

LIQ03

Notice of progress report in voluntary winding up



Companies House

FRIDAY



A19 *A865Z7V6*
24/05/2019 #379
COMPANIES HOUSE

Please

house

1 Company details

Company number 0 2 3 8 7 6 2 7

Company name in full D & I Building Services Ltd

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Mark Elijah Thomas

Surname Bowen

3 Liquidator's address

Building name/number 11 Roman Way

Street Berry Hill

Post town Droitwich Spa

County/Region Worcestershire

Postcode W R 9 9 A J

Country

4 Liquidator's name ①

Full forename(s)

Surname

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator

Use this section to tell us about
another liquidator.

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

From date	^d 2	^d 9	^m 0	^m 3	^y 2	^y 0	^y 1	^y 8
To date	^d 2	^d 8	^m 0	^m 3	^y 2	^y 0	^y 1	^y 9

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 2	^d 2	^m 0	^m 5	^y 2	^y 0	^y 1	^y 9
----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------

LIQ03

Notice of progress report in voluntary winding up

**Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Sophie Murcott**Company name **MB Insolvency**Address **11 Roman Way****Berry Hill**Post town **Droitwich Spa**County/Region **Worcestershire**Postcode **WR9 9AJ**

Country

DX

Telephone **01905 776771****Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.

**Important information**

All information on this form will appear on the public record.

**Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

**Further information**

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

ANNUAL PROGRESS REPORT

D & I BUILDING SERVICES LTD- IN CREDITORS' VOLUNTARY LIQUIDATION

ANNUAL PROGRESS REPORT OF D & I BUILDING SERVICES LIMITED- IN CREDITORS' VOLUNTARY LIQUIDATION

Content

- Executive Summary
- Administration and Planning
- Enquires and Investigations
- Realisation of Assets
- Creditors
- Fees and Expenses
- Creditors' Rights
- EC Regulations
- Conclusion

Appendices

- Appendix I - Statutory Information
- Appendix II – Receipts and Payments account for the period 29/03/18 to 28/03/19
- Appendix III - Detailed list of work undertaken in the period
- Appendix IV – Disbursements & expenses information for period 29/03/18 to 28/03/19

ANNUAL PROGRESS REPORT OF D & I BUILDING SERVICES LIMITED- IN CREDITORS' VOLUNTARY LIQUIDATION

EXECUTIVE SUMMARY

A summary of key information in this report is detailed below.

Assets

Asset	Estimated to realise as per initial report to creditors	Realisations to date	Anticipated future realisations	Total anticipated realisations
Book Debts	39,808	9,150	TBC	TBC*
Administration Surplus	56,573	56,573	0	56,573
Bank Interest	-	32	18	50

*I AM AWAITING AN UPDA

Expenses

Expense	Amount per fees and expenses estimates	Expense charged to date	Anticipated further expense to closure	Total anticipated expense
Liquidator's Fees	34,602	7,000	27,602	34,602*
Debt Collection Fees	4,520	1,102	TBC	TBC*
Category 1 Disbursements	313	71	242	313
Category 2 Disbursements	150	-	150	150

Dividend prospects

Creditor class	Distribution / dividend paid to date	Anticipated distribution / dividend, based upon the above
Secured creditor	NA	NA
Preferential creditors	100P/£	100P/£
Unsecured creditors	Nil	TBC

*As detailed within this report, I am awaiting an up to date report from Higgs & Sons detailing the anticipated future recoveries. This will affect the future realisations anticipated in respect of book debts and will also affect the level of fees to be charged on a percentage basis by both Higgs & the Liquidator.

Summary of key issues outstanding

- Collection of book debts & retentions
- Agree unsecured creditors' claims and pay a dividend

Closure

Due to the issues outstanding as listed above, it is difficult to estimate the timing of any dividend to unsecured creditors and the subsequent closure of the liquidation as it depends upon the timing of the conclusion of the book debt and retentions collection. I would however anticipate concluding the Liquidation before the next anniversary.

ADMINISTRATION AND PLANNING

Statutory information

Statutory information may be found at *Appendix I*.

The Liquidator is required to meet a considerable number of statutory and regulatory obligations. Whilst many of these tasks do not have a direct benefit in enhancing realisations for the insolvent estate, they assist in the efficient and compliant progressing of the administration of the case, which ensures that work is carried out to high professional standards. A detailed list of these tasks may be found in *Appendix III*.

The Liquidator has met his statutory and regulatory duties to report to creditors, as listed below. In consideration of the need for transparency and engagement with creditors, care has been taken to ensure that reports and other communications with creditors have provided useful details of the strategies pursued and the outcomes anticipated.

During the Review Period, the following key documents have been issued:

- Liquidator's Fee Estimate
- This progress report;

Other administration tasks

During the Review Period, the following material tasks in this category were carried out:

- Case & strategy reviews.
- Bond Reviews
- Cashiering Tasks

ENQUIRES AND INVESTIGATIONS

My investigation and report on the Directors' Conduct were completed during the Administration; there is not a requirement to complete a further report on the Directors' conduct during the Liquidation.

REALISATION OF ASSETS

Administration Surplus

The Creditors Voluntary Liquidation is a secondary process with the company first entering into Administration on 4 April 2017. Having previously acted as Administrator, Mark Bowen was appointed as Liquidator of the company on 29 March 2018. The surplus funds held on account on conversion from Administration to Creditors Voluntary Liquidation were £56,573.

Book debts

As at the date of Liquidation I had received a detailed collection report from Higgs & Sons which estimated that the potential realisations could total £39,808 in the Liquidation. To date the amount of £9,150 has been collected.

ANNUAL PROGRESS REPORT OF D & I BUILDING SERVICES LIMITED- IN CREDITORS' VOLUNTARY LIQUIDATION

I am awaiting an up to date report from Higgs to determine the amount of future realisations that are now anticipated.

Payments

Payment of £1,102 has been made to Higgs & Sons Solicitors ('Higgs') for collection fees in respect of the company's book debts and retentions.

All other payments during this period relate to my remuneration and disbursements which are further detailed below and at Appendix IV.

CREDITORS

Irrespective of whether sufficient realisations are achieved to pay a dividend to creditors, the Liquidator has had to carry out key tasks which are detailed in the list at Appendix III. The following sections explain the anticipated outcomes to creditors and any distributions paid.

Secured creditors

The Company banked with National Westminster Bank Plc, who held a fixed and floating charge against the company. The charge was created on 18 May 2010 and registered on 22 May 2010. There was no indebtedness to the bank as at the date of cessation.

Preferential creditors

A preferential dividend of 100p/£ was paid during the Administration.

An additional claim was received during the Liquidation from the Redundancy Payments Office in respect of pension contributions; the amount of £359.53 was therefore subsequently paid at a dividend rate of 100p/£.

Unsecured creditors

Unsecured claims were estimated at £1,556,367 as per the estimated financial statement circulated with the Administrator's proposals. To date claims totalling £1,652,950 have been received. Please be advised that proofs of debt are still being received and therefore the total value of unsecured claims is not known at present.

Dividend prospects

It is anticipated that a dividend will be made to the unsecured creditors; the timing and quantum is however presently unknown whilst the company's book debts continue to be realised.

Where a floating charge is created after 15 September 2003 a prescribed part of the company's net property shall be made available to unsecured creditors.

NatWest as the floating charge holder are not owed any monies in the proceedings and consequently there will be no prescribed part in this Liquidation.

FEES AND EXPENSES

The Liquidator's fees

It is the firm's practice to ensure that work is conducted by the appropriate staff member at the appropriate level of experience. Junior members of staff deal with the day to day administration on cases and a manager and director then oversees the work undertaken. Where the issues are complex and litigious, the work will be closely supervised or undertaken by a senior manager or director.

ANNUAL PROGRESS REPORT OF D & I BUILDING SERVICES LIMITED- IN CREDITORS' VOLUNTARY LIQUIDATION

The basis of the Liquidator's fees was approved by creditors on 31 January 2019 in accordance with the following resolution:

"That the Liquidator's fees be fixed by reference to a set fee and percentage of realisations as per the fee estimate circulated to creditors"

The fee detailed within the fee estimate was a set fee of £ 27,390 plus a percentage of realisations of the company's book debts as detailed below:

15% of first £15,000	£2,250
20% of £15,001 - £39,808	£4,962
25% of any further realisations	Unknown

Having regard for the costs that are likely to be incurred in bringing this Liquidation to a close, the Liquidator considers that:

- the original fee estimate is unlikely to be exceeded; and
- the original expenses estimate is unlikely to be exceeded

The Liquidator has drawn £6,000 in respect of his fees agreed on a set fee basis and £1,000 of fees in respect of his fees approved on a % basis, the calculation of which is detailed above.

Disbursements

The disbursements that have been incurred are detailed on Appendix IV. Also included in Appendix IV is a comparison of the expenses incurred in the Liquidation with the original expenses estimate, together with reasons where any expenses are likely to exceed that estimate.

The category 1 disbursements represent the simple reimbursement of actual out of pocket payments made in relation to the assignment.

The category 2 disbursements may include an element of overhead charges in accordance with the resolution passed by creditors at a meeting held on 31 January 2019. The basis of calculation of this category of disbursement was disclosed to creditors prior to the resolution being passed and is also detailed at Appendix IV.

Information about this insolvency process may be found on the R3 website at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors' Guide to Fees' together with the firm's charge-out rate and disbursement policy may be found at www.mb-i.co.uk. A hard copy of both the Creditors' Guide and the firm's charge-out rate and disbursement policy may be obtained on request.

Other professional costs

Debt collectors

As detailed above, Higgs have been retained as debt collectors. Their fees were agreed on a commission basis and they have been paid the sum of £1,102 to date.

CREDITORS' RIGHTS

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the

ANNUAL PROGRESS REPORT OF D & I BUILDING SERVICES LIMITED- IN CREDITORS' VOLUNTARY LIQUIDATION

Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), 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 receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

EC REGULATIONS (WHETHER PROCEEDINGS ARE MAIN PROCEEDINGS OR TERRITORIAL)

The Company's centre of main interest was in Rubery, Birmingham and therefore it is considered that the EC Regulations will apply. These proceedings are main proceedings as defined in Article 3 of the EC Regulation.

CONCLUSION

The administration of the case will be continuing to finalise the following outstanding matters that are preventing this case from being closed:

- Continuing to collect the company's book debts & retentions
- Agreeing the unsecured creditors' claims and paying a first and final dividend

If you require any further information, please contact this office.

Signed  _____

Mark Bowen - Liquidator

22 May 2019

Appendix I

Statutory Information

Company Name	D & I Building Services Limited
Former Trading Name	None
Company Number	02387627
Registered Office	11 Roman Way, Berry Hill, Droitwich, Worcestershire, WR9 9AJ
Former Registered Office	53 The Avenue, Rubery, Birmingham, B45 9AL
Officeholder	Mark Bowen
Officeholders address	MB Insolvency, 11 Roman Way, Berry Hill, Droitwich, Worcestershire, WR9 9AJ
Date of appointment (Liquidator)	29 March 2018
Date of Administration	4 April 2017

Appendix II

Receipts and Payments account for the period 29 March 2018 – 28 March 2019

D & I Building Services Ltd
(In Liquidation)
LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

	Statement of affairs	From 29/03/2018 To 28/03/2019
	£	£
RECEIPTS		
Book Debts	*	9,149.90
Administration surplus	*	56,447.13
Bank Interest Gross		31.81
		65,628.84
PAYMENTS		
Statutory Advertising		71.00
Office Holders Fees		7,000.00
Debt Collection Fees		1,101.71
Pension Schemes		359.53
		8,532.24
Net Receipts/(Payments)		57,096.60
MADE UP AS FOLLOWS		
Bank 1 Current		55,692.06
VAT Receivable / (Payable)		1,404.54
		57,096.60

*SOA figures are not shown as these relate to the Administration.

Appendix III

Detailed list of work undertaken for D & I Building Services Limited- in Creditors' Voluntary Liquidation for the review period 29 March 2018 to 28 March 2019

Below is detailed information about the tasks undertaken by the Liquidator.

General Description	Includes
Statutory and General Administration	
Statutory/advertising	Filing of documents to meet statutory requirements including annual receipts and payments accounts Annual corporation tax returns Quarterly VAT returns Advertising in accordance with statutory requirements Bonding the case for the value of the assets
Document maintenance/file review/checklist	Filing of documents Periodic file reviews documenting strategy Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards Maintenance of statutory and case progression task lists/diaries Updating checklists
Bank account administration	Preparing correspondence opening and closing accounts Requesting bank statements Bank account reconciliations Maintenance of the estate cash book Banking remittances and issuing cheques/BACS payments
Planning / Review	Discussions regarding strategies to be pursued Meetings with team members and independent advisers to consider practical, technical and legal aspects of the case
Books and records / storage	Dealing with records in storage
Pension scheme	Liaising and providing information to be able to finalise winding up the pension scheme
Reports	Circulating appointment documents Issuing the Liquidator's fee estimate Preparing annual progress report
Meeting of Creditors	Preparation of decision by correspondence documents Collate and examine proofs votes to decide on resolutions Record of the Decision
Investigations	
Litigation / Recoveries	Strategy meeting regarding outstanding investigation issues Liaising with solicitors regarding recovery actions
Realisation of Assets	
Debtors	Correspondence with debtors Liaising with debt collectors and solicitors
Other assets:	Transferring the balance of funds from Administration
Creditors and Distributions	
Creditor Communication	Receive and follow up creditor enquiries via telephone Review and prepare correspondence to creditors and their representatives via facsimile, email and post
Dealing with proofs of debt	Receipting and filing POD when not related to a dividend Corresponding with RPO regarding POD when not related to a dividend

Appendix IV

Current Charge-out Rates for the firm

Time charging policy

Support staff do charge their time to each case.

Support staff includes cashier, secretarial and administration support.

The minimum unit of time recorded is 6 minutes.

Staff	Charge out rates £
Insolvency Practitioner/Partners	300
Senior Manager	250
Manager	200-225
Administrator	150
Junior Administrator	90
Secretarial/Administration support staff	90-150

Disbursements & Expenses summary for period & comparison with estimate

Below are details of the Liquidator 's expenses for the period under review.

Expenses	Original expenses estimate £	Expenses incurred to date £	Reason for any excess
Category 1 Expenses			
Debt Collection Fees	4,520	1,102	-
Advertising	213	71	-
Bonding	-	-	-
Postage	100	-	Will only relate to dividends
Category 2 Expenses			
Photocopying	150	-	Will only relate to dividends



Practice fee and disbursement recovery policy

Introduction

The insolvency legislation was changed in April 2010 for insolvency appointments commenced from that time in order to allow more flexibility on how an office holder's fees are charged to a case. This sheet explains how we may apply the alternative fee bases. The new legislation allows different fee bases to be used for different tasks within the same appointment. The basis or combination of bases set for a particular appointment are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the court. Further details about how an office holder's fees are approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP9). A copy of the relevant circulation listed in reports to creditors and is also available upon request.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn and time costs incurred and will also enable the recipients to see the average rates of such costs. Under the new legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under the old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

Time cost basis

This is the basis that we use in the majority of cases using charge out rates appropriate to the skills and experience of each member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken. Cashiers, secretarial and support staff charge all the time they work as such work has not been allowed for in calculating the hourly rates charged by the partners and other staff. If such time were not charged our charge out rates for Partners and other staff would be approximately 20% higher. Time billed is normally subject to Value Added Tax (VAT) at the applicable rate (see below).

Staff allocation and the use of sub-contractors

The office holder's general approach to resourcing assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.



MB Insolvency www.mb-i.co.uk

The case team will usually consist of partner, senior manager/manager and administrator. The exact case team will depend on the anticipated size and complexity of the assignment. On larger, more complex cases, several staff at all grades may be allocated to meet the demands of the case. The Office holder's charge out rate schedule below provides details of all grades of staff.

With regard to support staff, the Office Holder advises that time spent by our Treasury department in relation to specific tasks on an assignment is charged.

The following services are being provided on this assignment by external sub-contractors:

Service Type	Service Provider	Basis of fee arrangement	Cost to date£
NA			

Charge out rates

Our charge out rates are reviewed periodically, our charge out rates are summarised below.

Charge out rates per hour effective from February 2013

Grade	Hourly Rate (£)
Insolvency Practitioner	300
Managers	225-250
Assistant Managers	200
Senior Administrator	175
Administrator	150
Senior Assistant/Cashier	150
Support Staff/Secretary	90

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. Each unit of time is 6 minutes. The work is recorded under the following categories:

Administration and planning - which includes work such as planning how the case will be administered and progressed; the administrative set up of the case; notifying creditors and others of the appointment; keeping the records relating to the case up to date; case review; case progression meetings; and reporting on progress of the case to creditors and others.



MB Insolvency www.mb-i.co.uk

Investigations - which includes work such as undertaking an initial review of the financial affairs of the company and bankrupt; undertaking a detailed investigation with a view to making recoveries for the benefit of creditors where matters such as preferences or wrongful trading come to light as a result of the initial review; and reporting to the Insolvency Service on the conduct of the directors.

Realisation of assets - which includes work such as identifying, securing and insuring assets; dealing with retention of title claims; collecting debts; and selling assets.

Employee matters - which includes work such as dealing with employees; and liaising with the redundancy payments office.

Creditors - which includes work such as communicating with creditors; dealing with creditors' claims; and where funds permit, paying dividends to creditors.

Trading - which includes work such as managing and controlling all aspects of the business; and maintaining financial records and information relating to that trading.

Percentage basis

The new legislation allows fees to be charged on a percentage of the value of the property with which the office holder has to deal. Different percentages can be used for different assets or types of assets. Where we would like to realise any asset or type of assets on a percentage basis we will provide further information explaining why we think that this basis is appropriate and ask creditors to approve the basis.

Fixed fee

The new legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. Where we would like to charge a set amount for a task or different set amounts for different tasks we will provide further information explaining why we think that this basis is appropriate and ask creditors to approve the basis.

Value Added Tax

The office holder's remuneration invoiced to the insolvent estate will normally be subject to VAT at the prevailing rate. The only exception to this is for services rendered in relation to Voluntary Arrangement assignments where a VAT Tribunal has ruled that such services are exempt supplies.

Agent's costs

Charged at cost based on the amount billed by the Agent instructed, the term Agent includes:

Solicitors, Legal Advisors, Debtor recovery specialists

Auctioneers, Valuers, Accountants



Quantity Surveyors

Estate Agents

Document Storage Agents

Other Specialist Advisors

Disbursements

In accordance with Statement of Insolvency Practice 9 (SIP9) the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 expenses are directly referable to an invoice from a third party, which is either in the name of the estate or MB Insolvency; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are postage, mail redirection, travel, swear fee, company searches, land registry searches, statutory advertising, external meeting room hire, external storage, specific bond insurance and subsistence,.

Category 2 expenses are incurred by the firm and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying, internal room hire, internal storage.

The category 2 disbursements that MB Insolvency apply, when seeking recovery, are as follows;

<u>Type</u>	<u>Rate</u>
Photocopying	17p per sheet
Room Hire (where MB insolvency room is used for formal meetings with external parties)	£60 per hour
Registered Office Fee	£125 per annum
Mileage	60p per mile
Insolvency Practitioners System	£125 per case



MB Insolvency www.mb-i.co.uk

Professional advisors

On this assignment the office holder has used the professional advisers listed below. The Office holder has also indicated the basis of their fee arrangement with them, which is subject to review on a regular basis.

Name of professional advisor	Basis of fee arrangement
Higgs & Sons	Commission Basis

The office holder's choice was based on his perception of the professional adviser's experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of his fee arrangement with them.