

The Insolvency Act 1986

**Statement of administrator's proposals****R2.25**Pursuant to paragraph 49 of Schedule B1 to the Insolvency Act 1986  
and Rule 2.25 of the Insolvency (Scotland) Rules 1986

FM Property and Leisure Limited

SC173328

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

I/We (a)

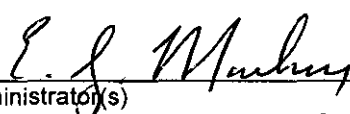
Fraser J Gray  
Zolfo Cooper  
Alhambra House  
45 Waterloo Street  
G2 6HS  
GlasgowElizabeth G Mackay  
Zolfo Cooper  
Alhambra House  
45 Waterloo Street  
G2 6HS  
GlasgowAnne C O'Keefe  
Zolfo Cooper  
The Observatory  
Chapel Walks  
M2 1HL  
Manchesterattach a copy of my/our proposals in respect of the administration of the above  
company.

A copy of these proposals was sent to all known creditors on

(b) Insert date

20 April 2009

Signed

  
Joint / Administrator(s)

Dated

20 April 2009

**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.Michael Green  
Zolfo Cooper  
The Observatory  
Chapel Walks  
Manchester  
M2 1HLThe contact information that you give  
will be visible to searchers of theDX Number 0161 838 DX Exchange  
4500

public record



\*SLCYU97X\*

SCT 21/04/2009 850

COMPANIES HOUSE

When you have completed and signed this form, please send it  
to the  
Registrar of Companies at:-  
Companies House, 37 Castle Terrace, Edinburgh EH1 2EB  
DX 235 Edinburgh / LP4 Edinburgh-2

# **Joint Administrators' Report and Statement of Proposals**

## **FM Property and Leisure Limited - In Administration**

**20 April 2009**



**Z** ZOLFO COOPER



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# 1 Statutory Information

- 1.1 FM Property and Leisure Limited (the **Company**)'s registered number is SC173328.
- 1.2 The head office address of the Company is 9 Great Stuart Street, Edinburgh, Midlothian, EH3 7TP.
- 1.3 The registered office of the Company has been changed from 9 Great Stuart Street, Edinburgh, Midlothian, EH3 7TP to c/o Zolfo Cooper, Alhambra House, 45 Waterloo Street, Glasgow, G2 6HS.
- 1.4 Details of the Company's directors and secretary are as follows:

	Date appointed	Date resigned	£1 Ordinary Shares
<b>Directors</b>			
John Inglis Forbes	22 January 2001	Not Applicable	1
John Todd Milne	22 January 2001	Not Applicable	1
Jonathon Alexander Milne	11 March 1997	Not Applicable	1
Richard Todd Milne	11 March 1997	Not Applicable	1
<b>Secretary</b>			
Jonathon Alexander Milne	11 March 1997	Not Applicable	As above

- 1.5 The Company granted the following charges:

Charge Holder	Security Held	Date Created
Bank of Scotland	Standard Security over property at 53 Morrison St	3 April 2000
Bank of Scotland	Standard Security over Flat 9, 7/8 Alfred Terrace	15 October 2001
Bank of Scotland	Standard Security over Coburg Apartments	1 August 2001
Bank of Scotland	Standard Security over Flat 10, 7/8 Alfred Terrace	19 October 2001
Bank of Scotland	Floating Charge	23 June 2003
Bank of Scotland	Standard Security over the land at Mains of Farnell	10 December 2008

- 1.6 The Company is part of a wider group of companies (together the **Group**). Ten companies in the Group were placed into Administration on 23 February 2009. These Companies are listed in Appendix E and will be collectively referred to as (the **Companies**) unless otherwise stated.

- 1.7 This report relates to the Company, and reports in respect of the other Companies are being circulated separately. If you believe you have a claim against any of the other Companies listed in Appendix E, please contact this office and a copy of the Administrators' Report and Statement of Proposals of that company will be made available to you.

## **2 Background to the Administration**

- 2.1 The Company acts as a property developer and farming vehicle. It had two projects it was considering developing, further details of which are listed in Section 3. Due to the deterioration in the macroeconomic environment and the property market in particular, the Company encountered cash flow difficulties which subsequently led to the Directors concluding the most appropriate course of action was that the Company should be placed into Administration.
- 2.2 As a result, Fraser J Gray, Elizabeth G Mackay and Anne C O'Keefe of Zolfo Cooper, licensed insolvency practitioners, were appointed Joint Administrators of the Company on 23 February 2009.
- 2.3 Fraser J Gray and Elizabeth G Mackay are licensed by The Institute of Chartered Accountants of Scotland and Anne C O'Keefe is licensed by the Insolvency Practitioners Association.
- 2.4 The Administration is registered in the Court of Session, Edinburgh. No reference number was assigned.
- 2.5 The EC Regulations on Insolvency Proceedings 2000 apply to the Administration. The proceedings are main proceedings as defined by Article 3 of those Regulations. The Company is based in the United Kingdom.
- 2.6 The Joint Administrators act jointly and severally so that all functions may be exercised by any Administrator.
- 2.7 The Joint Administrators act as agents of the Company and without personal liability.

2.8 The Joint Administrators of the Company must perform their functions with the purpose of achieving one of the following objectives:

- rescuing the Company as a going concern;
- achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in Administration); or
- realising property in order to make a distribution to one or more secured or preferential creditors.

Further information on the pursuance of the above objectives is detailed in the next section.

### 3 Administration Strategy and Objective

3.1 Due to the level of the Company's indebtedness to Bank of Scotland Plc's (the Bank)'s and the current uncertainty within the property market a going concern sale of the Company was not viable.

3.2 The strategies in relation to the properties below are still being formulated, however the Joint Administrators are considering the option of finalising the developments. If the Company had been placed into Liquidation, it is most likely that the developments could not be completed and would be sold as seen, significantly reducing the level of realisations.

3.3 The Joint Administrators have therefore pursued the second objective of achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up without first being in Administration.

3.4 Immediately on appointment, the Joint Administrators instructed solicitors to undertake title searches in order to confirm which of the properties held by the Companies are owned by this Company. To date the following developments, both undeveloped sites, have been identified: -

Property / Development	Location	Stage
Dalgety	Brechin	Land
Farnell	Brechin	Land

- 3.5 There are a number of complex issues the Joint Administrators continue to investigate to ensure the best course of action is taken to realise maximum value for creditors.
- 3.6 The individual developments are discussed briefly below; however, the Joint Administrators expect to be in a position to provide further information on these developments in subsequent reports.

#### ***Land***

- 3.7 The land at Dalgety comprises a redundant farm building and land. At the appointment of the Joint Administrators there was no planning permission in place. The Joint Administrators are continuing to assess the options available to best realise the asset.
- 3.8 The land at Farnell is a small parcel of agricultural land in the North East of Scotland. At the appointment of the Joint Administrators there was planning permission granted on this land. The Joint Administrators are continuing to assess the options available.

#### ***Farming Interests***

- 3.9 In addition to the land above, the Company has an interest in the farming that is being undertaken on Ury Estate in Stonehaven. The Joint Administrators are currently working to resolve issues currently surrounding this interest. Until this has been achieved the Joint Administrators cannot reliably value this interest.

### **4 Administrators' Receipts and Payments**

- 4.1 A summary of receipts and payments for the Administration period from the date of our appointment to 10 April 2009 is attached as Appendix A.

### **5 Financial Position**

- 5.1 Attached as Appendix B is the Directors' Statement of Affairs of the Company as at the date of the appointment of the Joint Administrators.
- 5.1 You will note that the Bank liability is in excess of £41 million before accrued interest and charges.

5.2 The Bank provided a revolving credit facility secured by cross-corporate guarantees with other Companies as follows:

- FM Developments Limited
- FM St Vincent Street Limited
- FM St Vincent Street Limited
- FM Property and Leisure Limited
- FM Commercial Limited
- FM Homes Limited

## 6 Proposals

It is proposed that the Joint Administrators continue to manage the affairs of the Company in order to achieve the purpose of the Administration. In the circumstances it is proposed that:

- 6.1 The Joint Administrators will continue to manage the Company in order to achieve the intended objective outlined above.
- 6.2 Due to the level of the Bank's indebtedness and the costs of the administration, it is prudent to assume that a distribution to the unsecured creditors is unlikely. If, however, having realised the assets of the Company, the Joint Administrators think that a distribution will be made to the unsecured creditors, they propose filing a notice with the Registrar of Companies which will have the effect of bringing the appointment of the Administrators to an end and will move the Company automatically into Creditors' Voluntary Liquidation (CVL) in order that the distribution can be made. In these circumstances, it is proposed that the Joint Administrators will become the Joint Liquidators of the CVL. See Section 7 below on **Exit Routes** for further information on this process.
- 6.3 If, however, the Company has no property which might permit a distribution to its creditors, the Joint Administrators will file a notice with the Court and the Registrar of Companies for the dissolution of the Company. See Section 7 below on **Exit Routes** for further information on this process.
- 6.4 The Joint Administrators do all such other things and generally exercise all of their powers as contained in Schedule 1 of the Insolvency Act 1986, as they consider desirable or expedient to achieve the statutory purpose of the Administration.



- 6.5 The creditors consider establishing a Creditors' Committee and that if any such Committee is formed they be authorised to sanction any proposed act on the part of the Joint Administrators without the need to report back to a further meeting of creditors generally, to include making any decision regarding the most appropriate exit route from the Administration.
- 6.6 In terms of Rule 2.39 of the Insolvency (Scotland) Rules 1986 as amended by the Insolvency (Scotland) Amendment Rules 2006 the remuneration of the Administrators be fixed by the Creditors' Committee. In the absence of a Creditors' Committee, the remuneration of the Joint Administrators be fixed by resolution of a meeting of creditors failing which the remuneration be fixed by the Court with reference to time properly spent by them and their staff in attending to matters arising from the Administration.
- 6.7 The Joint Administrators be authorised to draw remuneration as and when funds are available on account of their time costs.
- 6.8 The Joint Administrators will be discharged from liability under Paragraph 98 of Schedule B1 to the Insolvency Act 1986 immediately upon their appointment as Administrators ceasing to have effect.

## **7 Exit Routes**

### ***Creditors Voluntary Liquidation (CVL)***

- 7.1 Should the Joint Administrators believe that a dividend will be paid to the unsecured creditors, the Joint Administrators will file a notice with the Registrar of Companies in order that the Administration will cease and the Company will move automatically into CVL. It is proposed that the Joint Administrators will also become the Joint Liquidators of the CVL.
- 7.2 Creditors have the right to nominate an alternative Liquidator of their choice. To do this, creditors must make their nomination in writing to the Administrators prior to these proposals being approved. Where this occurs, the Joint Administrators will advise creditors and provide the opportunity to vote. In the absence of a nomination, the Joint Administrators will automatically become the Joint Liquidators of the subsequent CVL.

### ***Dissolution of the Company***

- 7.3 If the Joint Administrators believe that the Company has no property which might permit a distribution to its creditors, we propose filing a notice together with our final progress report at Court and with the Registrar for the dissolution of the Company. We shall send

copies of these documents to the Company and its creditors. We will ensure that all statutory filing requirements are met in the respective jurisdictions and the appointment will end following the registration of the notice.

## **8 Administrators' Remuneration**

- 8.1 The Joint Administrators' time costs at 10 April 2009 are £10,002. This represents 42.4 hours at an average rate of £236 per hour. A copy of "A Creditors' Guide to Administrators' fees can be downloaded from the Insolvency Practitioners Association Website ([www.insolvency-practitioners.org.uk](http://www.insolvency-practitioners.org.uk) - select "Technical ", "Creditors Guides to Fees" and then "Administration" from the Guides for Scotland list). If you would prefer this to be sent to you in hard copy please contact us and we will forward a copy to you. We have also attached as Appendix C a Time Analysis which provides details of the activity costs incurred by staff grade to the above date. We propose seeking approval of our fees in accordance with the proposals outlined above.
- 8.2 Attached as Appendix D is additional information in relation to our policy on staffing, the use of sub-contractors, disbursements and details of our current charge-out rates by staff grade.
- 8.3 The majority of work undertaken to date has been in respect of investigating and identifying the Company's assets, liaising with the Joint Administrators' solicitors and agents to determine the best course of action to deal with the assets of the Company and assessing the various strategic options available.

## **9 Estimated Outcome**

- 9.1 The Company granted a floating charge to The Bank of Scotland PLC on 23 June 2003. Accordingly, there is no requirement to create a fund out of the Company's net floating charge property for unsecured creditors.
- 9.2 Due to the level of the Bank's indebtedness and cross-corporate guarantees, it would be prudent to assume that a distribution to the unsecured creditors is very unlikely.

## **10 Next Report**

- 10.1 The Joint Administrators are required to provide a progress report within six weeks of the end of the first six months of the Administration.

## **11 Meeting of Creditors**

- 11.1 An initial meeting of the Company's creditors is not being convened as based on current information there will be insufficient property to enable a distribution to be made to unsecured creditors. In accordance with Section 52 (1) (b) of Schedule B1 of the Insolvency Act 1986, the Administrators are therefore not required to convene an initial meeting of the Company's creditors.
- 11.2 The Administrators are obliged to hold an initial creditors' meeting if 10% in value of the creditors request it. If you wish for a meeting to be held, you must notify us in writing on or before 4 May 2009.

For and on behalf of  
FM Property and Leisure Limited



**Fraser Gray**  
Joint Administrator

Enc

Receipts and Payments Account for the Period from 23 February 2009  
to 10 April 2009

Appendix A

Statement of  
Affairs Values

Total

## RECEIPTS

£

4,500,000	Fixed Charge Property and Land	-
4,980	Plant and Machinery	-
1,005	Patents / Trademarks	-
255	Loans and Advances	-
-	Motor Vehicles	690

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 690
 

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## PAYMENTS

-	Statutory Advertising	104
-	Registers of Scotland Fee	15
-	Bordereau Costs	30
-	Re-Direction of Mail	25

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 173
 

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## Balance

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 517
 

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## MADE UP AS FOLLOWS

Fixed Interest Bearing	690
Floating Interest Bearing	(55)
VAT Receivable	16
Advance from Zolfo Cooper	(134)

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 517
 

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Directors' Statement of Affairs of the Company as at 23 February 2009

Appendix B

Rule 2.21

The Insolvency Act 1986

Form 2.13B (Scot)

## Statement of Affairs

Pursuant to paragraph 47 of Schedule B1 to the Insolvency Act 1986  
and Rule 2.21(1) of the Insolvency (Scotland) Rules 1986

Insert name of the  
company

Statement as to the affairs of FM Property and Leisure Limited

as at the 23 February 2009, the date that the company entered administration.

### Statutory Declaration

I solemnly and sincerely declare that the information provided in this statement and the lists A to G annexed and signed as relative hereto is, to the best of my knowledge and belief, true and complete,

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at Edinburgh

Signed Nathanial White

This 3rd day of April 2009

Before me D N White DOMING NATHANIEL WHITE, NOTARY

A Notary Public or Justice of the Peace or Solicitor

(PUBLIC)

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STATEMENT as to the affairs of the Company on the 23<sup>RD</sup> FEBRUARY

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Please complete legibly, preferably in black type, or bold black lettering

		Estimated Realisable Values £
<b>ASSETS</b>		
Assets not specifically secured (as per List "A")		6242
Assets specifically secured (as per List "B")		
Estimated realisable value	£ 4,560,000	
Less: Amount due to secured creditors		
Estimated Surplus	(4,940,860)	(37,440,860)
Estimated Total Assets available for preferential creditors, holders of floating charges and unsecured creditors		(37,434,618)
<b>LIABILITIES</b>		
Preferential creditors (as per List "C")		
Estimated balance of assets available for holders of floating charges and unsecured creditors		(37,434,618)
Estimated prescribed part of net property where applicable (to carry forward)		
Holders of floating charges (as per List "D")		
Estimated surplus/deficiency as regards holders of floating charges		
Estimated prescribed part of net property where applicable (brought down)		(37,434,618)
Unsecured Creditors		
Trade accounts (as per List "E")	£ (20,982)	
Bills payable (as per List "F")		
Contingent or other liabilities (as per List "G")	(5,466,277)	
Total unsecured creditors (excluding any shortfall to floating charge holders)	(5,467,277)	(5,467,277)
Estimated Surplus/Deficiency as regards creditors unsecured creditors (excluding any shortfall to floating charge holders)		(42,921,895)
Estimated deficiency after floating charge where applicable (brought down)		
Estimated Surplus/Deficiency as regards creditors		(42,921,895)
Issued and Called-up Capital		4
Estimated Surplus/Deficiency as regards members		(42,921,891)

These figures must be read subject to the following:-

\*delete as appropriate

\*[(a) There is no unpaid capital liable to be called up]

\*[(b) The nominal amount of unpaid capital liable to be called up is £ estimated to produce £ which is/is not charged in favour of the holder of the floating charges(s)]

The estimates are subject to the expenses of the liquidation and to any surplus or deficiency on trading pending realisation of the Assets.

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### Statement of affairs LIST 'A'

Assets not specifically secured

Particulars of assets	Book value £	Estimated to produce £
Balance at bank .....	.....	.....
Cash in hand .....	.....	.....
Marketable securities (as per Schedule I) .....	.....	.....
Bills receivable (as per Schedule II) .....	.....	.....
Trade debtors (as per Schedule III) .....	.....	.....
Loans and advances (as per Schedule IV) .....	878,62	255
Unpaid calls (as per Schedule V) .....	2	2
Stock in trade .....	.....	.....
.....	.....	.....
Work in progress .....	.....	.....
.....	.....	.....
Heritable property .....	.....	.....
Leasehold property .....	.....	.....
Plant, machinery and vehicles .....	19,922	4,980
Furniture and fittings, etc .....	.....	.....
Patents, trade marks, etc .....	4020	1005
Investments other than marketable securities .....	.....	.....
Other property .....	.....	.....
Total	902,106	6242

Signed

*Jonathan Mui*

Date 01/04/2009

\* WIP ATTACHED TO LAND AND SHOWN IN SECURE ASSET LIST

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Please complete legibly, preferable in black type, or bold block lettering

**SCHEDULE 1 TO LIST 'A'**

**Statement of affairs  
Marketable Securities**

Names to be arranged in alphabetical order and numbered consecutively

No	Name of organisation in which securities are held	Details of securities held	Book value £	Estimated to produce £

Signed Tamara Niche

Date 01/04/2009

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Please complete legibly, preferably in black type, or bold block lettering

**SCHEDULE II TO LIST 'A'**

**Statement of affairs**

**Bills of exchange, promissory notes, etc. available as assets**

Names to be arranged in alphabetical order and numbered consecutively

No	Name and address of acceptor of bill or note	Amount of bill or note £	Date when due	Estimated to produce £	Particulars of any property held as security for payment of bill or note

Signed

*Matthew Mike*

Date

01/04/2009

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**SCHEDULE III TO LIST 'A'**  
**Statement of affairs**  
**Trade debtors**

Names to be arranged in alphabetical order and numbered consecutively

No	Name and address of debtor	Particulars of any securities held for debt	Book value £	Estimated to produce £
/				

Signed

*Jonathan Mabe*

Date

01/04/2009

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**SCHEDULE IV TO LIST 'A'**  
**Statement of affairs**  
**Loans and Advances**

Names to be arranged in alphabetical order and numbered consecutively

No	Name and address of debtor	Particulars of any securities held for debt	Book value £	Estimated to produce £
1	FM DEVELOPMENTS 9 GREAT SQUARE ST EDINBURGH EH3 7TP (IN ADMINISTRATION)	N/A	836,087	0
2	FM KILMARNOCK BD 9 GREAT SQUARE ST EDINBURGH EH3 7TP	N/A	41,632	0
3	HM REVENUE & CUSTOMS (VAT)	N/A	255	255
4	PREPAYMENTS RATES TO 31/3/09	N/A	188	0

Signed

*Janette Miller*

Date

01/04/2009

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# **SCHEDULE V TO LIST 'A'**

## **Statement of affairs**

### **Loans and Advances**

Names to be arranged in alphabetical order and  
numbered consecutively

No	No in share register	Name and address of shareholder	No of shares held	Amount of call per share unpaid £	Total amount due £	Estimated to produce £
1		JOHN FORBES SLAINS PARK KINEFF MONTROSE	1	1	1	1
2		JONATHAN ALEXANDER MILNE PITLIVER HOUSE PITLIVER ESTATE LIMEKILNS BY DUNFERMLINE	1	1	1	1

Signed

*Jonathan Milne*

Date: 01/04/2009

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LIST 'B' (consisting of 1 pages)

**Statement of affairs**

**Assets specifically secured and creditors fully or partly secured (see note below) (not including debenture holders secured by a floating charge)**

No	Particulars of assets specifically secured and nature of security	Date when security granted	Name of creditor	Address and occupation
1	STANDARD SECURITY OVER PART OF LAND AND ESTATE OF VRY AND OTHERS AND FARM OF GLITUNG AND NEWBY GRASS PARS, STONEHAVEN.	29/9/08.	MBOS.	39 ALBYN PLACE ABERDEEN AB10 1YN. - BANKERS.

Signed

*Tanathu Miller*

Date 01/04/2009.

**Note:** For this purpose treat as a creditor but identify separately

- (a) an owner of goods in the company's possession under a hire-purchase agreement or an agreement for the hire of goods for more than 3 months, or
- (b) a seller of goods to the company claiming a retention of title or a seller under a conditional sale agreement.

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LIST 'C' (consisting of \_\_\_\_\_ pages)

**Statement of affairs**

**Preferential creditors for salaries, wages and otherwise**

Names to be arranged in alphabetical order and numbered consecutively

No	Name of creditor	Address

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Please complete legibly, preferably in black type, or bold block lettering

**LIST 'D'**

**Statement of affairs**

**List of holders of debentures secured by a floating charge**

Names to be arranged in alphabetical order and numbered consecutively

No	Name and address of Holder	Amount £	Description of assets over which security extends
1	HR05, 39 ALBYN PLACE, ABERDEEN AB10 1YN.	6,242.	PER LIST. A.

Signed

*Jonathan Milne*

Date

*01/04/2009*

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LIST 'E' (consisting of 3 pages)

### Statement of affairs

Unsecured creditors – trade accounts.

Identify separately on this list customers claiming amounts paid in advance of the supply of goods and services

Names to be arranged in alphabetical order and numbered consecutively

No	Name of and address of creditor	Amount of the debt £
1	AG FENTON 2 DISTILLERY ROAD LAURENCEKIRK AB30	52.00
2	ABERDEENSHIRE COUNCIL GORDON HOUSE BLACKHALL ROAD INVERURIE AB51 3WA	190.00
3	CONNORS OF STONEHAVEN 50 ALLARDICE STREET STONEHAVEN AB39 2BA	411.25
4	COUNTRYWIDE CHAPEL HOWE ABGLETHEN ELDON AB41 8PF	800.83
5	EAST COAST VINEES GRAIN BROADWOOD DEUMLITHIE STONEHAVEN	5,191.90
6	ENVIROCENTRE CRAIGHALL BUSINESS PARK EAGLE STREET GLASGOW G4 9XA	4,037.77

Signed

*Janette Nishe*

Date 01/04/2009

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LIST 'E' (consisting of 3 pages)

### Statement of affairs

Unsecured creditors – trade accounts.

Identify separately on this list customers claiming amounts paid in advance of the supply of goods and services

Names to be arranged in alphabetical order and numbered consecutively

No	Name of and address of creditor	Amount of the debt £
7	EWING S WELSH ROSEL CATHERINE STONEHAVEN	763.96
8	FCS LTD 33 VALENTINE DRIVE DANESTON ABERDEEN AB22 8YE	1609.75
9	MC WOLTON & SON WELLINGTON HOUSE 90/92 BUTT ROAD COLCHESTER CO3 3DA	350.00
10	HOWDEN'S JOINERY CO UNIT 1A BROOKFIELD IND. EST MONTROSE DD10 8SY	2620.27
11	KIRKTON VETERINARY CENTRE FETTERESSE STONEHAVEN	1,077.93

Signed

*Jonathan Muir*

Date

01/04/2009

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legibly, preferably in  
black type, or bold  
black lettering

LIST 'E' (consisting of 3 pages)

### Statement of affairs

Unsecured creditors - trade accounts.

Identify separately on this list customers claiming amounts paid in advance of the supply of goods and services

Names to be arranged in alphabetical order and numbered consecutively

No	Name of and address of creditor	Amount of the debt £
12	MACDONALD & MACDON SPURRYHILL LOCK INDUSTRIAL ESTATE STONEHAVEN	95.18
13	MACLAIN MURRAY & SPENSE 151 ST VINCENT ST GLASGOW	43.00
14	NETHERTON TRACTORS LTD TOLLMOIR FINNARON FORFAR ANGUS	454.66
15	OZ ACLINGTON BUSINESS PARK MILLSHAW PARK LANE LEEDS	70.60
16	SCOTTISH HYDRO-ELECTRO PAYMENT CENTRE PO BOX 13 Havant	296.93
17	THE ROSS PARTNERSHIP BEARFOLD OBDIE DUNNET ABERDEEN	2896.02

Signed

*Janet M. M. M.*

Date 01/04/2009

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Please complete  
legibly, preferably in  
black type, or bold  
block lettering.

## Statement of affairs

**Unsecured creditors – Bills payable, promissory notes, etc**

**Names to be arranged in alphabetical order and numbered consecutively**

**\*Note**  
The particulars of any bills of exchange and promissory notes held by a holder should be inserted immediately below the name and address of such creditor.

No	Name and address of acceptor of bill or note	Name and address of holder*	Date when due	Amount of claim £

Signed

Tarathu Kitha

Date \_\_\_\_\_

Date 01/04/2009

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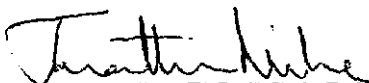
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**LIST 'G'****Statement of affairs****Unsecured creditors – contingent liabilities**

Names to be arranged in alphabetical order and numbered consecutively

No	Name and address of creditor	Nature of liability	Amount of claim £
1	HBOS 37 ALBYN PLACE ABERDEEN AB10 1YN	OVERDRAFT INTEREST	6,756
2	FM HERALD BUILDING 9 GREAT STUART ST EDINBURGH IN ADMINISTRATION	INTERCOMPANY LOAN	16,096
3	FM CAPE VERDE 40 9 GREAT STUART ST EDINBURGH	INTERCOMPANY LOAN	97,657
4	FM WESTERN HARBOUR 9 GREAT STUART ST EDINBURGH	INTERCOMPANY LOAN	24,150
5	FM CONSTRUCTION 9 GREAT STUART ST EDINBURGH IN ADMINISTRATION	INTERCOMPANY LOAN	189,815
6	FM WH 9 GREAT STUART ST EDINBURGH	INTERCOMPANY LOAN	9,532
7	FM RIVER HERONS 9 GREAT STUART ST EDINBURGH	INTERCOMPANY LOAN	194

Signed



Date

01/04/2009

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**LIST 'G'**

**Statement of affairs**

**Unsecured creditors – contingent liabilities**

Names to be arranged in alphabetical order and numbered consecutively

No	Name and address of creditor	Nature of liability	Amount of claim £
8	HALLIDAY FRASER MUNRO 85 VICTORIA ST ABERDEEN AB10 1XB	RECEIVED EXPENSES	600,000 (unrec)
9	RAMSEY & CHAMBERS CHATTEN NEWS OFFICE 18 CHATTEN PLACE ABERDEEN AB10 6RD	RECEIVED EXPENSES	346,174
10	NIBBUCK GOLF DESIGN GAMLEVEN 16 1534 MOSS NORWAY	RECEIVED EXPENSES	600,000 (unrec)
11	NICKLAUS DESIGN 11760 US HIGHWAY # 1 SUITE 500 NORTH PALM BEACH FLORIDA 33406 US	RECEIVED EXPENSES	3,570,000 (unrec)

Signed

*Jarathu Mike*

Date

*01/04/2009*

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## Time Analysis for the Period from 23 February 2009 to 10 April 2009

## Appendix C

	Employee Grade					(£'s)	
	(Hours)					Total Cost	Average
	Partner/ Director	Senior Associate	Associate/ Analyst	Junior Analyst/ Support	Total Hours		Rate p/h
<b>Administration and Planning</b>							
Strategy and Control	-	6.4	10.7	0.5	17.6	4,302.0	244
Bank and Creditor Reporting	-	1.7	0.9	-	2.6	699.0	269
Creditors Committee	-	-	-	-	-	-	-
Statutory Duties	0.1	-	2.7	0.1	2.9	624.5	215
Job Administration	-	1.5	2.1	0.9	4.5	998.0	222
Cash Accounting and Time Records	-	0.1	0.2	1.1	1.4	217.0	155
Travel and Waiting Time	-	-	-	-	-	-	-
Case Closure	-	-	-	-	-	-	-
Internal Documentation and IT	-	-	-	-	-	-	-
<b>Investigations</b>							
D Reports	-	-	-	0.4	0.4	44.0	110
Other Investigations	-	-	-	-	-	-	-
Internal Documentation	-	-	-	-	-	-	-
<b>Realisation of Assets - Fixed Charge</b>							
Initial Actions and Valuations	-	-	7.1	-	7.1	1,557.0	219
Sale of Assets	1.0	-	0.8	-	1.8	600.0	333
Insurance	-	-	-	-	-	-	-
Litigation	-	-	-	-	-	-	-
Internal and External Documentation	-	-	-	-	-	-	-
<b>Realisation of Assets - Debtors</b>							
Debt Collection	-	-	-	-	-	-	-
Debtors Litigation	-	-	-	-	-	-	-
Crown Debtors	-	-	0.1	-	0.1	21.0	210
Internal and External Documentation	-	-	-	-	-	-	-
<b>Realisation of Assets - Floating Charge</b>							
Initial Actions and Valuations	-	-	-	-	-	-	-
Sale of Assets	-	0.4	-	-	0.4	120.0	300
Insurance	-	-	0.2	-	0.2	42.0	210
Retention of Title	-	-	-	-	-	-	-
Hire Purchase / Leased Assets	-	-	-	-	-	-	-
Litigation	-	-	-	-	-	-	-
Internal and External Communications	-	-	-	-	-	-	-
<b>Trading</b>							
Initial Actions	0.1	0.3	-	-	0.4	132.5	331
Cash Accounting	-	-	-	-	-	-	-
Ongoing Trading Activities	-	-	1.5	-	1.5	330.0	220
Internal and External Communications	-	-	-	-	-	-	-
<b>Creditors</b>							
Creditor Dealings	-	-	1.5	-	1.5	315.0	210
Creditor claims	-	-	-	-	-	-	-
Litigation	-	-	-	-	-	-	-
Shareholders / Bankrupts	-	-	-	-	-	-	-
Internal Documentation	-	-	-	-	-	-	-
Employees	-	-	-	-	-	-	-
Employee Communications	-	-	-	-	-	-	-
<b>Totals</b>	<b>1.2</b>	<b>10.4</b>	<b>27.8</b>	<b>3.0</b>	<b>42.4</b>	<b>10,002.0</b>	<b>236</b>

**Additional Information in Relation to Administrators' Fees Pursuant to  
Statement of Insolvency Practice 9**

**Appendix D**

**1 Policy**

Detailed below is Zolfo Cooper'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***

Our 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, Senior Associate, Associate and Analyst. 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. On larger, more complex cases, several staff at all grades may be allocated to meet the demands of the case. Our charge out rate schedule below provides details of all grades of staff and their experience level.

With regard to support staff, we would advise that time spent by cashiers in relation to specific tasks on an assignment is charged. Only if there is a large block of time incurred by a member of the secretarial team, eg, report compilation and distribution, do we seek to charge and recover our time in this regard.

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

## 1.2 Professional Advisors

On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis.

Name of Professional Advisor	Basis of Fee Arrangement
Dundas & Wilson (legal advice)	Hourly rate and disbursements
Pinsent Masons (legal advice)	Hourly rate and disbursements
Andersen Strathern (legal Advice)	Hourly rate and disbursements
Jardine Lloyd Thompson (insurance broker)	Risk based premium
Davies Langdon (valuation and disposal advice)	Percentage of realisations
Savills (valuation and disposal advice)	Percentage of realisations

Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them.

## 1.3 Disbursements

Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case.

Category 2 disbursements do require prior approval by creditors before they are paid and whilst it is unlikely that any Category 2 disbursements will be incurred on the case, appropriate approval will be sought before any such expenses are paid.



## 2 Charge-out Rates

A schedule of Zolfo Cooper charge-out rates effective from 1 January 2009 is detailed below.

	(Per hour) £
<b>Partner/Director:</b>	
Partner 1*	425
Partner 2*	375
Director	325
<b>Senior Associate:</b>	
Senior Associate 1*	300
Senior Associate 2*	250
<b>Associate/Analyst:</b>	
Associate	220
Analyst*	210
<b>Junior Analyst and Support Staff:</b>	
Junior Analyst*	110
Senior Treasury Associate	150
Treasury Associate	100
Treasury Analyst	75
Support	75
<b>*Key</b>	
Partner 1 - Partners with 3 or more years experience at partner level	
Partner 2 - Partners with less than 3 years experience at partner level	
Senior Associate 1 - Staff who have been Senior Associates for over 2 years	
Senior Associate 2 - Staff who have been Senior Associates for less than 2 years	
Analyst - Staff who have been Analysts for more than 1 year	
Junior Analysts - First year Analysts	

## List of Group Companies In Administration

## Appendix E

<u>Company Name</u>	<u>Company Number</u>
FM Developments Limited	SC172175
FM Property and Leisure Limited	SC173328
FM City Quay Dundee Limited	SC301245
FM St Vincent Street Limited	SC224138
FM Herald Building Limited	SC265156
FM Commercial Limited	SC214476
FM Granton Limited	SC271987
FM Homes Limited	SC207475
RPH Kennoway Limited	SC308301
RPH Libberton Limited	SC312222