

Benson Limited

01522284

No 5102 of 2010

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

BEFORE MR JUSTICE NORRIS

ON 9<sup>th</sup> JULY 2010

IN THE MATTER OF DILLONS GARDEN SHEDS LIMITED (IN ADMINISTRATION) AND  
OTHERS

AND IN THE MATTER OF ADAM PATRICK CARHILL (A BANKRUPT) AND OTHERS

AND IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

Between:

(1) RUSSELL DOWNS  
(applying on his own behalf and on behalf of  
those listed in Schedule 1 of the Application)

Applicants

and

(1) CHARLES HAMILTON TURNER and  
OTHERS  
as listed in Schedules 2A and 2B of the  
Application

Respondents



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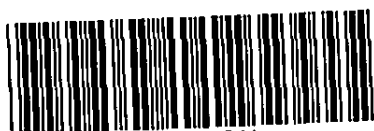
ORDER

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UPON THE APPLICATION of the Applicants by Ordinary Application dated 18 June 2010

AND UPON READING THE DOCUMENTS recorded on the Court file as having been read

SATURDAY



A08

07/08/2010

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COMPANIES HOUSE

**IT IS ORDERED THAT:**

- 1 In respect of those partnership voluntary arrangement ("PVA"), court receivership, administrations, creditors voluntary liquidations, compulsory liquidations, individual voluntary arrangement ("IVA") and bankruptcies listed in **Schedule 2** to this Order which are the subject of proceedings in County Courts and District Registries in England and Wales and in the courts outside of England and Wales pursuant to the EC Regulation on Insolvency Proceedings 2000 and the Cross Border Insolvency Regulations 2006 be transferred to the Companies Court, Chancery Division, High Court of Justice, solely for the purpose of making the Order contained in paragraphs 2 to 10 below.
- 2 That each of the Respondents named in **Schedule 2A** attached to this Order be removed from office as PVA supervisor, receiver, administrator, liquidator (voluntary or compulsory), IVA supervisor and/or trustee in bankruptcy (as the case may be) of the estates listed in the Schedule 2, these removals to take effect immediately
- 3 That each of the Respondents be replaced as such office-holder in the case of each such estate by the Applicants named in **Schedule 1** attached to this Order as his/her proposed replacement, these replacements to take effect immediately.
- 4 Each of the Respondents shall be released from all liability pursuant to the relevant sections of the Insolvency Act 1986 in respect of their acts and omissions and otherwise in respect of their conduct as PVA supervisor, receiver, administrator, liquidator (voluntary or compulsory), IVA supervisor and/or trustee in bankruptcy (as the case may be) of the companies and individuals listed as being in PVAs, court receiverships, administrations, creditors voluntary liquidations, compulsory liquidations, IVAs and bankruptcies (pages 1 to 10 of Schedule 2), in the case of each Respondent such release to take effect in relation to each relevant estate 28 days after the date of the report or routine report referred to in paragraph 6 2 of this Order
- 5 The Applicants shall be entitled to
- 5 1 Publish in the London Gazette composite notices relating to all of the resignations and appointments as detailed in Schedule 2 (save for the Secretary of State

bankruptcy appointments which are not published in the London Gazette in the first instance) and must do so within 14 days of the date of this Order;

- 5 2 Apportion the costs of the said composite London Gazette notice between the said estates equally; and
- 5 3 Charge to each individual estate the costs of obtaining an Insolvency Practitioner's licence bond in respect of that estate up to a maximum of £40 per estate
- 6 Without incurring any additional expense to any of the said estates, the Applicants shall:
  - 6 1 Notify the Secretary of State as soon as reasonably practicable of the making of this Order, and
  - 6 2 When the next report or routine report is due to creditors of each estate, notify the creditors of the making of this Order, and provide an explanation of the effect of the Order
- 7 With the exception of the administration estates (as listed at numbers 1 to 11 of Schedule 2), the costs of this Application (including disbursements and VAT) summarily assessed at £13,173 be aggregated and apportioned equally between each of the estates listed in Schedule 2, provided that if the costs which fall to be borne by any one of the estates exceeds 10% of the realisable assets within that estate, that estate shall only bear such part of those apportioned costs as equals 10% of that estate's readily realisable assets, and the excess shall be borne by PricewaterhouseCoopers LLP
- 8 In respect of the administration estates (as listed at numbers 1 to 11 of Schedule 2), the costs of this Application (including disbursements and VAT) summarily assessed at £627 be aggregated and apportioned equally between each of the estates listed in Schedule 2, provided that if the costs which fall to be borne by any one of the estates exceeds 10% of the realisable assets within that estate, that estate shall only bear such part of those apportioned costs as equals 10% of that estate's readily realisable assets, and the excess shall be borne by PricewaterhouseCoopers LLP
- 9 Service of the said Ordinary Application and this Order on each of the Companies and individuals listed in Schedule 2 appended to this Application herein be dispensed with.

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SCHEDULE 1 TO THE ORDER

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**List of applicants****Schedule 1****Jun-10**

	Licensing body	No of new appointments
David James Kelly	ICAEW	1
Mark David Charles Hopkins	ICAEW	1
David Matthew Hammond	ICAEW	2
Gillian Eleanor Bruce	ICAEW	13
Karen Lesley Casey	ICAEW	38
Nicholas Edward Reed	ICAEW	33
Patrick Michael Boyden	ICAEW	26
Ross David Connock	ICAEW	10
Russell Downs	ICAEW	1
Stuart David Maddison	ICAEW	2
Timothy Hewson	ICAEW	80

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SCHEDULE 2 TO THE ORDER

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SCHEDULE 2A TO THE ORDER

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## List of respondents

## Schedule 2A

	No of cases	New firm	Address	
Charles Hamilton Turner	177	Vantis	82 St John Street, London, EC1M 4JN	left Firm March 2010
David James Bennett	12	Grant Thornton	Enterprise House, 115 Edmund Street, BIRMINGHAM, West Midlands, B3 2HJ	left Firm March 2010
David Thomhill	1	Vantis	Vantis plc, 1 St Ann Street, Manchester, M2 7LR	left Firm August 2009
Paul Finnity	1	RSM Tenon	6th Floor, The White House, 111 New Street, Birmingham, B2 4EU	left Firm over 5 years ago
Paul William Harding	13	RSM Tenon	6th Floor, The White House, 111 New Street, Birmingham, B2 4EU	left Firm February 2010
Robert William Birchall	2		38 Queens Gate, Stoke Bishop, Bristol, BS9 1TZ	retired 30 June 2009
Robert Young	1	Begbies Traynor	The Old Barn, Caverswall Park, Caverswall Lane, Stoke on Trent, Staffordshire, ST3 6HP	left Firm over 5 years ago
Roger Marsh	3		PricewaterhouseCoopers LLP, Benson House, 33 Wellington Street, Leeds, LS14JP	no longer involved in business recovery

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ORDER

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Ref CH/NHN/337951