

Durham County Waste Management Company Ltd

2651168

IN THE HIGH COURT OF JUSTICE

Case No. CR 2016-3592

CHANCERY DIVISION

IN THE MATTER OF 20 20 DEVELOPMENTS (MANAGEMENT) LTD (IN ADMINISTRATION)
AND OTHERS

AND IN THE MATTER OF DURHAM COUNTY WASTE MANAGEMENT COMPANY LIMITED
(IN COMPANY VOLUNTARY ARRANGEMENT) AND OTHERS

AND IN THE MATTER OF AARDVARK TMC LIMITED (IN CREDITORS VOLUNTARY
LIQUIDATION) AND OTHERS

AND IN THE MATTER OF RETTIG HEATING GROUP UK LIMITED (IN MEMBERS
VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BEFORE REGISTRAR JONES

DATE

BETWEEN:

- (1) MARK GRANVILLE FIRMIN
- (2) RICHARD DIXON FLEMING
- (3) HOWARD SMITH
- (4) BRIAN GREEN
- (5) JONATHAN CHARLES MARSTON



Applicants

- and -

- (1) RICHARD DIXON FLEMING
- (2) HOWARD SMITH
- (3) BRIAN GREEN
- (4) JONATHAN CHARLES MARSTON
- (5) DAVID JAMES COSTLEY-WOOD
- (6) RICHARD HEIS

Respondents

CONSENT ORDER

UPON THE APPLICATION of Mark Granville Firmin of KPMG LLP, 15 Canada Square, London E14 5GL (the "First Applicant")

AND UPON READING the Witness Statement of Mark Granville Firmin dated 16 June 2016 and Exhibit MGF1 thereto

AND UPON READING the Second Witness Statement of Mark Granville Firmin dated 21 July 2016

IT IS ORDERED BY CONSENT THAT:

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A04 12/08/2016 #262
COMPANIES HOUSE

1. The cases listed in Schedules A to D attached to this Order, in so far as there are currently proceedings in the County Court or in a District Registry be transferred to the High Court in London for the purpose of making the Orders listed below
2. The First Applicant be removed from office as Administrator with immediate effect pursuant to paragraph 88 of Schedule B1 to the Insolvency Act 1986 of the Company listed in row 1 of Schedule A to this Order and the Fourth Respondent be appointed as the Joint Administrator in place of the First Applicant such appointment to (i) be held jointly, (ii) permit each Joint Administrator to exercise all functions as Administrator on a joint and concurrent basis in accordance with Paragraph 100(2) of Schedule B1 to the Insolvency Act 1986 and (iii) take effect from the date of this Order
3. The First Applicant be removed from office as Administrator with immediate effect pursuant to paragraph 88 of Schedule B1 to the Insolvency Act 1986 of each of the Companies listed in rows 2 to 5 of Schedule A to this Order and the Fourth Respondent be appointed as the Joint Administrator in place of the First Applicant such appointment to (i) be held jointly with the insolvency practitioners identified at rows 2 to 5 of Schedule A who are and remain in office, (ii) permit each Joint Administrator to exercise all functions as Administrator on a joint and concurrent basis in accordance with Paragraph 100(2) of Schedule B1 to the Insolvency Act 1986 and (iii) take effect from the date of this Order
4. The First Applicant be removed from office as Administrator with immediate effect pursuant to paragraph 88 of Schedule B1 to the Insolvency Act 1986 of the Companies listed at rows 6 to 7 of Schedule A to this Order The Second and Fourth Respondents shall remain in office as joint administrators
5. The First Applicant be removed from office as Supervisor with immediate effect pursuant to Section 7(5) of the Insolvency Act 1986 of each of the Companies listed in Schedule B to this Order and the Fourth Respondent be appointed as the Joint Supervisor in place of the First Applicant such appointment to (i) be held jointly with the insolvency practitioner identified at Schedule B who is and remains in office and (ii) take effect from the date of this Order
6. The First Applicant be removed from office as Liquidator with immediate effect pursuant to Section 171(2) of the Insolvency Act 1986 of each of the Companies listed in rows 1 to 25 of Schedule C to this Order and the Fourth Respondent be appointed as the Joint Liquidator in place of the First Applicant such appointment to (i) be held jointly with the insolvency practitioner identified at rows 1 to 25 of Schedule C who is and remains in office, (ii) permit any Joint Liquidator to act on a joint and several basis in accordance with Section 231(b) of the Insolvency Act 1986 and (iii) take effect from the date of this Order.
7. The First Applicant be removed from office as Liquidator with immediate effect pursuant to Section 171(2) of the Insolvency Act 1986 of the Company listed at row 26 of Schedule C to this Order and the Fourth Respondent be appointed as the Joint Liquidator in place

of the First Applicant such appointment to (i) be held jointly, (ii) permit any Joint Liquidator to act on a joint and several basis in accordance with Section 231(b) of the Insolvency Act 1986 and (iii) take effect from the date of this Order. The first Joint Liquidator identified at row 26 of Schedule C to this Order is also to be replaced and a separate application has been made to appoint a new office holder.

- 8 Pursuant to Section 171(2) of the Insolvency Act 1986, the First Applicant be removed from the office of Liquidator of the company listed at row 27 of Schedule C to this Order. The Third, Fifth and Sixth Respondents shall remain in office as joint liquidator.
- 9 The First Applicant be removed from office as Liquidator with immediate effect pursuant to Section 171(2) of the Insolvency Act 1986 of each of the companies listed in Schedule D to this Order and Mark Jeremy Orton be appointed as Joint Liquidator in place of the First Applicant such appointments to (i) be held jointly, (ii) permit any Joint Liquidator to act on a joint and several basis in accordance with Section 231(b) of the Insolvency Act 1986 and (iii) take effect from the date of this Order.
10. The Fourth Respondent and Mark Jeremy Orton (together the "**Successor Practitioners**") shall give notice of their appointments to all creditors of the estates listed in Rows 1 to 5 of Schedule A, in Rows 1 to 26 of Schedule C and Schedule D to this Order within 28 days of the date of this Order by way of advertisement in the London Gazette.
11. All creditors to the estates listed in Rows 1 to 5 of Schedule A, in Rows 1 to 26 of Schedule C and Schedule D to this Order do have permission to apply to the Court, on Notice to the Applicants and the Successor Practitioners within 56 days of the advertisement referred to in paragraph 9 above for the purpose of applying to vary or discharge the Order insofar as it affects the estate or estates of which they are a creditor.
- 12 The Fourth Respondent shall give notice of his appointment to all creditors of the estates listed at Schedule B to this Order within 28 days of this Order by way of written notice sent to each creditor of those estates.
- 13 All creditors to the estates listed in Schedule B to this Order do have permission to apply to the Court, on Notice to the Applicants and the Fourth Respondent within 56 days of receipt of the written notice referred to in paragraph 11 above for the purpose of applying to vary or discharge the Order insofar as it affects the estate or estates of which they are a creditor.
- 14 Pursuant to paragraph 98(2)(c) of Section B1 IA 1986 the First Applicant be discharged from liability in respect of any action of his as administrator in respect of the estates listed in Schedule A.
- 14.1 If no application is made pursuant to paragraph 11 above, on the date being 57 days from the date of advertisement referred to in paragraph 10 above of this order, or
- 14.2 If an application is made pursuant to paragraph 11 above, at such time as should be subsequently ordered by the Court.

15. Nothing in this Order requires the time for production of any progress report in respect of the estates listed in Schedules A to D of this Order to be varied
16. The time for service of the Application Notice upon the Respondents be abridged
17. There be no Order as to costs
18. The Applicants have permission to apply.

SCHEDULE A – ADMINISTRATIONS

	Name of Company	Name of Joint Administrator	Date	Court	No.	Year	Replacement
1	20 20 Developments (Management) Ltd	Richard Dixon Fleming	08/10/2008	Leeds District Registry	1567	2008	Jonathan Charles Marston
2	Artisan H Ltd	Howard Smith	12/12/2011	High Court of Justice Birmingham District Registry	8623	2011	Jonathan Charles Marston
3.	Manor Mills LLP	(1) Brian Green (2) Howard Smith	26/03/2010	Leeds District Registry	824	2010	Jonathan Charles Marston
4.	Manor Mills Residential Management Company Limited	(1) Brian Green (2) Howard Smith	12/04/2010	High Court of Justice, Chancery Division, Leeds District Registry	943	2010	Jonathan Charles Marston
5	Pocklington Steel Structures Limited	Howard Smith	15/12/2011	High Court Leeds District Registry	1895	2011	Jonathan Charles Marston
6	Collectables Property Limited	(1) Jonathan Charles Marston (2) Howard Smith	27/09/2013	High Court Newcastle District Registry	943	2013	None
7.	Collectables Retail Limited	(1) Jonathan Charles Marston (2) Howard Smith	25/09/2013	High Court Newcastle District Registry	938	2013	None

SCHEDULE B – COMPANY VOLUNTARY ARRANGEMENTS

	Name of Company	Name of Joint Supervisor	Date	Court	No.	Year	Replacement
1	Durham County Waste Management Company Limited	Howard Smith	12/02/2013	High Court of Justice Newcastle upon Tyne District Registry	70	2013	Jonathan Charles Marston
2	Premier Waste Management Limited	Howard Smith	12/02/2013	High Court of Justice Newcastle upon Tyne District Registry	71	2013	Jonathan Charles Marston

SCHEDULE C – CREDITORS VOLUNTARY LIQUIDATIONS

	Name of Company	Name of Joint Liquidator	Date	Court	No.	Year	Replacement
1	Aardvark TMC Limited	(1) Brian Green (2) Howard Smith	15/05/2013				Jonathan Charles Marston
2	Abbey House Services Limited	Howard Smith	07/02/2013				Jonathan Charles Marston
3	Basilton Properties Limited	Howard Smith	08/07/2014				Jonathan Charles Marston
4	Bradford Independent (St Ives Nursing Home)	Howard Smith	27/02/2013				Jonathan Charles Marston
5.	BSB (211) Realisations Limited	Howard Smith	29/10/2012				Jonathan Charles Marston
6.	Captain Frank Limited	Howard Smith	22/02/2013				Jonathan Charles Marston
7	CFGL Realisations Limited (formerly Carleton Furniture Group Limited)	Howard Smith	27/07/2012				Jonathan Charles Marston
8	Consafe Engineering Services Limited	Howard Smith	22/02/2013				Jonathan Charles Marston
9	Consafe McNulty J V Limited	Howard Smith	22/02/2013				Jonathan Charles Marston
10	Cornwell Parker Furniture Limited	Howard Smith	15/03/2012				Jonathan Charles Marston
11.	Cornwell Parker Properties Limited	Howard Smith	15/03/2012				Jonathan Charles

							Marston
12.	Croft Electrical Engineering Limited	Howard Smith	26/11/2013				Jonathan Charles Marston
13	Durham County Waste Management Company Limited - CVL	Howard Smith	01/07/2013				Jonathan Charles Marston
14	Jarose Shopfitters Limited	Howard Smith	13/01/2011				Jonathan Charles Marston
15	Landmark Development Projects (2000) Limited	Howard Smith	03/12/2013				Jonathan Charles Marston
16	Marmac Limited	Howard Smith	14/12/2010				Jonathan Charles Marston
17	McNulty Group Holdings Limited	Howard Smith	22/02/2013				Jonathan Charles Marston
18	Metal Closures (Huddersfield) Limited	Howard Smith	25/06/2014				Jonathan Charles Marston
19	MOCL Realisations 2012 Limited (formerly McNulty Offshore Construction Limited)	Howard Smith	22/02/2013				Jonathan Charles Marston
20	Past Times Trading Limited	Howard Smith	14/01/2013				Jonathan Charles Marston
21.	Pocklington Steel Structures Ltd	Howard Smith	07/12/2015				Jonathan Charles Marston
22.	Premier Waste Management Limited	Howard Smith	01/07/2013				Jonathan Charles

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23.	SNL Realisations 2011 Limited (formerly Silentnight Limited)	Howard Smith	15/03/2012				Jonathan Charles Marston
24.	Urban I (York) Limited	Howard Smith	12/09/2012				Jonathan Charles Marston
25.	Westler Foods Limited	Howard Smith	05/12/2011				Jonathan Charles Marston
26.	Leeds United Association Football Club Limited (The)	(1) Richard Dixon Fleming (2) Howard Smith	15/02/2008				Jonathan Charles Marston
27.	Connaught Partnerships Limited	(1) David James Costley-Wood (2) Richard Heis (3) Brian Green	05/03/2013				None

SCHEDULE D – MEMBERS VOLUNTARY LIQUIDATIONS

	Name of Company	Name of Joint Liquidator	Date	Court	No.	Year	Replacement
1.	Rettig Heating Group UK Limited	Richard Fleming Dixon	14/12/2007				Mark Jeremy Orton
2	The Longwood Finishing Company Limited	Richard Fleming Dixon	04/07/2008				Mark Jeremy Orton
3	The Parkwood Mills Company Limited	Richard Fleming Dixon	04/07/2008				Mark Jeremy Orton

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CONSENT ORDER

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