

The Insolvency Act 1986

Administrator's progress report

Pursuant to Rule 2.38 of the Insolvency (Scotland) Rules 1986

Name of Company	Company number
Park Caledonia Associates Limited	SC144303

(a) Insert full name(s)
and address(es) of
administrator(s)

We (a)

Matthew Haw
Baker Tilly Restructuring and Recovery
LLP
25 Farringdon Street
London EC4A 4AB

Keith Anderson
Baker Tilly Restructuring and Recovery
LLP
First Floor, Quay 2
139 Fountainbridge
Edinburgh EH3 9QG

(b) Insert dates

Administrators of the above company attach a progress report for the period

From

(b) 6 June 2013

to

(b) 5 December 2013

Signed

Matthew Haw
Joint Administrators

Dated

19 December 2013

Contact Details:

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

Benjamin Dymant

Baker Tilly Restructuring and Recovery LLP, 25 Farringdon Street, London EC4A 4AB

Tel: 0203 201 8000

DX Number: 1040

DX Exchange: Chancery Lane

When you have completed and signed this form please send it to the Registrar of Companies at:

Companies House, 4th Floor, Edinburgh Quay 2, 139 Fountainbridge, Edinburgh, EH3 9FF
X 235 Edinburgh / LP 4 Edinburgh-2

SATURDAY



PARK CALEDONIA ASSOCIATES LIMITED IN ADMINISTRATION

JOINT ADMINISTRATORS' PROGRESS REPORT

6 JUNE 2013 TO 5 DECEMBER 2013

1. PURPOSE OF REPORT

This report is prepared pursuant to Rule 2.38 of the Insolvency (Scotland) Rules 1986 (as amended). This report is also prepared in support of an application to extend the Administration.

2. JOINT ADMINISTRATORS' APPOINTMENT

Matthew Haw of Baker Tilly Restructuring and Recovery LLP, 25 Farringdon Street, London EC4A 4AB and Keith Anderson of Baker Tilly Restructuring and Recovery LLP, 1st Floor, Quay 2, 139 Fountainbridge, Edinburgh EH3 9QG were appointed Joint Administrators ("Administrators") of Park Caledonia Associates Limited ("PCA" or "the Company") on 3 August 2011 by the qualifying floating charge holder, Clydesdale Bank Plc ("the Bank"), 30 St Vincent Place, Glasgow G1 2HL.

The notice of appointment was filed in the Court of Session in Edinburgh under reference number P845/11.

The Administrators' appointment specified that they would have power to act jointly and severally. The Administrators have exercised and will continue to exercise all of their functions jointly and severally as stated in the notice of appointment.

3. COMPANY DETAILS

The registered number of the Company is SC144303

The Registered Office of the Company is Baker Tilly Restructuring and Recovery LLP 25 Farringdon Street, London EC4A 4AB.

4. RECEIPTS AND PAYMENTS SUMMARY

We attach as Appendix A receipts and payments summary for the period from 6 June 2013 to 5 December 2013.

VAT Basis

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

Prescribed Part

There have been no payments to unsecured creditors in relation to the Prescribed Part (Section 176A of the Insolvency Act 1986 (as amended) 'the Act').

The "Prescribed Part" is a proportion of a company's "net property" calculated by statutory formula and ring-fenced for the benefit of a company's unsecured creditors. "Net property" is defined as property that would otherwise be available for distribution to the holders of floating charge security.

The Prescribed Part provisions are only applicable to post 15 September 2003 charges and therefore, where funds permit, are applicable in respect of the Company.

It appears unlikely there will be sufficient realisations to enable a distribution to unsecured creditors by way of a prescribed part.

Furthermore, and in line with Section 176A(5) of the Act, if the qualifying sums prove to be de minimis, the Prescribed Part may not apply if the Administrators apply to the Court for an Order under this subsection on the grounds that the cost of making a distribution to unsecured creditors would be disproportionate to the benefits and the Court agrees.

5. DIVIDEND PROSPECTS FOR CREDITORS

The Bank had an outstanding debt on appointment of £132,277.39.

To date, other than a fixed charge distribution to Clydesdale Bank Asset Finance Ltd, there have been no distributions to the Bank from the Administration.

We will continue to liaise with the Bank in relation to the future dividend prospects, however, at this time it appears unlikely there will be a distribution to the Bank.

Preferential Creditors

All necessary documentation has been filed with the Redundancy Payments Office ("RPO") in respect of all the Company's former employees, who have now received the payments in respect of outstanding holiday pay and unpaid wages accruing as a consequence of the termination of their contracts of employment. Preferential claims totalling £6,594.23 have been agreed by the Administrators. Whilst a dividend to the preferential creditors is anticipated, we cannot as yet confirm the timing due to the uncertainties surrounding the collection of commission receipts.

Unsecured Creditors

The Statement of Affairs estimates that unsecured creditor claims are in the sum of £1,473,171 (including contingent claims of £525,125 which may or may not crystallise).

The value at which creditors' claims are stated in the Statement of Affairs are, as is required by legislation, those which are reflected in the books and records of the Company and it is our view that some balances may not be wholly correct.

We have, in one particular instance, received an unsecured claim which greatly exceeds the corresponding liability detailed on the Statement of Affairs. However, we will only adjudicate upon creditor claims if and when we have sufficient funds to enable a distribution to be made. I should advise that at this time it appears that there will be insufficient realisations to enable a dividend to the unsecured dividends

6. CONDUCT OF THE ADMINISTRATION

Commissions

The Administrators entered into an agreement with Phoenix CPG Limited, now known as Hoyl Group ("Hoyl"), an independent third party registered with the FSA. Under the terms of the agreement Hoyl have been sold the right to collect the commissions due to the Company as the Company was unable to do itself so owing to the fact their FSA approval had been withdrawn upon insolvency.

The agreement was for 3 years and as such there will be a further 6 months for the agreement to run when the administration is due to expire on 2 February 2014. For this reason the Administrators are seeking to obtain an extension of the administration to continue to receive the commission income for the entire duration of the agreement. The agreement provided for Hoyl sharing revenues with the Administrators on a formula basis, with 80% of the commissions being paid to the Administrators.

I can confirm that Phoenix paid the sum of £30,000 to the Administrators at the outset of the agreement. This upfront payment was requested in order to provide a degree of certainty, however, Phoenix retained the first £30,000 of commissions collected in lieu of the payment.

Hoyl has now received £30,000 and the Administration estate has received a further £34,575.45. It is anticipated that the Administration estate will receive a further £16,000 prior to the expiry of the agreement on 3 August 2014.

Debtors

As previously advised the Administrators were investigating the position with regards to the debtors due to the Company.

The directors advised on their Statement of Affairs that there were realisable debtors of £58,100.

The Administrators had been attempting to realise these debts with the assistance of the directors however during the administration period these debts have been disputed.

7. ASSETS REMAINING TO BE REALISED

The Administrators will continue to receive the aforementioned ongoing commissions as per the agreement with Hoyl.

Potential Claim for Compensation for Mis-selling of Interest Rate Hedging Product

As you may be aware, a settlement agreement was recently reached between the Financial Services Authority ("FSA") and certain major banks, including Cyldesdale Bank PLC in relation to the sale of interest rate hedging products.

We are currently investigating whether or not the Company was sold a relevant Interest Rate Hedging Product, and whether there is an entitlement to redress whether inside the framework of the FSA settlement, or otherwise.

We are aware that a number of banks are in the process of developing a methodology to implement the terms of the settlement reached with the FSA in respect of the sale of these products. Our understanding is that this process will take several months to refine and finalise and, until such time, our own investigations cannot be completed. However, it should be noted that there has not, as yet, been any clarification as to how any such compensation would be treated and thus which creditors would have priority. The Joint Administrators are therefore at present unable to ascertain whether any such funds would therefore be available for creditors.

8. JOINT ADMINISTRATORS' PROPOSALS

The Joint Administrators' Proposals were approved by a resolution of the creditors. The Proposals can be summarised as follows:

- 8.1 The Administrators should consider and pursue the most appropriate alternative method of realising the assets for the benefit of the creditors.
- 8.2 The Administrators should arrange to distribute available funds from the realised assets to those creditors entitled to them in such manner as they consider will lead to an early distribution of the available assets in an economic manner.
- 8.3 The Administrators be authorised to make such application to Court for directions as they consider appropriate with a view to achieving the purposes of the administration or their Proposals.

- 8.4 The Administrators conclude the administration when all the property and assets have been realised and distributed (after costs).
- 8.5 Unless otherwise deemed appropriate (see below), to exit the Administration by way of Dissolution in accordance with Paragraph 84(1) of Schedule B1 to the Act.
- 8.6 To apply to Court in order to request a 36 month extension (bringing the administration to 48 months in length) to the administration or such a period as the Administrators see fit (i.e. in order to facilitate the realisation of commissions).
- 8.7 In the event that it is deemed appropriate to do so, to apply to Court (at such time as the application for extension is made) to seek approval for the distribution of the Prescribed Part during the Administration.
- 8.8 Notwithstanding the aforementioned, if circumstances arise which suggest that it may be more appropriate to exit Administration via a Creditors' Voluntary Liquidation, the Administrators propose to proceed in accordance with 8.8 below.
- 8.9 In the event that it is deemed appropriate to proceed to Creditors' Voluntary Liquidation, it is proposed that Matthew Haw of Baker Tilly Restructuring and Recovery LLP 25 Farringdon Street London EC4A 4AB and Keith Anderson of Baker Tilly Restructuring and Recovery LLP 1st Floor Quay 2 Fountainbridge, Edinburgh EH3 9QG be appointed as Joint Liquidators.
- 8.10 To seek a resolution from the secured and preferential creditors, as appropriate, for discharge from liability in respect of any action of ours as Administrators. This would take effect immediately following our cessation to act as Administrators.

9. EXTENSION OF THE ADMINISTRATION

The administration was extended for a period of 6 months from 3 August 2012 to 2 February 2013 by a resolution of the secured and preferential creditors.

On 11 January 2013 a further extension was granted for 12 months up to 2 February 2014 by order of the Court.

The Administrators are now seeking approval of the Court for a further 12 month extension of the administration. This will allow the commissions collection agreement to be completed as per section 6 of this Report and also allow for further investigations to be carried out in respect of the potential mis selling of interest rate hedging products to the Company.

We believe that an extension of the administration will facilitate achieving objective C, enabling a distribution to be made to one or more secured or preferential creditors.

10. JOINT ADMINISTRATORS' REMUNERATION AND DISBURSEMENTS

Time costs and fees drawn to date

The basis of the Joint Administrators' remuneration was approved by the secured and preferential creditors on 29 July 2012 when the following resolution was passed:

"The Joint Administrators shall be authorised to draw their remuneration based upon their time costs, by reference to the time properly given by the Joint Administrators and their staff, in attending to matters arising in the administration at Baker Tilly Restructuring and Recovery LLP standard hourly rates at the rates prevailing when the work is done, to be paid out of the assets of the company and which may be drawn on account as and when funds permit".

To date we have drawn a total of £40,000 plus VAT on account of our time costs incurred.

Attached are the following:

- Appendix B: Time and charge out summary;
- Appendix C: Charge out bands and disbursement rates;
- Appendix D: Summary of payments to Joint Administrators and associated parties;
- Appendix E: Baker Tilly Restructuring and Recovery LLP charging, expenses and disbursements policy statement; and

A total of 307.50 hours have been spent by our staff in the administration of the estate from the date of appointment to 5 December 2013 at an average hourly charge out rate of £219.77.

Analysis of time spent in administration of the estate

Our staff have carried out the following tasks:

a) Administration and Planning

This includes dealing with the commencement of the administration, statutory filing of appointment documents with Companies' House, requesting the submission of the Statement of Affairs and filing it at Companies' House, together with day-to-day administration duties. These include but are not limited to: handling receipts and payments; VAT and corporation tax issues; pension queries and general correspondence.

b) Realisation of Assets

Our staff have been employed on various matters, including the sale of the Company's motor vehicles and the realisation of the commission book. In relation to the commissions, work completed has included negotiating the terms of the agreement and agreeing the sale documents. We have also been working with the Company's directors to pursue the Company's debtors.

c) Creditors

Queries from and correspondence with creditors and employees have been necessary aspects of the administration process. The preparation of the Joint Administrators' proposals and the 6 monthly progress reports has been undertaken including the attendant aspects of providing and obtaining the required information. We continue to receive a number of enquiries from IFA's and former purchasers of PCA products. We are also liaising with the Financial Services Compensation Scheme in relation to claims.

d) Investigation into the affairs of the Company

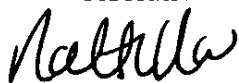
In accordance with our statutory obligations under the Company Directors' Disqualification Act 1986, we have filed the appropriate documentation with the Department of Business, Enterprise & Regulatory Reform.

Joint Administrators' disbursements

The basis of the Joint Administrators' drawing disbursements was approved by the secured and preferential creditors on 29 July 2012 when the following resolution was passed:

"The Joint Administrators shall be authorised to draw their disbursements and other expenses incurred by them in the administration, to be paid out of the assets of the company, such disbursements to include "Category 2 disbursements" at the rates prevailing when the cost is incurred."

Disbursements drawn from the company's assets in accordance with the resolution are detailed on Appendix D.



Matthew Haw

Baker Tilly Restructuring and Recovery LLP

Joint Administrator

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

Keith Anderson is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants of Scotland

The affairs, business and property of the company are being managed by the Joint Administrators who act as agents of the company and without personal liability

Receipts and Payments Abstract Park Caledonia Associates Limited

06/06/2013 to 05/12/2013

SOA Value £	06/06/2013 to 05/12/2013		Total to 05/12/2013	
	£	£	£	£
FINANCE AND HIRE PURCHASE AGREEMENTS				
16,670.00	Leased Assets	0.00	16,500.00	
(15,790.30)	Leased Assets (Amounts Owning)	0.00	(15,790.30)	
		0.00		709.70
ASSET REALISATIONS				
0.00	Bank Interest Gross	0.00	8.10	
0.00	Cash on Hand	0.00	1,465.28	
163,100.00	Commission receipts	5,512.42	64,575.45	
		5,512.42		66,048.83
COST OF REALISATIONS				
0.00	Bank Charges	0.00	(24.00)	
0.00	Commissions (to Phoenix)	0.00	(2,104.09)	
0.00	Joint Administrators Disbursements	0.00	(108.54)	
0.00	Joint Administrators Fees	(20,000.00)	(40,000.00)	
0.00	Legal Counsel Fees	0.00	(250.00)	
0.00	Legal Disbursements	0.00	(377.00)	
0.00	Legal Fees	0.00	(10,000.70)	
0.00	Statutory Advertising	0.00	(139.50)	
0.00	Storage Costs	(2,733.29)	(2,733.29)	
		(22,733.29)		(55,737.12)
PREFERENTIAL CREDITORS				
(2,533.88)	Holiday Pay	0.00	0.00	
(1,300.39)	Wages	0.00	0.00	
		0.00		0.00
UNSECURED CREDITORS				
(677,617.00)	Associated Creditors	0.00	0.00	
(46,689.20)	Employees	0.00	0.00	
(223,641.68)	Trade and Expense Creditors	0.00	0.00	
		0.00		0.00
(787,802.45)		(17,220.87)		11,021.41
REPRESENTED BY				
	Bank - Floating (Clydesdale)		10,875.81	
	VAT Receivable (Payable)		(145.60)	
				11,021.41
				11,021.41

Park Caledonia Associates Limited
SIP 9 Time Cost Analysis
For the period 3/08/2011 to 05/12/2013

Period	Hours Spent	Partners	Directors / Associate Directors	Managers	Assistant Managers	Administrators	Assistants & Support Staff	Total Hours	Total Time Costs	Average Rates
2011 Jan-Mar	Administration and Planning									
	Appointment	0.0	0.0	0.4	0.0	21.4	0.0	21.8	£ 3,924.00	180.00
	Background information	0.0	0.0	0.1	0.0	1.3	0.0	1.4	£ 247.00	176.43
	Case Management	2.9	0.0	2.2	0.0	13.1	10.5	28.7	£ 5,278.00	183.90
	Director(s)/debtor/bankrupt	1.0	0.0	0.3	0.0	7.4	0.0	8.7	£ 1,892.00	217.47
	Pension Scheme	0.0	0.0	0.2	0.0	0.8	0.0	1.0	£ 180.00	180.00
	Post-appointment - general	0.0	0.0	10.0	0.0	4.4	0.0	14.4	£ 3,796.00	263.61
	Pre-appointment matters	1.0	0.0	0.8	0.0	4.5	0.0	6.3	£ 1,533.00	243.33
	Receipts and Payments	0.0	0.0	0.9	0.0	25.8	0.3	27.0	£ 4,316.00	159.85
	Statement of Affairs	0.2	0.0	3.2	0.0	1.3	0.0	4.7	£ 1,131.00	240.64
	Tax Matters	0.4	0.0	1.0	0.0	3.7	0.0	5.1	£ 1,110.20	217.69
	Total	5.5	0.0	19.1	0.0	83.7	10.8	119.1	£ 23,407.20	196.53
2012 Jan-Mar	Investigations									
	Investigations/CDDA	2.4	0.0	7.1	0.0	8.6	0.0	18.1	£ 4,467.00	247.90
	Total	2.4	0.0	7.1	0.0	8.6	0.0	18.1	£ 4,467.00	247.90
2013 Jan-Mar	Realisation of Assets									
	Assets - general/other	0.0	0.0	7.4	0.0	7.4	0.0	14.8	£ 3,182.00	215.00
	Debtors & sales finance	1.5	0.0	13.1	0.0	2.8	0.0	17.4	£ 4,746.60	272.79
	HP/Leasing creditors	0.0	0.0	0.8	0.0	1.1	0.0	1.9	£ 492.00	258.95
	Land and Property	0.0	0.0	0.2	0.0	0.6	0.0	0.8	£ 158.00	197.50
	ROT/ Third Party Assets	0.0	0.0	0.4	0.0	0.0	0.0	0.4	£ 100.00	250.00
	Sale of business	0.2	0.0	2.5	0.0	0.0	0.0	2.7	£ 1,779.50	473.89
	Total	1.7	0.0	24.4	0.0	11.9	0.0	36.0	£ 9,958.10	262.06
2014 Jan-Mar	Trading									
	Trading	0.0	0.0	0.0	0.0	0.2	0.0	0.2	£ 36.00	180.00
	Total	0.0	0.0	0.0	0.0	0.2	0.0	0.2	£ 36.00	180.00
2015 Jan-Mar	Creditors									
	1st creditors/shareholders meetings and reports	6.8	0.0	5.7	0.0	16.6	0.5	29.6	£ 7,451.00	251.72
	Employees	0.0	0.0	7.6	1.2	2.8	0.0	11.6	£ 2,208.00	190.34
	Other Creditor Meetings and Reports	1.6	0.0	4.0	0.0	30.7	0.0	36.3	£ 6,846.10	188.60
	Secured Creditors	0.7	0.0	6.8	0.0	1.2	0.0	8.7	£ 2,514.40	289.01
	Unsecured Creditors	4.6	0.0	9.7	0.0	12.2	0.0	26.5	£ 6,852.00	258.57
	Total	13.7	0.0	33.8	1.2	63.5	0.5	112.7	£ 25,871.50	230.10
2016 Jan-Mar	Case Specific Matters - Legal Matters									
	Legal Matters	0.3	0.0	3.3	0.0	15.8	0.0	19.4	£ 3,819.00	196.86
	Total	0.3	0.0	3.3	0.0	15.8	0.0	19.4	£ 3,819.00	196.86
2017 Jan-Mar	Total Hours (From Jan 2003)									
	Total Time Cost (From Jan 2003)	23.6	0.0	87.7	1.2	183.7	11.3	307.5	£ 67,578.80	219.77
	Total	£ 11,102.80	£ 0.00	£ 23,056.50	£ 222.00	£ 32,006.00	£ 1,191.50	£ 67,578.80		
2018 Jan-Mar	Total Hours									
	Total Time Cost	23.6	0.0	87.7	1.2	183.7	11.3	307.5	£ 67,578.80	219.77
	Total	£ 11,102.80	£ 0.00	£ 23,056.50	£ 222.00	£ 32,006.00	£ 1,191.50	£ 67,578.80		
2019 Jan-Mar	Average Rates									
	Average Rates	470.46	0.00	262.90	185.00	174.23	105.44	219.77		

Appendix C

BAKER TILLY RESTRUCTURING AND RECOVERY LLP CURRENT CHARGE OUT AND DISBURSEMENT RATES

CHARGE OUT RATES		
	Rate at commencement £	Current rate £
Partner	400-485	400-485
Manager	200-400	200-400
Administrator	105-185	105-185
Support staff	105	105

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. Baker Tilly Restructuring and Recovery LLP's charge out rates are reviewed periodically.

"CATEGORY 2" DISBURSEMENTS

"Category 2" disbursements will be recovered, where funds are available, at the following rates as set out in the body of the report.

"CATEGORY 2" DISBURSEMENT RATES (TABLE A)	
Travel & Subsistence	
Motor travel	40p per mile (from 1 April 2010)
Subsistence	£23
Circulars to Members / Creditors	
Labels	£ 0.16 (BT) or £0.01 (avery plain – 7163) each
Headed paper	£ 0.08 per sheet
Plain paper (continuation)	£ 0.08 per sheet
Large envelopes	£ 0.22 each
Small envelopes	£ 0.08 each
Photocopying charge	£ 0.04 (b&w) £ 0.20 (colour) per sheet
Stationery	
Lever arch files	£ 0.75 per file
Cashiering files	£ 0.75 per file
A-Z dividers	£1.75 per set
1-31 dividers	£2.88 per set
Coloured dividers (5 part)	£0.49 per set
Coloured dividers (10 part)	£0.99 per set
Multi-punch pockets	£0.03 per pocket
Storage boxes	£1.50 per box
Sundry	

Faxes	N/a
Internal room hire (for meetings)	£50-200 dependent on room

Appendix D

BAKER TILLY RESTRUCTURING AND RECOVERY LLP JOINT ADMINISTRATORS' CATEGORY 2 DISBURSEMENTS TABLE

Amounts paid or payable to the Office Holder's firm or to any party in which the office holder or his firm or any associate has an interest			
Recipient, Type and Purpose	Category	Paid	Unpaid
		£	£
Total		Nil	Nil

Appendix E

BAKER TILLY RESTRUCTURING AND RECOVERY LLP

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 Baker Tilly Restructuring and Recovery LLP London are attached
- Time billed is subject to Value Added Tax at the applicable rate.
- 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.
- Baker Tilly Restructuring and Recovery 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 creditors, but do not require creditors' approval 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) require the approval of creditors prior to being drawn from the insolvency estate. These are known as "Category 2" disbursements.
- A resolution to consider approving "Category 2" disbursements at the rates prevailing at the time the cost is incurred to Baker Tilly Restructuring and Recovery LLP London will be proposed to creditors' in general meeting
- 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 creditors.
- Where applicable, expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate.