

LIQ03

Notice of progress report in voluntary winding up



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 0 2 6 5 2 6 0 3

Company name in full Albany Homes International Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Myles

Surname Jacobson

3 Liquidator's address

Building name/number ReSolve Advisory Limited

Street 22 York Buildings

Post town London

County/Region

Postcode W C 2 N 6 J U

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

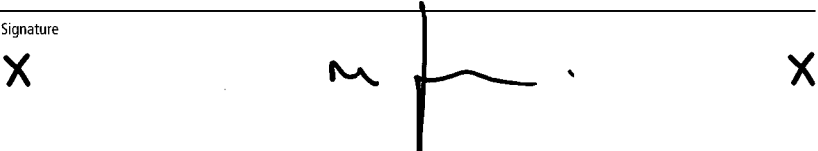
Country

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	^d	^m	^m	^y	^y	^y	^y				
	2	3	0	2	2	0	2	1				
To date	^d	^d	^m	^m	^y	^y	^y	^y				
	2	2	0	2	2	0	2	2				
7	Progress report											
<input checked="" type="checkbox"/> The progress report is attached												
8	Sign and date											
Liquidator's signature	<div>Signature</div> <div>  </div>											
Signature date	^d	^d	^m	^m	^y	^y	^y	^y				
	2	1	0	4	2	0	2	2				

**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 **Ruba Islam**

Company name **ReSolve Advisory Limited**

Address **22 York Buildings**

Post town **London**

County/Region

Postcode **W C 2 N 6 J U**

Country

DX

Telephone **020 7702 9775**

**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

**Albany Homes International Limited - In Members' Voluntary Liquidation
Liquidator's Progress Report to Members for the Year Ending 22 February 2022**

STATUTORY INFORMATION

Company name: Albany Homes International Limited

Registered office: ReSolve Advisory Limited
22 York Buildings
Corner John Adam Street
London
WC2N 6JU

Former registered office: Quadrant House
4 Thomas More Square
London
E1W 1YW

Registered number: 02652603

Liquidator's name: Myles Jacobson

Liquidator's address: ReSolve Advisory Limited
22 York Buildings
Corner John Adam Street
London
WC2N 6JU

Liquidator's date of appointment: 23 February 2018

LIQUIDATOR'S ACTIONS SINCE LAST PROGRESS REPORT

There is certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the members. A description of the routine work undertaken since my last progress report is contained in Appendix 1.

In my previous reports, I advised that a letter before claim had been issued against the company in 2019 by solicitors acting on behalf of various leaseholders who purchased properties in an apartment block developed by the company/a group company. Numerous defects allegedly emerged in this development and despite various attempts at remedial works this issue remained under further investigation.

A claim was issued against a number of group companies and Asserson Solicitors ("Asserson") were instructed by the Albany Group to defend these proceedings. Their costs are being discharged by one of the group companies.

With my authority, Asserson filed an acknowledgement of service for the company and applied for a stay in proceedings. Whilst the claimants did not agree to a stay, they consented to extending the deadline for the defence to be filed. It was hoped that a court hearing may be avoided and a settlement agreed in the near future.

I also instructed Ince Gordon Dadds LLP ("Ince") to draft and negotiate a deed of indemnity between the group and myself as liquidator in respect of any costs incurred in relation to the litigation. Whilst negotiating the indemnity, it was agreed that funds would be paid on account and the indemnity would be revisited at a later date depending on my level of involvement. As previously reported, the request for an indemnity was raised again and further funds were paid on account (explained in further detail under 'Liquidator's Remuneration'). Ince have provided general advice to me in regard to the ongoing litigation.

A case management conference was listed for 16 April 2021. This was vacated with the parties agreeing to mediate. I have not heard further in this regard and Ince have requested and are awaiting an update from Asserson.

RECEIPTS AND PAYMENTS ACCOUNT

My receipts and payments account for the period from 23 February 2021 to 22 February 2022 is attached at Appendix 2.

The balance of funds is held in an interest-bearing estate bank account.

ASSETS

Bank Interest Gross

Bank interest totalling £0.96 has been earned on credit funds held to 22 February 2022, of which £0.08 was earned during the reporting period.

LIABILITIES

Secured Creditors

An examination of the company's mortgage register held by the Registrar of Companies, showed that the company has no current charges over its assets.

Preferential Creditors

The Declaration of Solvency anticipated no preferential creditors and no claims have been received in this respect.

Crown Creditors

The Declaration of Solvency included no amount due to HM Revenue & Customs and no claim has been received in this regard.

Unsecured Creditors

The Declaration of Solvency included 1 unsecured creditor with an estimated total liability of £718,697 in respect of a joint venture liability. I previously reported that the liability was transferred to Albany Homes (HS) Limited and Albany Homes (BA) Limited, companies associated by virtue of common directors and shareholders.

As previously stated, I was contacted by Ernst & Young LLP as administrators of East West Insurance Company Limited. They believe they are a contingent creditor in respect of any monies to be paid out under the policy held pertaining to the litigation referred to above. They raised several queries in regard to the liquidation which were responded to.

Share Capital

No distributions have been made during the reporting period.

ETHICS

Please also be advised that I am bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

General ethical considerations

Prior to my appointment, a review of ethical issues was undertaken and no ethical threats were identified. A further review has been carried out and no threats have been identified in respect of the management of the insolvency appointment over the review period.

Specialist advice and services

When instructing third parties to provide specialist advice and services or having the specialist services provided by the firm, I am obligated to ensure that such advice or work is warranted, and that the advice or work contracted reflects the best value and service for the work undertaken. The firm reviews annually the specialists available to provide services within each specialist area and the cost of those services to ensure best value. The specialists chosen usually have knowledge specific to the insolvency industry and, where relevant, to matters specific to this insolvency appointment. The specialists engaged in this assignment are shown below.

PRE-APPOINTMENT REMUNERATION

The board previously authorised the payment of a fixed fee of £8,000 plus VAT for preparing the Declaration of Solvency and convening and holding the meeting of members prior to my appointment at a meeting held on 15 February 2018.

The fee for preparing the Declaration of Solvency and convening the meeting was paid by Astralnote Ltd ("Astralnote"), a company associated by virtue of a common director and shareholders.

LIQUIDATOR'S REMUNERATION

No resolution was proposed for my remuneration at the members' meeting as the fixed fee, mentioned above, had been agreed and paid pre-appointment.

I have had to incur additional time liaising with solicitors and other parties in respect of the litigation proceedings which was not anticipated at the outset. In this regard, it was agreed with the directors that my additional fees and those of Ince would be discharged. During the reporting period (not the previous reporting period per my report dated 20 April 2021), Astralnote paid £12,000 into Ince's client account. I have raised an invoice for £3,810.50 plus VAT during the reporting period which has been discharged. Ince have raised invoices for £841.50 plus VAT and £2,500 plus VAT during the reporting period which have both been discharged. Ince are holding a balance on account as at 22 February 2022 of £3,457.60 (a balance of £40 was sitting on the account prior to the receipt of the £12,000).

A copy of 'A Member's Guide to Liquidators' Fees' published by the Association of Business Recovery Professionals ("R3") is attached at Appendix 3.

LIQUIDATOR'S EXPENSES

Expenses are any payments from the estate which are neither an office holder's remuneration nor a distribution to a creditor or a member. Expenses also includes disbursements.

Disbursements (now renamed expenses in the new insolvency guidance) are payments which are first met by the office holder and then reimbursed to the office holder from the estate. Expenses are split into:

- category 1 expenses, which are payments to persons providing the service to which the expense relates who are not an associate of the office holder; and
- category 2 expenses, which are payments to associates or which have an element of shared costs. Before being paid category 2 expenses require approval in the same manner as an office holder's remuneration.

I have incurred expenses to 22 February 2022 of £7,051.97, of which £3,341.97 was incurred in the period since 22 February 2021.

I have drawn expenses (none during the reporting period) of £200 to 22 February 2022. Ince have had their fees discharged directly by Astralnote as stated above.

I have incurred the following expenses in the period since my last progress report:

Type of expense	Amount incurred/accrued in the reporting period (£)
Legal fees	3,341.50
Postage	0.47

I have used the following professional advisors in the reporting period:

Professional Advisor	Nature of Work	Basis of Fees
Ince Gordon Dadds LLP	Legal advice in respect of ongoing litigation.	Time cost basis.

The choice of professionals was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also considered that the basis on which they will charge their fees represented value for money. I have reviewed the charges they have made and am satisfied that they are reasonable in the circumstances of this case.

No category 2 expenses have been incurred during the liquidation.

My firm's expenses policy may be found at Appendix 4.

FURTHER INFORMATION

Members may with the permission of the court or with at least 5% of the voting rights of all members having the right to vote in general meeting request further details of the 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.

Members may with the permission of the court or with at least 10% of the voting rights of all members having the right to vote in general meeting 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.

At ReSolve we always strive to provide a professional and efficient service. However, we recognise that it is in the nature of insolvency proceedings for disputes to arise from time to time. As such, should you have any comments or complaints regarding the administration of this case then in the first instance you should contact me at the address given in this letter.

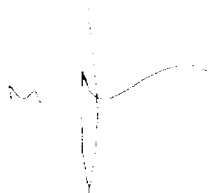
If you consider that your comments or complaint have not been dealt with appropriately you should then put details of your concerns in writing to our complaints officer at complaints@resolvegroupuk.com who will then formally invoke our complaints procedure and we will endeavour to deal with your complaint under the supervision of a partner unconnected with the appointment.

If you still feel that you have not received a satisfactory response, then you may be able to make a complaint to The Complaints Gateway operated by The Insolvency Service. Any such complaints should be completed online using the form here: www.gov.uk/complain-about-insolvency-practitioner. If you have difficulty accessing the online complaints form, you can also make your complaint through The Insolvency Service Enquiry Line at insolvency.enquiryline@insolvency.gov.uk or telephone 0300 678 0015. The Complaints Gateway will in turn determine if such complaint should be addressed by my regulatory body. Further details of the relevant policies applicable to you can be found here <http://www.resolvegroupuk.com/policies2/>.

CONCLUSION

The liquidation will remain open until the litigation proceedings have been finalised. Once resolved, the liquidation will be finalised and my files will be closed.

If you require any further information please contact Ruba Islam of this office.



Myles Jacobson
Liquidator

Appendix 1

1. Administration

- Maintaining and managing the office holder's estate bank account.
- Maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Preparing, reviewing and issuing an annual progress report to creditors and members.
- Filing returns at Companies House.
- Preparing and filing Corporation Tax return.

2. Creditors

- Maintaining up to date creditor information on the case management system.
- Dealing with a claim from lessees of development brought against various associated companies.

Appendix 2

Albany Homes International Limited (In Liquidation) Liquidator's Summary of Receipts and Payments

Declaration of Solvency		From 23/02/2021 To 22/02/2022	From 23/02/2018 To 22/02/2022
£		£	£
	ASSET REALISATIONS		
21,313.72	Cash at Bank	NIL	21,346.39
	Bank Interest Gross	0.08	0.96
6,046,239.80	Astralnote Ltd	NIL	6,046,239.80
		0.08	6,067,587.15
	COST OF REALISATIONS		
	INSOLV Fee	NIL	(200.00)
		NIL	(200.00)
	UNSECURED CREDITORS		
(718,696.74)	Joint Venture Liability - Smiths	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(2.00)	Ordinary Shareholders	NIL	(6,066,553.52)
		NIL	(6,066,553.52)
5,348,854.78		0.08	833.63
	REPRESENTED BY		
	Interest Bearing Estate Account		793.63
	VAT Receivable		40.00
			833.63

Note:

1. A distribution in specie of £6,046,239.80 was made to the shareholders on 2 March 2018 at a rate of £3,023,119.90 per share in respect of the book debt. This was based upon the book value provided by the directors and company's accountants.

Appendix 3

A Member's Guide to Liquidators' Fees - England and Wales

1. Introduction

When a company goes into liquidation the costs of the proceedings are paid out of its assets. The members (i.e. shareholders) therefore have a direct interest in the level of costs, and in particular the remuneration of the insolvency practitioner appointed to act as liquidator. The insolvency legislation recognises this interest by providing mechanisms for members to fix the basis of the liquidator's fees. This guide is intended to help members be aware of their rights to approve and monitor fees and explains the basis on which fees are fixed.

2. Liquidation procedure

Liquidation (or 'winding up') is the most common type of corporate insolvency procedure. Liquidation is the formal winding up of a company's affairs entailing the realisation of its assets and the distribution of the proceeds in a prescribed order of priority. Where a declaration of solvency has been sworn by all or a majority of the directors of a company (as would usually be the case where they believe that the company has surplus assets to be distributed to members) a liquidation instituted by resolution of the shareholders is called a members' voluntary liquidation (often abbreviated to 'MVL').

3. Fixing the liquidator's fees

The basis for fixing the liquidator's remuneration in an MVL is set out in the Insolvency (England & Wales) Rules 2016 ("the Rules"). The Rules state that the remuneration shall be fixed either:

as a percentage of the value of the assets which are realised or distributed or both, or by reference to the time properly given by the liquidator and his staff in attending to matters arising in the winding up; or as a set amount.

Any combination of these bases may be used to fix the remuneration and different bases may be used for different things done by the liquidator. Where the remuneration is fixed as a percentage, different percentages may be used for different things done by the liquidator.

4. Who fixes the remuneration?

It is for the members of the company to determine on which of these bases the remuneration is to be fixed, and if it is to be fixed as a percentage, to fix the percentage to be applied. The Rules state that in arriving at their decision the members shall have regard to the following matters:

the complexity (or otherwise) of the case;

any respects in which, in connection with the company's affairs, there falls on the liquidator any responsibility of an exceptional kind or degree;

the effectiveness with which the liquidator appears to be carrying out, or to have carried out, his duties

the value and nature of the assets with which the liquidator has to deal.

A resolution specifying the terms on which the liquidator is to be remunerated may be taken at the meeting which appoints the liquidator. If the remuneration is not fixed in any of these ways, it will be in accordance with the scale laid down for official receivers.

5. Review of remuneration

Where there has been a material and substantial change in circumstances since the basis of the liquidator's remuneration was fixed, the liquidator may request that it be changed. The request must be made to the same body as initially approved the remuneration, and the same rules apply as to the original approval.

6. What information should be provided by the liquidator

General principles

The liquidator should provide those responsible for approving his remuneration with sufficient information to enable them to make an informed judgement about the reasonableness of the liquidator's request. The information should be presented in a manner which is transparent, consistent throughout the life of the case and useful to member, while being proportionate to the circumstances of the case.

The liquidator should disclose:

payments, remuneration and expenses arising from the administration paid to the liquidator or his or her associates;

any business or personal relationships with parties responsible for approving the liquidator's remuneration or who provide services to the liquidator in respect of the insolvency appointment where the relationship could give rise to a conflict of interest.

The liquidator should inform members of their rights under insolvency legislation, and should advise them how they may access suitable information setting out their rights within the first communication with them and in each subsequent report.

Where the liquidator sub-contracts out work that could otherwise be carried out by the liquidator or his or her staff, this should be drawn to the attention of members with an explanation of why it is being done.

Key issues

The key issues of concern to those with a financial interest in the level of payments from the insolvency estate will commonly be:

the work the liquidator anticipates will be done, and why that work is necessary;

the anticipated cost of that work, including any expenses expected to be incurred in connection with it;

whether it is anticipated that the work will provide a financial benefit, and if so what benefit (or if the work provided no direct financial benefit, but was required by statute);

the work actually done and why that work was necessary;

the actual costs of the work, including any expenses incurred in connection with it, as against any estimate provided;

whether the work has provided a financial benefit, and if so what benefit (or if the work provided no direct financial benefit, but was required by statute).

When providing information about payments, fees and expenses, the liquidator should do so in a way which facilitates clarity of understanding of these key issues. Narrative explanations should be provided to support any numerical information supplied. Where it is practical to do so, the liquidator should provide an indication of the likely return to creditors when seeking approval for the basis of his remuneration.

When approval for a fixed amount or a percentage basis is sought, the liquidator should explain why the basis requested is expected to produce a fair and reasonable reflection of the work that the liquidator anticipates will be undertaken.

Expenses

Costs met by and reimbursed to the liquidator in connection with the liquidation will fall into two categories:

Category 1 expenses: These are payments to independent third parties where there is specific expenditure directly referable to the liquidation. Category 1 expenses can be drawn without prior approval, although the liquidator should be prepared to disclose information about them in the same way as any other expenses.

Category 2 expenses: These are costs that are directly referable to the liquidation but not to a payment to an independent third party. They may include shared or allocated costs that may be incurred by the liquidator or their firm, and that can be allocated to the liquidation on a proper and reasonable basis.

When seeking approval, the liquidator should explain, for each category of cost, the basis on which the charge is being made. If the liquidator has obtained approval for the basis of Category 2 expenses, that basis may continue to be used in a sequential appointment where further approval of the basis of remuneration is not required, or where the liquidator is replaced.

The following are not permissible as expenses:

a charge calculated as a percentage of remuneration;

an administration fee or charge additional to the liquidator's remuneration;

recovery of basic overhead costs such as office and equipment rental, depreciation and finance charges.

Progress reports and requests for further information

The liquidator is required to send annual progress reports to members. The reports must include:

the basis fixed for the remuneration of the liquidator (or if not fixed at the date of the report, the steps taken during the period of the report to fix it);

if the basis has been fixed, a statement of the remuneration charged during the period of the report, irrespective of whether it was actually paid during that period (except where it is fixed as a set amount, in which case it may be shown as that amount without any apportionment for the period of the report);

if the report is the first to be made after the basis has been fixed, the remuneration charged during the periods covered by the previous reports, together with a description of the things done by the liquidator during those periods, irrespective of whether payment was actually made during the period of the report;

a statement of the expenses incurred by the liquidator during the period of the report, irrespective of whether payment was actually made during that period;

a statement of the members' rights to request further information and their right to challenge the liquidator's remuneration and expenses.

Within 21 days of receipt of a progress report, a member may request the liquidator to provide further information about the remuneration and expenses set out in the report. A request must be in writing and may be made by members with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the Company or by any member with the permission of the court.

The liquidator must provide the requested information within 14 days, unless he considers that:

the time or cost of preparation of the information would be excessive, or
disclosure would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or

the liquidator is subject to an obligation of confidentiality in relation to the information requested, in which case he must give the reasons for not providing the information.

Any member may apply to the court within 21 days of the liquidator's refusal to provide the requested information, or the expiry of the 14 days' time limit for the provision of the information.

7. Provision of information – additional requirements

The liquidator must provide certain information about the time spent on the case, free of charge, upon request by any creditor, director or shareholder of the company.

The information which must be provided is:

the total number of hours spent on the case by the liquidator or staff assigned to the case; for each grade of staff, the average hourly rate at which they are charged out; and the number of hours spent by each grade of staff in the relevant period.

The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the liquidator's appointment, or where he has vacated office, the date that he vacated office.

The information must be provided within 28 days of receipt of the request by the liquidator, and requests must be made within two years from vacation of office.

8. What if a member is dissatisfied?

If a member believes that the liquidator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the liquidator are in all the circumstances excessive he may, provided certain conditions are met, apply to the court.

Application may be made to the court by members with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the Company, or any member with the permission of the Court. Any such application must be made within 8 weeks of the applicant receiving the liquidator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported. If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the liquidator a copy of the application and supporting evidence at least 14 days before the hearing.

If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed, or the expenses be disallowed or repaid. Unless the court orders otherwise, the costs of the application must be paid by the applicant and not out of the assets of the company.

9. Other matters relating to fees

Where the liquidator realises assets on behalf of a secured creditor he is entitled to be remunerated out of the proceeds of sale in accordance with the scale laid down for the official receivers. Usually, however, the liquidator will agree the basis of his fee for dealing with charged assets with the secured creditor concerned.

Where two (or more) joint liquidators are appointed it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute between them may be referred to the court, or a meeting of members.

If a new liquidator is appointed in place of another, any determination, resolution or court order which was in effect immediately before the replacement continues to have effect in relation to the remuneration of the new liquidator until a further determination, resolution or court order is made.

Where the basis of the remuneration is a set amount, and the liquidator ceases to act before the time has elapsed or the work has been completed for which the amount was set, application may be made for a determination of the amount that should be paid to the outgoing liquidator. The application must be made to the same body as approved the remuneration. Where the outgoing liquidator and the incoming liquidator are from the same firm, they will usually agree the apportionment between them.

There may also be occasions when members will agree to make funds available themselves to pay for the liquidator to carry out tasks which cannot be paid for out of the assets. Any arrangements of this nature will be a matter for agreement between the liquidator and the members concerned and will not be subject to the statutory rules relating to remuneration.

Whilst every care has been taken in its preparation, this statement is intended for general guidance only.

Appendix 4

Expenses policy

In accordance with SIP 9, the basis of expense allocation must be fully disclosed to members. Expenses are categorised as either category 1 or category 2.

Category 1

Directly referable to an invoice from a third party, which is either in the name of the estate or ReSolve Advisory Limited; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These expenses are recoverable in full from the estate without the prior approval of members 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 expenses are statutory advertising, external meeting room hire, external storage, specific bond insurance and Company search fees.

Category 2

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 expenses are recoverable in full from the estate, subject to the basis of the expense charge being approved by members in advance. Examples of category 2 expenses are photocopying, internal room hire, internal storage and mileage.

The following are our category 2 expenses:

- Photocopying 20 pence per sheet
- Mileage 45 pence per mile