

Rules 4.31

The Insolvency Act 1986
Notice of Final Meeting of
Creditors
Pursuant to Sections 171(6) and
172(8) of the Insolvency Act 1986
and Rule 4.31(4) of the
Insolvency (Scotland) Rules 1986

R4.31

To the Accountant in Bankruptcy
 To the Registrar of Companies
 To the Court

For Official Use

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Company Number

SC328268

Insert full name of
company

Name of Company

Smiddy Agri Services Ltd

Insert full name and
address

I, Derek Simpson
 The P&A Partnership
 69 Buchanan Street
 Glasgow G1 3HL

* Delete whichever does not
apply

the liquidator(s) of the above company give notice that the Final General Meeting of creditors under section 146 of the Insolvency Act ~~*was held/is deemed, in terms of Rule 4.31(5), to have been held~~ on 16 September, 2013 and I attach a copy of the report which was laid before the meeting.

~~* No quorum was present at the meeting~~

* The following resolutions were passed by the meeting

I was released as liquidator

Signed



Date 16 September 2013

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

SCS954N10
 Smiddy Agri Services Ltd
 Derek Simpson
 The P&A Partnership
 69 Buchanan Street
 Glasgow
 G1 3HL

For Official Use

Liquidation Section

Post Room

TUESDAY



S2H36Q1S

SCT

17/09/2013

#365

COMPANIES HOUSE



The P&A Partnership

Business Recovery & Insolvency

The P&A Partnership
69 Buchanan Street
Glasgow
G1 3HL

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epost@thepandapartnership.com

Our Ref: SCS954N10/DS/JK/O

Your Ref: Account 28812300

Date: 18 July 2013

TO ALL KNOWN CREDITORS

Dear Sirs

SMIDDY AGRI SERVICES LTD - IN LIQUIDATION
REGISTERED OFFICE AND TRADING ADDRESS: BENSTON SMITHY, CUMNOCK,
AYRSHIRE, KA18 4QA

1 INTRODUCTION

1.1 I report to the creditors on the progress of the liquidation to date. Following the lodging of a petition on 24 December 2010, on 16 February 2011 the Court pronounced an Interlocutor ordering that the company be wound up and appointed me as Interim Liquidator of the company. At a meeting of the creditors of the company held on 25 March 2011 it was resolved that I be appointed as Liquidator of the Company.

1.2 This is my fifth and final report to creditors. Steps are being taken to bring the liquidation to a close and a final meeting of creditors is being called at which this report will be presented

2 RECEIPTS AND PAYMENTS ACCOUNT

2.1 Attached at Appendix A is a summary of my Receipts and Payments to date together with an estimate of how the funds in hand will be utilised. I currently hold funds of £3,820

2 ASSETS

Book Debts

3.1 As previously advised to creditors, shortly prior to the winding up of the company, it had entered into an invoice discounting agreement with Aldermore. As the agreement was terminated prior to the expiration of the contract term, there has been a substantial early termination charge.



3.2 However, I can advise that some £41,261 of the debts were recovered from Aldermore who agreed to continue with the collection of the debts as part of that early termination charge. They deducted the termination charge of £14,486 from this sum.

3.3 I recovered a further £2,249 of book debts. The remaining book debts were written off after agreeing with my solicitor that they would be uneconomic to pursue further.

Stock, Fixtures & Fittings

3.4 As previously advised, the company's Fixtures, Fittings and Stock were valued by Thainstone Specialist Auctions ("TSA"). The company's accounts as at 31 July 2010 indicated stock and equipment with a book value at that time of £326,181 but there was no equivalent comparable figure available as at the date of my appointment. The book value represented in the statement of affairs of £42,945 was the value placed on the stock and assets by Thainstones Specialist Auctions ("TSA") were they to be sold as part of a going concern sale. In their valuation report TSA noted that much of the stock being carried by the company was parts for old agricultural machinery that had not been manufactured for a number of years and which was therefore of limited value. They placed a valuation of £10,755 on the stock and assets.

3.5 I can report that, after having to return some stock under a Retention of Title claim, I received £10,600 for the assets and stock. TSA were paid £1,320 for carrying out the valuation and sale and I incurred costs of £216 insuring the assets.

Cash at Bank

3.6 At the date of my appointment the company's bank accounts had been frozen and had been subject to two arrestments of funds. However, the timing of the liquidation meant that neither arrestment was enforceable and I recovered some £5,000 from the accounts.

4 CREDITORS

Secured creditors

4.1 As at 3.1, the company's book debts had been assigned to Aldermore Finance under an invoice discounting agreement. Aldermore collected some £41,000 of the company's book debts and have recovered sums due to them under their security.

4.2 As at the date of liquidation, the company owed its landlord some £12,000 in rent arrears and in terms of Section 208 Bankruptcy and Diligence etc. (Scotland) Act 2007 the landlord held a right of security over moveable property kept in the premises. After seeking legal advice to confirm the position, a sum of £8,664 representing the net proceeds from the sale for the stock etc held within the property was paid to the landlord under this security.

Preferential Creditors

4.3 Employee claims for unpaid wages and holiday pay amounted to £1,328 and a dividend of 100 pence in the £ was paid to this class of creditor.

Floating Charge Creditors

4.4 West of Scotland Loan fund were owed some £35,346 in respect of a loan to the company and they held a Bond and Floating Charge over the company's assets which was registered in March 2008. They received a return of some £4,400



Ordinary Creditors

- 4.5 In terms of Section 176A Insolvency Act 1986 a share of the funds available to the floating charge creditors is reserved for distribution to the ordinary creditors. This is known as the "prescribed part" and is calculated as 50% of the first £10,000 of the funds available and 20% of the balance up to a maximum of £600,000. However, Section 176A provides that the prescribed part will not apply if the company's net property is less than £10,000 and the cost of making the distribution would be disproportionate to the benefits. The prescribed part in this case was some £4,400
- 4.6 On 31 October 2012 the Sheriff at Ayr ordered that creditors should prove their debts by 30 November 2012 or be excluded from the benefit of any distribution made. Following intimation of this to the creditors, ordinary creditor claims were agreed at £416,587.
- 4.7 The Court subsequently ordered that my fees for adjudicating on ordinary claims and distributing the prescribed part be determined at £1,730 leaving some £2,686 available for distribution to the ordinary creditors. This represented a dividend of 0.6 pence in the £

5 LIQUIDATOR'S REMUNERATION

- 5.1 Further to previous circulars to creditors, I have drawn remuneration as follows, all as approved by Court.

	Fees	Outlays
Interim Liquidation	£4,222	£113
Period ended 23 December 2011	£8,417	-
Period ended 23 June 2012	£3,663	-
Period ended 30 November 2012	£796	-

The Court has also approved, and I have advised creditors, of the following which will be drawn prior to the close of the liquidation

Period to close of liquidation	£2,000
Distribution of Prescribed Part	£1,730

6 FINAL MEETING

- 6.1 I enclose notice of the final meeting of creditors to be held within my office on 16 September 2013
- 6.2 The attention of creditors is drawn to the following:-
- 1 A creditor is entitled to vote only if that creditor has submitted a claim (Form 4.7(Scot)) and it has been accepted in whole or in part;
 - 2 A resolution is passed by a majority in value of those voting in favour of it;
 - 3 A proxy intended to be used at the meeting must be lodged before or at the meeting. A form of proxy is attached.



7 OTHER MATTERS

- 7.1 Should you require any explanation of the above or any further information, please contact my colleague, James King on 0114 275 5033.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Derek Simpson', with a horizontal line drawn underneath it.

Derek Simpson

Liquidator

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

APPENDIX A

SMIDDY AGRI SERVICES LIMITED – IN LIQUIDATION

LIQUIDATOR'S RECEIPTS AND PAYMENTS
PERIOD ENDED 17 JULY 2013

	Receipts/ (Payments) to date £	Estimated Further receipts and (Payments)	Estimated Outcome	As shown in the Statement Of Affairs £
RECEIPTS:				
Book Debts	43,510	-	43,510	
Less: Aldermore Finance	(14,526)	-	(14,526)	
	28,984		(28,984)	Not Known
Fixtures / Stock	10,600	-	10,600	Not Known
Cash at Bank	5,260	-	5,133	5,133
	<u>44,844</u>	-	<u>44,844</u>	<u>Not Known</u>
PAYMENTS:				
Petition Costs	(553)	-	(553)	-
Specific Bond	(98)	-	(98)	-
Interim Liquidator's Fees	(4,222)	-	(4,222)	-
Liquidator's Fees	(12,876)	(3,730)	(16,606)	-
Agent's / Valuer's Fees	(1,320)	-	(1,320)	-
Legal Fees	(1,675)	-	(1,675)	-
Insurance	(216)	-	(216)	-
Statutory Advertising	(739)	(90)	(829)	-
Postage	(422)	-	(422)	-
Miscellaneous Charges	(149)	-	(149)	-
Court Reporter Fees	(1,660)	-	(1,660)	-
Funds in Hand	<u>20,914</u>	<u>(3,820)</u>	<u>17,094</u>	<u>Not Known</u>
Less:				
Paid to Landlord in respect of Hypothec claim	(8,664)	-	(8,664)	
Preferential Creditors (100p in the £)	(1,328)	-	(1,328)	
Floating Charge Creditor (12.5p in the £)	(4,416)	-	(4,416)	
Ordinary Creditors (0.6p in the £)	(2,686)	-	(2,686)	
	<u>3,820</u>	<u>(3,820)</u>	<u>Nil</u>	

SMIDDY AGRI SERVICES LTD - IN LIQUIDATION

LIQUIDATOR'S FINAL RECEIPTS AND PAYMENTS ACCOUNT

FOR THE PERIOD FROM 16 FEBRUARY 2011 TO 16 SEPTEMBER 2013

RECEIPTS

Book Debts	43,510.00
Less: Aldermore Finance	<u>(14,526.00)</u>
	28,984.00
Cash at Bank	5,260.00
Fixtures / Stock	10,600.00
	<u>44,844.00</u>

PAYMENTS

Petitioner's Costs	(553.00)
Specific Bond	(98.00)
Office Holder's Fees	(4,222.00)
Interim Liquidator Liquidator	<u>(16,606.00)</u>
Agent's / Valuer's Fees	(1,320.00)
Legal Fees	(1,675.00)
Insurance	(216.00)
Postage	(422.00)
Statutory Advertising	(829.00)
Court Reporter Fees	(1,660.00)
Miscellaneous Charges	(149.00)

17,094.00

Less:

Paid to Landlord in respect of Hypothec claim	(8,664.00)
Preferential Creditors (100p in the £)	(1,328.00)
Floating Charge Creditor (12.5p in the £)	(4,416.00)
Ordinary Creditors (0.6p in the £)	(2,686.00)

0.00