail).
Faxes	UK
	International
	£1 per sheet.
	£2 per sheet
Internal meeting room hire -	£100 per hour, (minimum 1 hour)
Storage	£35 per box per annum
File set up, stationery & record retention	£50 per folder
Companies House search	£20 per case.
Travel: where Antony Batty & Company LLP staff use their own vehicles in the course of their duties in this matter, the mileage is recharged at 45p per mile.	
VAT is charged as appropriate.	