

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

TUESDAY



A24 \*A69YF2DM\* 04/07/2017 #42  
COMPANIES HOUSE

LD5 \*L688DRCQ\* 09/06/2017 #72  
COMPANIES HOUSE

Please complete in typescript or in  
bold black capitals.

### 1 Company details

Company number 0 8 7 0 9 7 0 2

Company name in full AIRWHEEL LTD

### 2 Liquidator's name

Full forename(s) Alisdair J

Surname Findlay

### 3 Liquidator's address

Building name/number Saxon House

Street Saxon Way

Post town Cheltenham

County/Region

Postcode G L 5 2 6 Q X

Country

### 4 Liquidator's name ①

Full forename(s)

Surname

#### 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> 2	<sup>d</sup> 0	<sup>m</sup> 0	<sup>m</sup> 5	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 6
To date	<sup>d</sup> 1	<sup>d</sup> 9	<sup>m</sup> 0	<sup>m</sup> 5	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 7

**7** Progress report

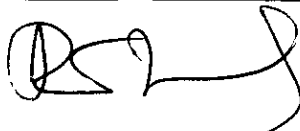
☒ The progress report is attached

**8** Sign and date

Liquidator's signature

Signature

X



X

Signature date	<sup>d</sup> 2	<sup>d</sup> 6	<sup>m</sup> 0	<sup>m</sup> 5	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 7
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## **Airwheel Ltd – In Liquidation (“the Company”)**

### **LIQUIDATOR'S PROGRESS REPORT TO CREDITORS PURSUANT TO SECTION 104A OF THE INSOLVENCY ACT 1986 AND RULE 18.7 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016 FOR THE PERIOD FROM 20 MAY 2016 TO 19 MAY 2017**

**26 MAY 2017**

#### **CONTENTS**

1. Introduction
2. General Information
3. Progress of the Liquidation
4. Investigations
5. Creditor Claims
6. Dividend Prospects
7. Costs and Expenses
8. Conclusion of the Liquidation

#### **APPENDICES**

- (A) Liquidator's Receipts and Payments Account
- (B) Liquidator's Time Cost Summary

## 1. INTRODUCTION

The Company was placed into Creditors' Voluntary Liquidation ("CVL") on 20 May 2016, and I, Alisdair J Findlay (Insolvency License Number 1226) of Findlay James (Insolvency Practitioners) Limited, Saxon House, Saxon Way, Cheltenham, GL52 6QX, Telephone: 01242 576 555, Email: [info@findlayjames.co.uk](mailto:info@findlayjames.co.uk), was appointed Liquidator of the Company on the same day.

## 2. GENERAL INFORMATION

Company name:	Airwheel Ltd
Trading name(s):	N/A
Company number:	08709702
Date of incorporation:	27 September 2013
Company's registered office:	Saxon House, Saxon Way, Cheltenham, GL52 6QX (formerly 10 Bakers Yard, Pardown, Basingstoke, RG23 7DY)
Company's trading address:	10 Bakers Yard, Pardown, Basingstoke, RG23 7DY
Company directors at the date of Liquidation:	Scott Fidgett and Samuel Parham
Company secretary at the date of Liquidation:	N/A
Shareholders:	Scott Fidgett - 1 ordinary share Samuel Parham - 1 ordinary share
Shareholding:	2 ordinary shares at £1.00 each
Charges/debentures created:	RBS Invoice Finance Limited hold a debenture created on 24 September 2015 and registered on 28 September 2015, creating fixed and floating charges over the Company's assets present and future.
Company's bankers:	Natwest Bank plc
Nature of business:	Online Retailer Of Electronic Goods
Whether and why the Liquidator intends to apply to the Court under Section 176A(5) IA 1986	N/A

## 3. PROGRESS OF THE LIQUIDATION

I have received cash at bank totalling £45,673.29 from Natwest Bank plc. No further funds are anticipated to be received.

I am currently liaising with Paypal to ascertain the balance of the Company's account.

The director's placed an estimate to realise figure of £200.00 for the Company's furniture & equipment. However, the cost of collecting the assets and incurring agent's fees for realising them would outweigh any benefits.

The Company's remaining stock consisted of numerous hoverboards which were deemed unsafe by the Trading Standards. I have instructed legal agents to provide advice and assistance in dealing with the Company's remaining stock. Matters are ongoing.

#### **4. INVESTIGATIONS**

In accordance with the Company Directors Disqualification Act 1986 ("CDDA 1986"), a report on the conduct of the director(s) of the Company has been submitted to the Insolvency Service. As this is a confidential report, I am unable to disclose its contents. This is a statutory requirement under the CDDA 1986 for every CVL appointment accepted by a Liquidator. The submission of the report to the Insolvency Service does not necessarily indicate any wrongdoing on the part of the officers of the Company. I confirm that I have not undertaken any investigations outside the scope of that ordinarily required in the Liquidation Proceedings.

#### **5. CREDITOR CLAIMS**

##### **Secured Creditors**

RBS Invoice Finance Limited ("RBS") hold a debenture created on 24 September 2015 and registered on 28 September 2015, creating fixed and floating charges over the Company's assets present and future. RBS are not a creditor of the Company.

##### **Preferential Creditors**

Preferential creditor claims relate to accrued employee holiday pay and arrears of wages within the meaning of Section 386 and Schedule 6 of the Insolvency Act 1986. No Preferential claims have been received to date.

##### **Unsecured Creditors**

##### **Trade and Expense Creditors**

The director's estimated statement of affairs at the outset of the Liquidation provided the level of unsecured trade and expense creditor claims to be £328,428.26.

##### **Employees: Payment in Lieu of Notice / Redundancy**

The former employees of the Company are entitled to make claims for sums due to them in respect of outstanding wages, holiday pay, notice pay and redundancy pay. A certain proportion of employee claims are preferential (as outlined above) and will be met by the Government through the Redundancy Payments Office, subject to certain statutory limits. No unsecured employee claims have been received to date.

##### **HM Revenue and Customs**

I have received final claims from HM Revenue and Customs of £128,250.81 in respect of VAT and corporation tax arrears.

##### **Prescribed Part Rules**

In accordance with Section 176A of the Insolvency Act 1986 and the Insolvency Act 1986 (Prescribed Part) Order 2003, where a floating charge is created on or after 15 September 2003, part of the Company's net property ('The Prescribed Part'), shall be made available to unsecured creditors. The Prescribed Part is calculated as a percentage of net property as follows:

- where the Company's net property does not exceed £10,000 in value, 50% of that property;
- where the Company's net property exceeds £10,000 in value, the sum of-

(i) 50% of the first £10,000 in value; and

(ii) 20% of that part of the Company's net property which exceeds £10,000 in value.

The value of the prescribed part of the Company's net property to be made available for the satisfaction of unsecured debts of the Company shall not exceed £600,000. The net property of the Company has been estimated at £45,673.29, and prescribed part £12,134.66. As a floating charge has been created on or after 15 September 2003, the Prescribed Part Rules will apply in this matter. I do not anticipate making an application to the Court under S176A of the Insolvency Act 1986 to disapply the prescribed part.

In order to minimise the costs of the Liquidation Proceedings, it is my policy to agree unsecured creditor claims only in the event that a distribution is declared. Accordingly, I confirm that I have not yet agreed any unsecured creditor claims.

## 6. DIVIDEND PROSPECTS

Based on the information readily available to date, it is unlikely that there will be sufficient funds available to enable me to declare a dividend to any class of creditor in this matter.

## 7. COSTS AND EXPENSES

### Preparation of Statement of Affairs

At the original meeting of the board of director(s) held on 4 May 2016 and at a general meeting of the Company held on 20 May 2016, it was resolved that Findlay James fee for assisting the director(s) with the formalities associated with placing the Company into Creditors' Voluntary Liquidation would be £7,500.00 plus VAT and disbursements. This was subsequently ratified by the Company's creditors on 20 May 2016. The figure shown on my Receipts & Payments Account (Appendix 1) as "preparation of statement of affairs" represents sums drawn against this amount.

### Liquidator's Remuneration

I confirm that on 20 May 2016 creditors agreed that my remuneration would be fixed by reference to the time properly spent by myself, acting as Liquidator of the Company, and my staff, in attending to matters arising in the Liquidation Proceedings, and that I may withdraw fees as and when funds are available.

Creditors also agreed for any SIP 9 category 2 disbursements incurred to be paid as an expense of the Liquidation Proceedings. These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

My time costs for the period covered by this report total £xxx, of which represents xxx hours at an average hourly rate of £xxx. My total time costs from the date of my appointment as Liquidator total £xxx, of which represents xxx hours at an average hourly rate of £xxx. To date remuneration of £xxx has been drawn against these time costs.

My time costs are further analysed at Appendix 2 by reference to the grade of staff involved with the case and the tasks in which they have been involved.

The following disbursements and/or expenses have been incurred to date:

Specific Bond	£170.00	Required under the Insolvency Practitioners Regulations 2005
Statutory Advertising	£253.80	This represents costs incurred for advertising the statutory meetings of members and creditors, together with the advertisement of the appointment of the Liquidator and Liquidation, as required by insolvency legislation
Agents/Valuers Fees	£1,000.00	I instructed MGR Appraisals to provide me with a valuation of the Company's assets.

Legal Fees	£8,322.75	Legal fees have been incurred as I required advice and assistance in dealing with the Company's remaining stock which was deemed unsafe by Trading Standards.
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You should have already received details of Findlay James current policy regarding charge out rates and disbursements. Please contact me should you require a further copy.

Please go to <http://findlayjames.co.uk/liquidatorsfees.pdf> should you require further information relating to Liquidators' remuneration. This guide also gives important information about creditors' rights. Alternatively a copy is available free of charge upon request.

### **Fee and Expense Estimate**

I confirm that my remuneration and/or expenses are not likely to exceed, or have exceeded, my original fee and expense estimate under Rule 18.16 of The Insolvency (England and Wales) Rules 2016.

### **Creditors' Rights**

#### **Creditors' and members' requests for further information**

Under Rule 18.9 of The Insolvency (England and Wales) Rules 2016, the following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14:-

- a secured creditor;
- an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
- members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
- any unsecured creditor with the permission of the court; or
- any member of the company in a members' voluntary winding up with the permission of the court.

A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.

The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by-

- providing all of the information requested;
- providing some of the information requested; or
- declining to provide the information requested.

The office-holder may respond by providing only some of the information requested or decline to provide the information if-

- the time or cost of preparation of the information would be excessive; or
- disclosure of the information would be prejudicial to the conduct of the proceedings;
- disclosure of the information might reasonably be expected to lead to violence against any person; or
- the office-holder is subject to an obligation of confidentiality in relation to the information.

An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.

A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—

- the office-holder giving reasons for not providing all of the information requested; or
- the expiry of the 14 days within which an office-holder must respond to a request.

The court may make such order as it thinks just on an application under paragraph (6).

**Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive**

Under Rule 18.34 of The Insolvency (England and Wales) Rules 2016, applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that-

- the remuneration charged by the office-holder is in all the circumstances excessive;
- the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
- the expenses incurred by the office-holder are in all the circumstances excessive.

The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable-

- a secured creditor,
- an unsecured creditor with either-
  - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
  - (ii) the permission of the court, or

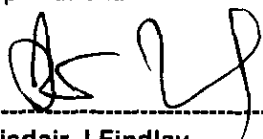
in a members' voluntary winding up-

- (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
- (ii) a member of the company with the permission of the court.

The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

**8. CONCLUSION OF THE LIQUIDATION**

I confirm that I am bound by the Insolvency Code of Ethics when carrying out work relating to an insolvency appointment.



Alisdair J Findlay  
Liquidator



**SIP 9 - Time & Cost Summary**

Period: 20/05/16..19/05/17

## Time Summary

Hours						Time Cost (£)	Average hourly rate (£)
Classification of work function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	2.00	28.67	0.25	3.75	34.67	7,134.71	205.82
Investigations	0.00	16.25	0.00	0.00	16.25	3,817.35	234.92
Realisations of assets	6.00	22.92	0.00	0.00	28.92	6,857.23	237.15
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	1.08	1.08	105.83	97.69
Case specific matters	0.00	2.17	2.25	10.50	14.92	2,048.25	137.32
Pre Jan 2003 Time	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Previous Office Holder	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	8.00	70.00	2.50	15.33	95.83	19,963.37	208.32
Total Fees Claimed						17,500.00	

**AIRWHEEL LTD**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**  
**To 19/05/2017**

S of A £		£	£
	<b>ASSET REALISATIONS</b>		
200.00	Furniture & Equipment	NIL	
3,000.00	Stock	NIL	
45,768.18	Cash at Bank	45,673.29	
Uncertain	PayPal Account	NIL	
			45,673.29
	<b>COST OF REALISATIONS</b>		
	Specific Bond	170.00	
	Preparation of S. of A.	7,500.00	
	Liquidator's Fees	17,500.00	
	Agent's/Valuer's Fees (1)	1,000.00	
	Legal Fees	8,322.75	
	Statutory Advertising	253.80	
			(34,746.55)
	<b>UNSECURED CREDITORS</b>		
(328,428.26)	Trade & Expense Creditors	NIL	
(59,000.00)	HMRC - Corporation Tax	NIL	
(39,000.00)	HMRC - VAT	NIL	
			NIL
	<b>DISTRIBUTIONS</b>		
(2.00)	Ordinary Shareholders	NIL	
			NIL
<b>(377,462.08)</b>			<b>10,926.74</b>
	<b>REPRESENTED BY</b>		
	Floating Charge Account		10,926.74
			<b>10,926.74</b>