

# Liquidator's Progress Report

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

# S.192

To the Registrar of Companies

Company Number

08607072

Name of Company

(a) Insert full name  
of company

(a) A Filo Limited

(b) Insert full  
name(s) and  
address(es)

We  
David William Tann  
Wilkins Kennedy LLP  
92 London Street  
Reading  
Berkshire  
RG1 4SJ

Anthony Malcolm Cork  
Wilkins Kennedy LLP  
Bridge House  
London Bridge  
London  
SE1 9QR

the Joint Liquidators of the Company attach a copy of our Progress Report under  
section 192 of the Insolvency Act 1986.

The Progress Report covers the period from 30 March 2016 to 29 March 2017.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

25/5/17.

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

Anthony Malcolm Cork  
Wilkins Kennedy LLP  
Bridge House  
London Bridge  
London  
SE1 9QR

FRIDAY



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26/05/2017

#440

COMPANIES HOUSE

**A Filo Limited - In Liquidation  
("the Company")**

**Annual Progress Report to the Members and Creditors  
Pursuant to Section 104A of the Insolvency Act 1986  
For the Period 30 March 2016 to 29 March 2017**

**Wilkins Kennedy LLP  
Bridge House  
London Bridge  
London  
SE1 9QR**

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## 1. INTRODUCTION

The purpose of this report is to detail my acts and dealings as Joint Liquidator for the period 30 March 2016 to 29 March 2017 and it should be read in conjunction with my previous correspondence to creditors.

The detailed report is provided below, but in summary:

- Asset realisations are complete.
- The Statement of Affairs fee is outstanding and to the extent possible will be settled from the balance held in the liquidation bank account. The Company has received a contribution to the outstanding balance of this fee from a director.
- No fees have been drawn in respect of my time for acting as Joint Liquidator.
- No funds are available to declare and pay a dividend to any class of creditor from the liquidation.
- My final account will be issued to creditors within the next three months.

## 2. BACKGROUND

The members' and creditors' meetings were held on 30 March 2016, when my partner David William Tann and I were appointed Joint Liquidators of the Company.

The Company's registration number is 08607072 and its current registered office is 1st Floor, 7 - 10 Chandos Street, London, W1G 9DQ.

The Company's former trading address was 6 Richmix Square, London, E1 6LD.

## 3. RECEIPTS AND PAYMENTS ACCOUNT

Appendix 1 is a summary of receipts and payments from the date of liquidation on 30 March 2016 to 29 March 2017. As at 29 March 2017 a total of £0.84 was held in the liquidation account. This account is held at Metro Bank Plc. It is interest bearing and I confirm that it has been reconciled to the bank statements.

Bank interest of £5.55 has been earned on the funds held in the liquidation account in the reporting period.

## 4. ASSET REALISATIONS

The Company's Statement of Affairs detailed the following assets:-

	Statement of Affairs	Realised
Leasehold Premises	£NIL	£NIL
Plant & Equipment	£3,000.00	£4,000.00
Stock	£500.00	£NIL
Cash at Bank	£1,386.00	£1,614.03
	<u>£4,886.00</u>	<u>£5,614.03</u>

### *Leasehold Premises*

The lease in respect to the Company's trading premises was disclaimed by the Joint Liquidators on 16 May 2016 and notice of such was issued to all relevant parties and filed at Companies House to reflect the updated position.

#### *Sale of Assets*

The plant & equipment and stock which was situated at the Company's trading address was valued by independent valuation agents, Proudley Associates Limited, with an estimated to realise value of £3,000.00 and £500.00 respectively.

An amount of £4,000.00 has been realised in respect of both the plant & equipment and stock. These assets were sold to an unconnected party whose offer was a combined offer and was not broken down between the two classes of assets.

#### *Cash at Bank*

The Company held a bank account with Lloyds Bank Plc and had an estimated to realise balance of £1,386.00 based on the last known balance held in the account.

Upon my appointment, the bank was requested to arrange immediate closure of the account and the closing balance of £1,614.03 was received in the liquidation. No further realisations are due in this respect.

### **5. EXPENDITURE**

#### *Statement of Affairs Fee*

At the first meeting of creditors held on 30 March 2016, creditors agreed that Wilkins Kennedy LLP be paid a fee of £7,500.00 plus VAT and disbursements for assisting the directors with the convening of the meetings of members and creditors and preparation of the Statement of Affairs.

Fees of £4,348.95 plus VAT have been drawn from the funds held in the liquidation bank account in this period. A contribution towards the outstanding balance of this fee has been received by the Company from a director. This contribution was received outside of the reporting period of this report and as such is not shown on the receipts and payments account at Appendix 1.

#### *Joint Liquidators' Remuneration*

Since it was apparent at the commencement of the liquidation that there would be no funds available to discharge any Liquidators' fees, no fee approval was sought and as such I have not been able to draw any remuneration in this matter and the full balance of my time incurred below has been written off.

My total time costs to 29 March 2017 amount to £10,311.40, which represents 53.60 hours charged at an average hourly charge out rate of £192.38. Analysis of these time costs is attached at Appendix II.

A description of the routine work undertaken in the liquidation is set out at Appendix II. I have not undertaken any work that is not outlined at Appendix II during the period of this report.

A "Guide to Liquidators' Fees" is available at the following internet link, <https://www.r3.org.uk/what-we-do/publications/professional/fees>. Please be advised that the relevant document is found under the heading "Version 2 – Issued November 2011". A hard copy of this document is available free of charge upon request to my office.

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Joint Liquidators' remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or

basis of the Joint Liquidators' fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

#### *Joint Liquidators' Expenses*

I have incurred the following expenses in this matter in the period 30 March 2016 to 29 March 2017:-

<b>Category 1</b>	<b>Incurred</b>
Statutory Advertising	£146.00
IT Administration Fee	£110.00
Insurance of Assets	£109.50
Statutory Bonding	£20.00
	<hr/>
	£385.50

The full balance of these expenses remains outstanding.

#### *Professional Fees*

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

The following agents and professional advisors have been used in the liquidation:

<i>Agent/Professional Advisor</i>	<i>Nature of Work</i>	<i>Fee Arrangement</i>	<i>Fees Paid</i>
Proudley Associates Limited	Attending premises to provide schedule and valuation of assets	Fixed rate	£600.00
Proudley Associates Limited	Sale of assets	10% net recoveries	£400.00

## **6. INVESTIGATION**

I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved. I considered in particular transactions which took place at the time of and immediately prior to the Company ceasing to trade.

There were no matters identified that justified further investigations in the circumstances of the appointment.

Within six months of my appointment, I was required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present director would make them unfit to be concerned with the management of the Company. I confirm that my report has been submitted.

## **7. CREDITORS' CLAIMS**

#### *Secured Creditors*

The Company does not have any secured creditors.

*Preferential Creditors*

The only preferential creditors of an insolvent company are the former employees for arrears of wages, holiday pay and unpaid pension contributions, up to certain statutory limits and the Redundancy Payments Office for any payments made to employees from the National Insurance Fund in this respect.

The Statement of Affairs detailed preferential creditors with liabilities of approximately £5,371.00.

I have received a claim from the Redundancy Payments Office in respect of the preferential payments made by them to the employees of £3,292.10.

There are no funds available for distribution to the preferential creditors.

*Unsecured Creditors*

The Statement of Affairs detailed unsecured liabilities of £261,004.00 which included £209,731.00 in respect of director/shareholder loans. I would advise you that I have received claims from eight creditors totalling £49,726.99. No claims have been received from the directors/shareholders in relation to their loans which accounts for the amount being significantly lower than that stated in the Statement of Affairs.

The claims have not been adjudicated on as there are insufficient funds to declare a distribution to unsecured creditors.

**8. DIVIDEND PROSPECTS**

There will be no distribution to any class of creditor in this matter.

**9. CONCLUSION**

The liquidation is now in a position to be closed and I shall issue my final account within three months of this report.

When contacting this office about the liquidation, please ask for Kelly Jones.



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**Anthony Malcolm Cork**  
Joint Liquidator

**A Filo Limited - In Creditors Voluntary Liquidation  
Joint Liquidators' Abstract of Receipts & Payments**

**From 30 March 2016 To 29 March 2017**

<b>S of A £</b>		<b>Total £</b>
<b>RECEIPTS</b>		
3,000	Plant & Equipment	4,000.00
1,386	Cash at Bank	1,614.03
500	Stock	NIL
NIL	Bank Interest Gross	5.55
NIL	Vat Receivable	53.96
<u>4,886</u>		<u>5,673.54</u>
<b>PAYMENTS</b>		
	Statement of Affairs Fee	4,348.95
	Agents/Valuers Fees (1)	1,000.00
	Vat Control Account	323.75
		<u>5,672.70</u>
<b>CASH IN HAND</b>		<u>0.84</u>

## **APPENDIX II**

### **ANALYSIS OF TIME COSTS, EXPLANATION OF TIME CHARGING AND DISBURSEMENTS RECOVERY POLICY AND COMPLAINTS PROCEDURE**

# WILKINS KENNEDY LLP

## Schedule of Joint Liquidators' Remuneration

for

### A Filo Limited

Period: 30 March 2016 to 29 March 2017

Classification Of Work Function	HOURS					Time Cost £	Average Hourly Rate £
	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & Planning	1.20	1.90	5.90	16.20	25.20	4,857.00	192.74
Cashiering and Accounting	0.90	-	1.80	0.90	3.60	687.40	190.94
Investigations	0.30	0.60	10.00	3.20	14.10	2,792.00	198.01
Realisation of Assets	0.20	0.40	-	5.10	5.70	1,016.00	178.25
Creditors	0.20	-	-	3.10	3.30	576.00	174.55
Statutory	0.20	0.30	1.20	-	1.70	383.00	225.29
Total Hours	3.00	3.20	18.90	28.50	53.60	10,311.40	192.38
Total Fees Claimed (£)						£NIL	

### Wilkins Kennedy LLP Charge-Out Rates

1 March 2015 to 31 December 2016

£

1 January 2017 to date

£

Partners	400.00 - 450.00	Partners	400.00 - 460.00
Directors/Managers	250.00 - 350.00	Directors/Managers	230.00 - 360.00
Senior Administrators	145.00 - 195.00	Senior Administrators	145.00 - 200.00
Administrators	100.00 - 160.00	Administrators	100.00 - 160.00
Junior/Trainee Administrators	50.00 - 110.00	Junior/Trainee Administrators	50.00 - 110.00
Cashiers/Secretaries	75.00 - 90.00	Cashiers/Secretaries	75.00 - 90.00

## **Explanation of Officeholders Time Charging Policy**

In accordance with the provisions of Statement of Insolvency Practice 9 ("SIP 9"), the charge out rates detailed on the previous page are applicable to this appointment exclusive of VAT. Rates are normally reviewed on an annual basis and adjustments made accordingly where deemed appropriate. Time is recorded in 6 minute units by each staff member working on the case. A description of the routine work undertaken which time will be recorded for is detailed as follows:

### **1. Administration and planning**

- Preparing documentation and dealing with the formalities of appointment.
- Dealing with all routine correspondence.
- Maintaining physical case files and electronic case details.
- Reviewing the ongoing progression of case files.
- Arranging the collection and storage of Company records.
- Ensuring an appropriate case bordereau is in place.
- Case planning and administration.

### **2. Investigations**

- Review of the Company's books and records.
- Preparation of returns / reports pursuant to the Company' Directors Disqualification Act 1986.
- Conduct investigations into any suspicious transactions.
- Reviewing the books and records to identify any transactions or actions that the officeholder may take in order to recover funds for the benefit of creditors.

### **3. Realisation of assets**

- Identifying, securing and obtaining sufficient insurance in respect of Company assets.
- Dealing with any retention of title or other third party claims.
- Debt collection functions.
- Negotiating and completing property, business and asset sales.

### **4. Cashiering**

- Managing case bank accounts.
- Maintaining case cash books.

### **5. Creditors**

- Dealing with creditor correspondence and telephone conversations.
- Maintaining creditor information and claims (including those submitted by secured creditors, employees and other preferential creditors).

### **6. Statutory**

- Statutory notifications and advertising.
- Convening and holding meetings of members and creditors where appropriate.
- Preparing reports to members and creditors.
- Filing of statutory documents with the Registrar of Companies and/or the court.

## **Explanation of Officeholders Disbursement Recovery Policy**

SIP 9 also requires that the office holder provide a statement of the officeholder's policy in relation to the recharging of disbursements. SIP 9 defines disbursements as either Category 1 or Category 2 disbursements, further details of which are below.

Category 1 disbursements will generally comprise external supplies of incidental services specifically identifiable to the case, typically for items such as identifiable telephone calls, postage, case advertising, invoiced travel and properly reimbursed expenses incurred by personnel in connection with the case. Also included will be services specific to the case where these cannot practically be provided internally such as printing, room hire and document storage.

Category 2 disbursements will generally comprise costs which, whilst being in the nature of expenses or disbursements, include elements of shared or allocated costs.

### **Charging and Disbursement Recovery Policy**

Category 1 disbursements are recoverable without approval, and will be recovered by the officeholder as they are incurred.

Category 2 disbursements do require approval, and should be identified and subject to approval by those responsible for approving remuneration. SIP 9 provides that the officeholder may make a separate charge for expenses in this category, provided that:

- such expenses are of an incidental nature and are directly incurred on the case, and there is a reasonable method of calculation and allocation; it will be persuasive evidence of reasonableness, if the resultant charge to creditors is in line with the cost of external provision; and
- the basis of the proposed charge is disclosed and is authorised by those responsible for approving his remuneration.

Payments to outside parties in which the officeholder or his firm or any associate (as defined by Section 435 of the Insolvency Act 1986) has an interest should be treated as category 2 disbursements.

The following items of expenditure are recharged on this basis and are believed to be in line with the cost of external provision:

Photocopying	5 pence per sheet
Mileage	45 pence per mile (40p per mile prior to 6 April 2011)
Meeting Room	£50

### **Provision of Services Regulations**

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

To comply with the Provision of Services Regulations, some general information about Wilkins Kennedy LLP, including our complaints policy and Professional Indemnity Insurance and the Insolvency Code of Ethics, is available on our website using the following link: <http://www.wilkinskennedy.com/services/wk-restructuring-recovery/provision-of-service-regulations/>