

The Insolvency Act 1986

Liquidator's Progress
Report**S.192**Pursuant to Sections 92A and 104A
of the Insolvency Act 1986

To the Registrar of Companies

For Official Use

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Company Number

00247892

Name of Company

Edward Fox & Son Limited

I / ~~Me~~
M D Hardy
35 Ludgate Hill
Birmingham
B3 1EHthe liquidator~~(s)~~ of the company attach a copy of my~~/our~~ progress report
under section 192 of the Insolvency Act 1986Signed M. D. HardyDate 25 4. 2012Popleton & Appleby
35 Ludgate Hill
Birmingham
B3 1EH

Ref E3I/MDH/GJB/MAB/JS

For Official Use

Insolvency Sect | Post Room

SATURDAY



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28/04/2012

#88

COMPANIES HOUSE

Edward Fox & Son Limited
(In Liquidation)
Liquidator's Abstract of Receipts & Payments

Statement of Affairs	From 01/03/2011 To 29/02/2012
FIXED CHARGE ASSETS	
Factored Book Debts	196,130 93
Advances by Factoring Co	(183,710 38)
	<u>12,420 55</u>
ASSETS NOT PLEDGED	
Administration Surplus	21,767 37
Cash at Bank	27,836 33
Insurance Premium Refund	64 38
	<u>49,668 08</u>
COST OF REALISATIONS	
Agents Costs	250 00
Solicitors Fees	2,886 00
Statutory Advertising	209 25
Pre Appointment Costs	4,245 00
Stationery, Printing & Carriage	163 80
Specific Bond	260 00
Rent & Rates	418 56
Storage Costs	371 30
Motor Expenses	204 00
Copy Charges	200 00
Administration Fees	28,542 00
	<u>(37,749 91)</u>
	<u><u>24,338.72</u></u>
REPRESENTED BY	
VAT Input	17,520 14
Bank	6,818 58
	<u><u>24,338 72</u></u>

M. D. Hardy
M D Hardy
Liquidator

**TO ALL MEMBERS, CREDITORS AND
THE REGISTRAR OF COMPANIES**

Our Ref MDH/GJB/MAB/JS/E3I/CVLL259

25 April 2012

Dear Sirs

Edward Fox & Son Limited - In Creditors' Voluntary Liquidation ("the Company")
Company Number: 00247892
35 Ludgate Hill, Birmingham, B3 1EH

In accordance with Section 104A of the Insolvency Act 1986 and Rule 4.49C of the Insolvency Rules 1986, I enclose a copy of my Progress Report to Creditors. I would remind Creditors that I was appointed as Liquidator of the Company on 1 March 2011 and now report following the end of a year since my appointment.

Creditors may recall that M T Coyne and I were appointed Joint Administrators of the Company on 15 November 2010. The Administration was concluded and the Company was placed into liquidation on 1 March 2011 and I was appointed sole Liquidator.

Receipts and Payments Account

I attach a copy of my Receipts and Payments Account from 1 March 2011 to 29 February 2012.

Fixed & Floating Charge Assets

Factored Book Debts

The Company had a confidential invoice discounting facility with Aldermore Invoice Finance ("AIF"), who prepaid 80% of the approved debts of the Company under the Agreement.

On the 15 November 2010 the sales ledger balance was £267,408 and the amount outstanding to AIF was £121,607. As at 22 February 2011 the ledger balance was £111,740 and the current account balance £32,231 in credit. In August 2011 the residual ledger totalling £84,689 was reassigned to the Company and the surplus credit balance of £2,366 was transferred to the liquidation bank account. The balance shown in the attached Receipts and Payments Account is higher as a consequence of the recovery by the Liquidator of monies which were paid directly by debtors into the Company's bank account with Barclays Bank Plc. AIF applied a total of £45,000 in termination fees to the account.

Continued

To date no recoveries have been made from the residual ledger following the reassignment of the debts to the Company as AIF have been unable to provide supporting documentation to pursue the debts from the information uplifted by AIF at the time of the Joint Administrators appointment. I am hopeful that further recoveries may be made with the assistance of the former Directors and the purchaser of the business and I will update Creditors in due course.

Encumbered Plant & Machinery

The main assets of the Company comprised of Heidelberg and Stahl printing machinery subject to an asset finance agreement with Surrey Asset Finance ("SAF"). Shortly prior to the Administration SAF terminated the agreement and sold the equipment to an unconnected third party.

Unencumbered Assets

Chattel Assets

The Company's unencumbered plant, equipment and vehicles were sold by my Agents, GoIndustry Dovebid, by private treaty to unconnected third parties. Details of the sale of the equipment were provided in my previous reports.

Inter Company Debt

The Company's books and records showed a debt due from the ultimate holding company, Edward Fox Holdings Limited. It was subsequently established that it is a non trading company and therefore does not have any resources available with which to repay the loan.

VAT Refund

A VAT refund due to the Company of £5,207 has been off-set by HM Revenue & Customs against an outstanding debt due in respect of PAYE & NIC.

Assets Remaining Unsold

I can confirm that there are no chattel assets which remain unrealised at this time.

Investigation

As Liquidator, I was obliged to investigate the affairs of the Company and its Officers during the three years prior to insolvency. I would confirm that my confidential report was submitted to the Insolvency Service in discharge of this duty.

Liquidator's Actions Since Appointment

Following the transition of the Company from administration to liquidation the Company's interest in its leasehold premises was formally disclaimed. Subsequently a claim for outstanding rent of £25,215 including VAT was received. The landlords managing agent also advised that an additional claim is likely to be submitted for damage caused to the premises whilst the Company was in occupation.

Amongst the statutory duties carried out following my appointment as Liquidator was the submission of a Directors Conduct Report to the Insolvency Service. The contents of the report are confidential and therefore cannot be disclosed.

Continued

I have also had to deal with the administration of the Company's defined benefit pension scheme and a separate scheme established for the Directors, which entailed notifying the Pension Protection Fund of the Company's insolvency status and the assignment of the pension policy and funds held to the individual members

Costs of Liquidation

Professional Fees

Agents and Solicitors were instructed during the course of the liquidation. The scope of their engagement as well as the fees paid can be summarised as follows

Firm	Scope	Professional Fees paid
Shakespeare Putman LLP Solicitors	To provide legal advice with regards to the Administration appointment (Administration expense paid during the Liquidation)	2,886.00
Insol Financial Solution Limited	Investigating and reporting on the Company's life and pension schemes	250.00
Total		3,136.00

No ongoing works are being carried out by professionals at this stage

Liquidator's Remuneration

The costs of the liquidation paid to date are detailed on the attached Receipts and Payments Account. To date I have not drawn any fees incurred in dealing with the liquidation, which currently total £11,247. The time costs incurred by this firm in this matter equate to 73 hours at an average charge out rate of £152 per hour. The basis for drawing my fees and expenses were approved by Creditors at the initial Creditors meeting held on 7 April 2011 and details of the date and content of the resolution passed has been circulated previously.

I can also confirm that the Administration fee of £28,542 has been settled. The drawing of this fee and the basis of charge was approved during the Administration by Creditors at the meeting held by correspondence on 6 January 2011. I believe that the other costs of the procedure are self explanatory. However, if any further explanation is required I would be only too happy to provide it upon request.

I have attached as Appendix A, a schedule of the routine work undertaken by me as Liquidator to date.

In accordance with Statement of Insolvency Practice 9 I append to this report a detailed analysis of time spent on the liquidation since 1 March 2011 to 29 February 2012.

Outcome for Creditors

Secured Creditor – Aldermore Invoice Finance ("AIF")

As previously advised, the Company granted a Debenture in favour of AIF dated 7 May 2010. AIF have been repaid in full from the recovery of the Company's sales ledger.

Continued

Preferential Creditor Claims

The employees have preferential claims in respect of unpaid wages and holiday pay. These claims will be paid by the Secretary of State, subject to statutory limits, from the National Insurance Fund. Details of the payments made to the employees are awaited from the Redundancy Payment Office.

There is likely to be a first and final dividend paid to Preferential Creditors, the rate or timing of which is not known at this time as any dividend payable is dependent upon recoveries made against the Company's outstanding sales ledger.

Unsecured Creditors

The estimated statement of affairs indicated 103 unsecured claims totalling £227,075. To date I have received 54 proofs of debt from Creditors totalling £243,682. Included in this figure is a claim from HM Revenue & Customs of £28,596 in respect of unpaid PAYE & NIC. The adjudication of claims will only be carried out should a dividend become payable. Based on current information there is a prospect of a dividend being paid to Unsecured Creditors, which is dependent on future book debt realisations.

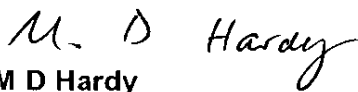
Conclusion

There remain certain areas as detailed within this report which require further time to fully resolve. I will continue with my functions to progress this case to closure once those various matters have been resolved.

I have attached as Appendix B, a statement of Creditors rights in relation to these proceedings.

If you should require any further information concerning this liquidation then please do not hesitate to contact either myself or my Case Manager, G J Baxendale.

Yours faithfully
For and on behalf of
Edward Fox & Son Limited


M D Hardy
Liquidator

Edward Fox & Son Limited
(In Liquidation)
Liquidator's Abstract of Receipts & Payments
To 29/02/2012

S of A £	£	£
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		12,420 55
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COST OF REALISATIONS		
Agents Costs	250 00	
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Motor Expenses	204 00	
Copy Charges	200 00	
Administration Fees	28,542 00	
		(37,749 91)
		24,338.72
REPRESENTED BY		
VAT Input		17,520 14
Bank		6,818 58
		24,338.72

Time Entry - SLP9 Time & Cost Summary

E3I - Edward Fox & Son Limited
Project Code POST
From 01/03/2011 To 29/02/2012

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	3.30	1.60	31.10	4.00	40.00	5,352.50	133.81
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	1.10	3.80	1.10	6.00	758.50	126.42
Investigations	7.90	0.00	2.90	0.00	10.80	2,678.50	248.01
Marketing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Non Chargeable	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisations of Assets	0.50	5.20	9.80	1.50	17.00	2,457.50	144.56
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	11.70	7.90	47.60	6.60	73.80	11,247.00	152.40
Total Fees Claimed						0.00	
Total Disbursements Claimed						0.00	

Time Entry - SIP9 Time & Cost Summary
Category 2 Disbursements

E3I - Edward Fox & Son Limited
Project Code POST
From 01/03/2011 To 29/02/2012

Other amounts paid or payable to the office holders firm or to party in which the office holder or his firm or any associate has an interest

Transaction Date	Type and Purpose	Amount
13/10/2011	Storage charge to 31st August 2011	562 50
29/02/2012	Storage Feb 12	62 50
31/10/2011	Storage	62 50
18/10/2011	Storage Charges Sept 2011	62 50
30/11/2011	Storage 30 11 11	62 50
31/01/2012	Storage Jan 12	62 50
31/12/2011	Storage Dec 11	62 50
Total		937 50

ROUTINE WORK ORDINARILY UNDERTAKEN IN MEMBERS AND CREDITORS VOLUNTARY LIQUIDATIONS

1. Administration & Planning

- Preparing the documentation and dealing with the formalities of appointment
- Statutory notifications and advertising
- Preparing documentation required
- Dealing with all routine correspondence, e mails and telephone calls
- Maintaining physical case files and electronic case details in our computerised systems
- Review and storage
- Case bordereau reviews and maintenance
- Case planning and administration
- Case reviews
- Preparing reports to interested parties
- Convening and holding meetings of members and creditors and, where appropriate, the Committee

2. Cashiering

- Maintaining and managing the Liquidator's cashbook and bank account(s)
- Ensuring statutory lodgements and taxation affair obligations are met

3. Creditors

- Dealing with creditor correspondence, e mails and telephone calls
- Preparing reports to Creditors and other interested parties
- Maintaining Creditor information within our computerised systems
- Reviewing and adjudicating upon proofs of debt received from Creditors

4. Investigations

- Review and storage of books and records
- Preparing a report pursuant to the Company Directors Disqualification Act (Not in a Members Voluntary Liquidation)
- Conduct investigations into suspicious transactions
- Reviewing books and records to identify any transactions or actions a Liquidator may take against a third party in order to recover funds for the benefit of Creditors

5 Realisation of Assets

- Corresponding with debtors (where appropriate) and attempting to collect outstanding book debts
- Liaising with the Company's bank regarding the closure of the accounts(s)
- Employment of Agents and Solicitors where appropriate to assist in dealing with the above

STATUTORY DISCLOSURE REQUIREMENTS

Legislative requirements state that when an Insolvency Practitioner reports to Creditors, there are certain statutory statements he must make. In order to fully comply with these conditions, we have set out below the statements which apply in these proceedings in this Appendix, rather than in the report itself, with the intention of keeping the report informative for Creditors whom are more likely to be interested in the practical points arising in the insolvency.

The statements which form part of this statutory report which also need to be considered along with it are as follows -

- Please note that no funds have been held with the Insolvency Services Account at any time during the liquidation, therefore, it has been neither possible nor necessary to reconcile this account with the Secretary of State
- I can confirm that there have been no unrealised assets in this matter

Comments as Regards Liquidator's Remuneration:-

- I attach details of this firm's fee and disbursement recovery policy, which includes details of our current charge out rates
- Creditors/Members should note that a request for further information regarding my fees and expenses should be made within 21 days of receipt of this report, pursuant to Rule 4.49E of the Insolvency Rules 1986, details of which can be found on our website at www.poppletonandappleby.co.uk and selecting Creditors Login, Creditors Guidance Notes, Creditor/Members Rights and Rule 4.49E. A hard copy can be provided upon written request
- Furthermore, I am obliged to advise Creditors/Members of their right to appeal the level of my remuneration and expenses, pursuant to Rule 4.131 of the Insolvency Rules 1986, a copy of which can be found on our website at www.poppletonandappleby.co.uk and selecting Creditors Login, Creditors Guidance Notes, Creditor/Members Rights and Rule 4.131. This allows Unsecured Creditors/Members, with the permission of the Court or with the concurrence of 5% or more of the Unsecured Creditors/Members (including the Creditor/Member instigating this process) to request further details as regards remuneration and expenses within the period of 21 days from receipt of this report. Secured Creditors have identical rights
- Unsecured Creditors/Members, with either the permission of the Court or the concurrence of at least 10% of Creditors/Members may apply to Court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of the receipt of this report. Secured Creditors have identical rights