

The Insolvency Act 1986

Administrator's progress report**R2.38**

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

Name of Company

ACC Builders Limited

Company number

SC302263

(a) Insert full
name(s) and
address(es) of
administrator(s)I/We (a)
Kenneth Wilson Pattullo
Begbies Traynor
Finlay House
10-14 West Nile Street
Glasgow
G1 2PPI Scott McGregor
Begbies Traynor
Finlay House
10-14 West Nile Street
Glasgow
G1 2PP

administrator(s) of the above company attach a progress report for the period

from

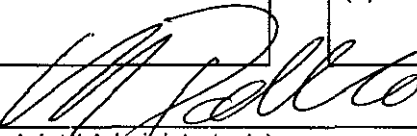
to

(b) Insert date(s)

(b) 3 September 2007

(b) 2 September 2009

Signed


Joint / Administrator(s)

Dated

09.09.2009

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.

The contact information that you give will be visible to searchers of the

Yvonne Quinn
Begbies Traynor
Finlay House
10-14 West Nile Street
Glasgow
G1 2PP

DX Number

0141 222 2230
DX Exchange

FRIDAY

SCT 11/09/2009 1191
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 / LP 4 Edinburgh-2

Kenneth Wilson Pattullo & I. Scott McGregor appointed Joint Administrators on 3 September 2007

The affairs, business and property of the Company are being managed by the Joint Administrators, who act as the Company's agents

ACC Builders Limited (In Administration)

Final Report of the Administrator pursuant to Rules 2.38 & 2.42 of
The Insolvency (Scotland) Rules 1986 (as amended)

Period: 3 September 2007 to 2 September 2009

Contents

- ☐ Company and administrators' details
- ☐ Progress during the period
- ☐ Administrators' proposals
- ☐ Summary of steps taken during the administration
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 - 1. Joint administrators' account of receipts and payments, incorporating estimated outcome for creditors
 - 2. Joint administrators' time costs and expenses

1. COMPANY AND JOINT ADMINISTRATORS' DETAILS

Name of court:	Glasgow Sheriff Court
Court reference number:	L233/07
Company registered number:	SC302263
Registered office: address:	c/o Begbies Traynor, 2 nd Floor, Finlay House, 10-14 West Nile Street, Glasgow, G1 2PP
Names of Joint Administrators	Kenneth Wilson Pattullo & I. Scott McGregor
Date of administrator's appointment:	3 September 2007
Person(s) making appointment / application:	Adam Cwynar - Director
Changes in office-holder (if any):	N/a
Acts of the Joint Administrators:	The Joint Administrators act as officers of the court and as agents of the Company and without personal liability. Any act required or authorised under any enactment to be done by an administrator may be done by any one or more persons holding the office of administrator from time to time.

2. PROGRESS DURING THE PERIOD

Attached at Appendix 1 is my abstract of receipts and payments for the period from 3rd March 2008 to 2nd September 2009.

After completion of outstanding works, a final payment of £6,670.00 has now been received in respect of the company's final contract debt. All assets have now been realised.

After administration and realisation costs, there were insufficient funds available to make a distribution to any class of creditor.

As previously reported, the administrators' remuneration is based on hourly costs at scale rates calculated on the time properly spent in the course of the administration and has been approved by a resolution of creditors (business conducted by correspondence), effective from 10th April 2008.

During the administration period, the joint administrators have drawn fees of £25,585.37. Total post appointment time spent on this assignment amounts to 449.21 at an average composite rate of £138.57 per hour resulting in total time costs to date of £62,247.25 and disbursements of £158.41. The following further information as regards time costs and expenses is set out at Appendix [2]:

- ☐ Begbies Traynor policy for re-charging expenses
- ☐ Begbies Traynor charge-out rates
- ☐ Summary of time costs incurred and summary by staff grade and work activity

Appendix B to SIP 9, "A Creditors Guide to Administrators Fees in Scotland" has already been provided.

3. ADMINISTRATOR'S PROPOSALS

As required by Paragraph 49 of Schedule B1 of the Insolvency Act 1986, as Joint Administrators we made the following proposals to creditors for achieving the objectives of the administration dated 3rd September 2007.

"The administrators propose to do all such things and generally exercise their powers as Joint Administrators as they in their discretion consider desirable in order to achieve the purpose of the Administration Order set out in Paragraph 3 of Schedule B1 to the Act or to maximise realisations for any other purpose incidental to these proposals....

...It is therefore proposed that, once their duties have been fulfilled, the Administrators will cease to act and notify Companies House that the Company should be dissolved. The dissolution will take place three months thereafter. "

The Joint Administrators proposals were deemed approved under Rule 2.25(3) of the Insolvency (Scotland) Rules 1986 on 15th November 2007, as no creditors meeting was requisitioned.

4. SUMMARY OF STEPS TAKEN DURING THE ADMINISTRATION

On appointment, the joint administrators proceeded to secure all assets and conducted an initial review of the company's contracts.

It became apparent that it would not be beneficial to creditors to complete the outstanding works and the company ceased trading. All contracts of employment were terminated.

The joint administrators appointed agents to facilitate the sale of the company's tools, equipment and vehicles. An agent was also appointed to assist with realising the company's book debts.

All assets have now been realised. The joint administrators have submitted a report on the conduct of the directors to the Insolvency Service.

5. OUTCOME

All assets have been realised & the purpose of the administration achieved. After outlays and costs of the administration, there were insufficient funds available to pay a dividend to any class of creditor (see Appendix 1).

As the Notice accompanying this report confirms, our appointment as joint administrators ceased to have effect on 3rd September 2009 (Form 2.21B (Scot)).

Finally, we seek the consent of the creditors to our discharge as administrators by a resolution passed pursuant to Paragraph 98 of Schedule B1 to the Act. We seek the date of our discharge to coincide with the date on which our appointment as joint administrators ceases to have effect.

Ken Pattullo

Ken Pattullo
Joint Administrator

Dated: 9 September 2009

APPENDIX 1


ADMINISTRATOR'S ACCOUNT OF RECEIPTS AND PAYMENTS

Period: 3 March 2007 to 2 September 2009

ACC Builders Limited
(In Administration)
Joint Administrators' Abstract of Receipts & Payments

Statement of Affairs		From 03/09/2007 To 02/09/2009	From 03/09/2007 To 02/09/2009
	ASSET REALISATIONS		
5,000.00	Tools, equipment, materials & vehicles	5,200.00	5,200.00
27,325.00	Book Debts	27,670.00	27,670.00
	Bank Interest Net of Tax	362.59	362.59
		<u>33,232.59</u>	<u>33,232.59</u>
	COST OF REALISATIONS		
	Specific Bond	100.00	100.00
	Preparation of S. of A.	1,000.00	1,000.00
	Office Holders Fees	25,585.37	25,585.37
	Accountancy services	1,000.00	1,000.00
	Agents/Valuers Fees (1)	2,327.22	2,327.22
	Legal Fees (1)	2,763.63	2,763.63
	Legal outlays	25.00	25.00
	Corporation Tax	2.24	2.24
	Storage Costs	15.00	15.00
	Re-Direction of Mail	143.70	143.70
	Statutory Advertising	270.43	270.43
		<u>(33,232.59)</u>	<u>(33,232.59)</u>
	PREFERENTIAL CREDITORS		
(36,699.88)	Employees Wage Arrears	NIL	NIL
(21,788.00)	Employees Holiday Pay	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	UNSECURED CREDITORS		
(555,088.36)	Trade & Expense Creditors	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	DISTRIBUTIONS		
(1,000.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(582,251.24)</u>		<u>(0.00)</u>	<u>(0.00)</u>

REPRESENTED BY

NIL

Kenneth Wilson Pattullo
Joint Administrator

ADMINISTRATOR'S TIME COSTS AND EXPENSES

- a. Begbies Traynor policy for re-charging expenses;
- b. Begbies Traynor charge-out rates;
- c. Summary of time costs incurred and summary by staff grade and work activity

POLICY FOR RE-CHARGING EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

INTRODUCTION

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Standard professional practice¹ requires that such charges should be disclosed to those who are responsible for approving his remuneration, together with an explanation of how those charges are made up and the basis on which they are arrived at.

DEFINITIONS

Required professional practice classifies expenses into two broad categories:

- **Category 1 expenses (approval not required)** – specific expenditure that is directly related to a particular insolvency case, where the cost of the expense incurred is referable against an independent external supplier's invoice or published tariff of charges;
- **Category 2 expenses (approval required)** – all other items of expenditure:
 - Which cannot, or cannot easily, be directly related to a particular insolvency case because there is an element of shared or allocated cost; and/or
 - Where the cost of the expense incurred is an estimated, unitised cost with the estimate based on external costs or opportunity cost.

CHARGING POLICY

- **Category 1 expenses (approval not required)** – with the exception of any items referred to below, all such items are re-charged to the case as they are incurred.
- **Category 2 expenses (approval required)**
 - (A) The following items of expenditure are re-charged as described:
 - Internal meeting room usage for the purpose of statutory meetings of creditors is re-charged at the rate of £100 (London £150) per meeting;
 - Car mileage is re-charged at the rate of 40 pence per mile;
 - Storage of books and records (when not rechargeable as a *Category 1 expense*) is recharged on the basis that the number of standard archive boxes held in storage for a particular case bears to the total of all archive boxes for all cases in respect of the period for which the storage charge relates;
 - (B) The following items of expenditure will normally be treated as general office overheads not subject to a re-charge:
 - Telephone and facsimile
 - Printing and photocopying
 - Stationery

A re-charge may be made, however, where the precise cost to the case can be determined because the item satisfies the test of a *Category 1 expense*.

¹ Statement of Insolvency Practice 9 (SIP 9) effective from April 2007

BEGBIES TRAYNOR CHARGE-OUT RATES

Begbies Traynor is a national firm. The rates charged by the various grades of staff that may work on a case are set nationally, but vary to suit local market conditions.

The rates applying to the office as at the date of this report are as follows:

Grade of staff	Charge-out Rate (£ per hour)
Partner	395/350
Director	325
Manager	250
Assistant Manager	195
Senior Administrator	160
Administrator	130

Time spent by support staff for carrying out shorter tasks, such as typing or dealing with post, is not charged to cases but is carried as an overhead. Only where a significant amount of time is spent at one time on a case is a charge made for support staff.

Time is recorded in units of 0.10 of an hour (i.e. 6 minute units).

Time costs analysis as at 2 September 2009

Hours