

# 2.24B

The Insolvency Act 1986

## Administrator's progress report

Name of Company Edward Fox & Son Limited	Company number 00247892
In the High Court of Justice, Chancery Division, Birmingham District Registry (full name of court)	Court case number 8514 of 2010

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

I/We (a)  
M D Hardy  
Popleton & Appleby  
35 Ludgate Hill  
Birmingham  
B3 1EH

M T Coyne  
Popleton & Appleby  
35 Ludgate Hill  
Birmingham  
B3 1EH

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

From (b) 15/11/10	To (b) 22/02/11
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Signed

M. D. Hardy  
Joint / Administrator(s)

Dated

22.2.2011

### 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

M D Hardy  
Popleton & Appleby  
35 Ludgate Hill  
Birmingham  
B3 1EH

DX Number

0121 200 2962  
DX Exchange



A32 04/03/2011 47  
COMPANIES HOUSE  
23/02/2011 65  
COMPANIES HOUSE

When you have completed and signed this form, please send it to the Registrar of Companies at -  
**Companies House, Crown Way, Cardiff CF14 3UZ DX 33050 Cardiff**

**TO ALL KNOWN CREDITORS**

Our Ref: MDH/GJB/MAB/E3H  
24 February 2011

Dear Sir

**Edward Fox & Son Limited  
In Administration**

Pursuant to Rule 2 47(4) of the Insolvency Rules 1986 ("Rules"), I attach Form 2 24B, the Joint Administrators' closing report on the progress of the Administration over the previous four months

Having achieved the purpose of the Administration and in accordance with Paragraph 83 of Schedule B1 to the Insolvency Act 1986 ("Act") and Rule 2 117(1) of the Rules, I now provide notice of my intention to move the Company from Administration to Creditors Voluntary Liquidation and attach Form 2 34B in this regard

As required under Rule 2 47(1) of the Rules, I attach at Appendix 1 statutory and other information about the Company. In accordance with Paragraph 100(2) of the Act, I am required to confirm that the Joint Administrators' act on a joint and several basis, although the day to day conduct of the Administration rests with M D Hardy

Appendix 2 contains the Joint Administrators' Receipts and Payments Account, which shows that there have been no receipts or payments to date

**Asset Realisations**

**Factored Book Debts**

At the commencement of the Administration the debtors ledger stood at £267,408 of which £121,607 was due to Aldermore Invoice Finance Limited ("AIF"). As at 22 February 2011 the ledger balance was £111,740 and the current account balance £32,231 in credit, although no collection or termination fees have been applied to the account by AIF at this time. AIF has previously indicated charges will be in the region of £46,000 plus VAT. The credit balance is higher than stated because some monies have been paid directly by debtors into the Company's current account with Barclays Bank Plc ("the Bank") and are yet to be accounted for but are estimated to be circa £14,000. I have requested the Bank to pay over those funds to me.

**Encumbered Plant & Machinery**

The Company had in its possession a quantity 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 on the equipment to an unconnected third party. SAF have not provided copies of the original Agreement although I understand that their documentation enables them to retain any profit generated from the sale of the plant. SAF will not provide details of the sale price achieved for the assets but advise that they have no claim against the Company. My enquiries in this matter continue.

### **Cash at Bank**

The Company has an account with Barclays Bank Plc with a credit balance. The transfer of the balance, which now includes further debtor receipts, to the Administrators' has not been completed despite a number of requests. I continue to demand that these monies should be paid over as a matter of urgency.

### **Unencumbered Chattel Assets**

The plant, equipment and vehicles were appraised and sold by my Agents, GoIndustry Dovebid, by way of private treaty. The largest item of plant owned by the Company was a AGFA Palladio Direct to Plate machine which was purchased by the same organisation that purchased the plant from SAF. The vehicles were sold to two un-connected companies whilst the remainder of the assets were sold to another unconnected third party. The total realisations from the sale of these items amount to £24,750 plus VAT, although my Agent's costs of circa £3,000 plus VAT will be deducted from this balance. The funds are in the process of being paid over to me by my agents.

### **VAT Refund**

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

### **Outcome for Creditors**

#### **Secured Creditor**

AIF hold a Debenture dated 7 May 2010 supported by personal guarantees from the Directors and indemnities from Lewco 294 Limited and Edward Fox Holdings Limited. The current debtor ledger indicates that AIF will be repaid in full.

#### **Preferential Creditors**

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.

#### **Unsecured Creditors**

The estimated statement of affairs indicated 103 unsecured claims totalling £227,075. To date I have received 40 proofs of debt from creditors totalling £180,677. Agreement of individual claims is a matter to be dealt with in the Liquidation. Based on current information there is a prospect of a dividend being paid to unsecured creditors, which is dependent on future realisations.

#### **Pension Scheme**

The Company operated a defined benefit pension scheme for its employees and a self administered defined contribution scheme for the Directors. The assets of both schemes were held in independently administered funds. The fund position in respect of the schemes is yet to be established. Specialist Pension Advisors have been instructed to assist the Administrators' in this matter.

### **Conclusion of the Administration**

In accordance with the Proposals contained in my report dated 15 December 2010 the exit route from the Administration will be via a Creditors Voluntary Liquidation. Creditors should note that the Proposals also included a resolution to appoint me, Matthew Douglas Hardy, as sole Liquidator to the Company should it proceed into Creditors Voluntary Liquidation. No nominations were received from Creditors for any alternative Liquidator and the Proposal was passed at the meeting of Creditors subsequently held by correspondence on 6 January 2011.

It is proposed that the Creditors Voluntary Liquidation will commence from the date of acknowledgement by the Registrar of Companies that the relevant notice has been filed at Companies House. This procedure, which is permitted by the Act circumvents the need for an additional creditors meeting and keeps costs to a minimum.

### **Joint Administrators' Remuneration**

At the Creditors meeting held by correspondence on 6 January 2011 Creditors resolved that the Joint Administrators' remuneration be based upon time costs and, together with expenses incurred by them in the Administration, should be paid out of the assets of the Company. Creditors also agreed to the payment of pre-appointment fees and expenses of this firm of £4,245 and my agents Lewis Onion Solicitors of £2,335.

My firm's post appointment time costs to date total £25,315, this equates to 174 hours at an average charge out rate of £145 per hour. Further time costs will also be incurred in bringing the Administration to a close. To date no fees have been drawn against my firm's outstanding time costs.

In accordance with Statement of Insolvency Practice 9, I attach to this report at Appendix 3, an analysis of time spent on the Administration since its commencement on 15 November 2011. Included in the analysis are details of the average rates charged by the various categories of staff members who have worked on this case from time to time, together with a summary of Category 2 Disbursements paid to my firm during the Administration.

Details of this firm's fee and disbursement recovery policy, which includes details of our current charge out rates, is available on request or can be found on our web site at, [www.poppletonandappleby.co.uk](http://www.poppletonandappleby.co.uk)

If you require any additional information concerning this report or the Administration, please contact me, or my Senior Case Manager, Garry Baxendale.

Yours faithfully

**For and on behalf of  
Edward Fox & Son Limited**

*M. D. Hardy*  
M D Hardy

**Joint Administrator**

**Please note that the Joint Administrators are agents of the Company and act without personal liability.**

**Edward Fox & Son Limited****Statutory Information**

Company Number	00247892
Court	High Court of Justice, Chancery Division, Birmingham Registry
Court Number	8514 of 2010
Principle Activity	Printing
Trading Address	Masons Road, Stratford Upon Avon, Warwickshire, CV37 9NB
Registered Office	c/o Poppleton & Appleby, 35 Ludgate Hill, Birmingham B3 1EH
Joint Administrators	M D Hardy & M T Coyne Licensed Insolvency Practitioners
Administrators' Office	Poppleton & Appleby, 35 Ludgate Hill, Birmingham B3 1EH
Functions	The Administrators act on a joint and several basis, although the day to day conduct of the Administration rests with Andrew Turpin
Date of Appointment	15 November 2010
Appointor	Directors
Directors	N Lyon and CJ Jewkes
Report and Proposals	15 December 2010
Meeting of Creditors (By Correspondence)	06 January 2011
First Progress Report	21 February 2011

**Edward Fox & Son Limited**  
**(In Administration)**  
**Joint Administrators' Abstract of Receipts & Payments**  
**To 22/02/2011**

Appendix 2

S of A £		£	£
	<b>FIXED CHARGE ASSETS</b>		
227,296 00	Factored Book Debts	NIL	
(121,607 00)	Advances by Factoring Co	NIL	NIL
	<b>H P ASSETS</b>		
263,000 00	Plant & Machinery	NIL	
(263,000 00)	Settlement	NIL	NIL
	<b>ASSETS NOT PLEDGED</b>		
8,592 00	Cash at Bank	NIL	
3,095 00	Plant & Machinery	NIL	
2,230 00	Computer Equipment & Software	NIL	
1,225 00	Fixtures & Furniture	NIL	
11,075 00	Vehicles	NIL	
NIL	Stock in Trade	NIL	
NIL	Inter Company debt	NIL	
5,207 00	VAT Refund	NIL	NIL
	<b>PREFERENTIAL CREDITORS</b>		
(12,704 00)	Wages Employees	NIL	
(4,825 00)	Hol Pay Employees	NIL	NIL
	<b>UNSECURED CREDITORS</b>		
(227,075 00)	Trade & Expense Creditors	NIL	
(25,784 00)	PAYE & NIC	NIL	
(169,508 00)	Employees	NIL	NIL
	<b>DISTRIBUTIONS</b>		
(66,000 00)	Ordinary Shareholders	NIL	NIL
(368,783 00)			NIL
	<b>REPRESENTED BY</b>		
			NIL

**SIP 9 - Time & Cost Summary**

Period 15/11/10. 22/02/11

## Time Summary

Hours						Time Cost (£)	Average hourly rate (£)
Classification of work function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	16 10	8 80	46 20	15 80	84 70	12,844 50	151 65
Investigations	1 80	2 40	2 00	0 00	6 20	1,239 00	199 84
Realisations of assets	2 20	9 70	23 00	0 00	34 90	5,300 50	151 88
Trading	0 00	1 60	0 00	0 00	1 60	312 00	195 00
Creditors	1 00	0 00	40 90	5 20	47 10	5,619 00	119 30
Case specific matters	0 00	0 00	0 00	0 00	0 00	0 00	0 00
<b>Total Hours</b>	<b>21 10</b>	<b>20 30</b>	<b>112 10</b>	<b>21 00</b>	<b>174 50</b>	<b>25,315 00</b>	<b>145 07</b>
<b>Total Fees Claimed</b>						<b>0 00</b>	

## Category 2 Disbursements

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

Transaction Date	Type And Purpose	Amount
14/01/11	Mileage GJB - 15,20/11/10	92 16
Total		92 16