

# Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

03324319

Name of Company

W M Darleys Properties Limited

I / We

Jeremy Bleazard, Premier House, Bradford Road, Cleckheaton, BD19 3TT

the liquidator(s) of the company attach a copy of my/our Progress Report  
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 30/04/2015 to 29/04/2016

Signed

Date

29/6/16

XL Business Solutions Ltd  
Premier House  
Bradford Road  
Cleckheaton  
BD19 3TT

Ref 1315/JNB/SRW

THURSDAY



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COMPANIES HOUSE

# **Liquidator's Annual Progress Report to Members and Creditors**

## **W M Darleys Properties Limited In Liquidation**

**29 June 2016**

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# W M DARLEY'S PROPERTIES LIMITED - IN LIQUIDATION

## 1 Introduction and Statutory Information

1 1 I, J N Bleazard of XL Business Solutions Limited, was appointed as Liquidator of W M Darley's Properties Limited ("the Company") on 30 April 2015. This progress report covers the period from 30 April 2015 to 29 April 2016 ("the Period") and should be read in conjunction with any previous progress reports which have been issued.

1 2 The principal trading address of the Company was North Drive, Rotherham S60 1QF.

1 3 The registered office of the Company has been changed to Premier House, Bradford Road, Cleckheaton, BD19 3TT and its registered number is 3324319.

## 2 Progress of the Liquidation

2 1 This section of the report provides creditors with an update on the progress made in the liquidation during the Period.

2 2 At Appendix A is my Receipts and Payments Account for the Period.

2 3 I can advise that this case will remain open in order for me to discharge the costs of the liquidation from the funds held, including the outstanding legal fees and my agents fees in connection with the sale of the property, distribute any surplus, complete the final VAT return and request tax and vat clearance.

2 4 Once this has been received I will convene final meetings of the members and creditors in order to obtain my release as liquidator of the Company.

2 5 The above work will not necessarily bring any financial benefit to creditors generally, however a Liquidator is required by statute to undertake the work.

2 6 Attached at Appendix B is a time analysis outlining the time spent by the Liquidator and his staff during the period of this report.

2 7 Further information about the basis of remuneration agreed in this case and the Liquidator's fees can be found in section 4 of this report.

### *Administration (including statutory compliance & reporting)*

2 8 Under Insolvency legislation and as Liquidator I must comply with certain statutory compliance matters in accordance with The Insolvency Act 1986 and other related legislation.

2 9 Upon my appointment as liquidator the following work has been undertaken in relation to those duties:

- Notifying creditors of the liquidator's appointment and other associated formalities such as statutory advertising and filing relevant statutory notices at Companies House
- Complying with statutory duties in respect of the liquidators specific penalty bond
- Creation and update of case files on my Company's insolvency software
- Pension regulatory reporting and auto-enrolment cancellation
- Completion and filing of the notice of the Company's insolvency to H M Revenue & Customs
- Periodic case progression reviews (typically at the end of month one and every six months thereafter)
- Opening, maintaining and managing the liquidation estate cashbook and bank account

## W M DARLEY'S PROPERTIES LIMITED - IN LIQUIDATION

### *Investigations*

- 2 10 Some of the work the Liquidator is required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (**CDDA 1986**) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Liquidator can pursue for the benefit of creditors
- 2 11 I can confirm that I have submitted a report on the conduct of the Directors of the Company to the Department for Business Innovation & Skills under the CDDA 1986. As this is a confidential report, I am unable to disclose the contents
- 2 12 Shortly after appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account information provided by creditors either at the s98 meeting or as a response to my request to complete an investigation questionnaire. My investigations have not revealed any issues requiring further report or any further potential recoveries which could be pursued for the benefit of creditors

### *Realisation of Assets*

#### *Cash at bank*

- 2 13 At the time of my appointment I was aware there were funds of approximately £16,677 in the company's former bank account. I can confirm that after the deduction of closing charges the sum of £15,804 has been received from this source

#### *Motor Vehicles*

- 2 14 The Company owned one motor vehicle that was scheduled to realise £750 as reflected in the Statement of Affairs. I am pleased to report that I actually received the sum of £833 for the benefit of the liquidation

#### *Freehold land & Property*

- 2 15 The Company owned a property that was marketed for sale following my appointment as liquidator. A valuation was obtained and a local firm of estate agents were instructed to act in connection with the sale. I am pleased to report that after a successful and realistic marketing campaign the property was sold for the sum of £53,991. After the deduction of the estate agents costs, but before the payment of my solicitors legal fees the sum of £52,991 has been received from this source
- 2 16 The sum of £3 71 regarding interest received on the sale proceeds has also been collected
- 2 17 In addition to the above, the Company had a scrap metal processing yard at North Drive, Rotherham. I can advise that following the liquidation of the Company the landlord re-took control of the yard and therefore, no disclaimer was required
- 2 18 As a scrap yard it held an Environment Agency permit and I was contacted by the Environment Agency to seek clarity on an outcome for the permit now that the Company is in liquidation and it has no occupancy or control of the site. In view of this I instructed my agents Walker Singleton to deal with this matter on my behalf
- 2 19 Walker Singleton advised that a new tenant for the yard had contacted him to request that the liquidator assigns the permit to them in order for them not to have to make an application for a new permit. However, the permutations of transferring the permit could mean that I could become liable for any outstanding costs and charges
- 2 20 In view of the above I instructed Walker Morris Solicitors to provide me with a suitable way forward that would limit any risk associated with the permit and its possible transfer

## W M DARLEY'S PROPERTIES LIMITED - IN LIQUIDATION

2 21 Both Walker Morris and Walker Singleton have been in regular contact with the Environment Agency and myself with a view to finalising this matter in the best possible way. It was concluded that in order to reduce any risk to me as liquidator, the permit should be disclaimed as onerous property leaving the new tenant to make a new application for their own permit.

2 22 I can confirm that the permit was eventually disclaimed on 30 March 2016.

### *Creditors (claims and distributions)*

2 23 Further information on the anticipated outcome for creditors in this case can be found at section 3 of this report. A Liquidator is not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.

2 24 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.

2 25 The above work will not necessarily bring any financial benefit to creditors generally, however a Liquidator is required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Liquidator in dealing with those claims.

## 3 Creditors

### *Preferential Creditors*

3 2 There are no preferential creditors in this case.

### *Unsecured Creditors*

3 3 I have received claims totalling £354,834 from seven creditors. I have yet to receive claims from five creditors whose debts total £72,254 as per the Company's statement of affairs.

3 4 The Company did not grant any floating charges to a secured creditor. Accordingly, there is no requirement to create a fund out of the Company's net floating charge property for unsecured creditors (known as the **Prescribed Part**).

3 5 I would confirm that no dividend to creditors will be made in this case.

## 4 Liquidator's Remuneration

4 1 The Creditors approved that the basis of the Liquidator's remuneration be fixed by reference to the time spent by him and his staff in managing the liquidation.

4 2 My time costs for the Period are £33,716. This represents 164.50 hours at an average rate of £204.96. To date, I have not drawn any funds against these costs, however I have drawn my disbursements of £800.45.

4 3 Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during the Period in respect of the costs fixed by reference to time properly spent by me in managing the liquidation.

4 4 In considering the remaining work to be done in this liquidation, I currently anticipate that my time costs to complete the liquidation will be approximately £6,000. I will update creditors on this in my next progress report.

## W M DARLEY'S PROPERTIES LIMITED - IN LIQUIDATION

- 4 5 In accordance with a resolution passed at the initial creditors meeting, creditors authorised the sum of £4,500 plus disbursements plus VAT to be drawn in respect of the preparation of the statement of affairs and convening the meetings of members and creditors. I can advise that to date I have drawn the sum of £2,500 against these outstanding costs.
- 4 6 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from [www.insolvency-practitioners.org.uk](http://www.insolvency-practitioners.org.uk)
- 4 7 Attached as Appendix C is additional information in relation to the Liquidator's fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

### 5 Creditors' Rights

- 5 1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report.
- 5 2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this progress report, are excessive.

### 6 Next Report

- 6 1 I am required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation, unless I have concluded matters prior to this, in which case I will write to all creditors with my final progress report ahead of convening the final meeting of creditors.

Yours faithfully



**J N Bleazard**  
Liquidator

**W M Darleys Properties Limited**  
**(In Liquidation)**  
**Liquidator's Abstract of Receipts & Payments**  
**To 29/04/2016**

<b>S of A £</b>		<b>£</b>	<b>£</b>
	<b>ASSET REALISATIONS</b>		
55,000 00	Freehold Land & Property	NIL	
	Freehold Land & Property	53,991 00	
750 00	Motor Vehicles	833 33	
16,677 00	Cash at Bank	15,803 83	
	Bank Interest Gross	3 71	
			70,631 87
	<b>COST OF REALISATIONS</b>		
	Preparation of S of A	2,500 00	
	Office Holders Disbursements	800 45	
	Agents/Valuers Fees (1)	1,000 00	
	Insurance of Assets	169 17	
			(4,469 62)
	<b>UNSECURED CREDITORS</b>		
(106,228 35)	Trade & Expense Creditors	NIL	
(125,235 00)	Directors	NIL	
(27,000 00)	Inland Revenue	NIL	
(120,000 00)	Customs & Excise	NIL	
			NIL
	<b>DISTRIBUTIONS</b>		
(2 00)	Ordinary Shareholders	NIL	
			NIL
<b>(306,038 35)</b>			<b>66,162.25</b>
	<b>REPRESENTED BY</b>		
	Vat Receivable		200 00
	Current A/c - Bank 1		65,968 83
	Vat Payable		(166 67)
	Vat Control Account		160 09
			<b>66,162.25</b>

**SIP 9 - Time & Cost Summary**

Period 30/04/15 29/04/16

## Time Summary

Classification of work function	Hours					Time Cost (£)	Average hourly rate (£)
	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	28 50	14 60	9 40	0 00	52 50	10,801 00	205 73
Investigations	3 00	11 00	0 00	0 00	14 00	2,645 00	188 93
Realisations of assets	47 00	35 50	0 00	0 00	82 50	17,492 50	212 03
Trading	0 00	1 00	0 00	0 00	1 00	175 00	175 00
Creditors	4 50	3 50	6 50	0 00	14 50	2,602 50	179 48
Case specific matters	0 00	0 00	0 00	0 00	0 00	0 00	0 00
<b>Total Hours</b>	<b>83 00</b>	<b>65 60</b>	<b>15 90</b>	<b>0 00</b>	<b>164 50</b>	<b>33,716 00</b>	<b>204 96</b>
<b>Total Fees Claimed</b>						<b>0 00</b>	



**Additional Information in Relation to the Liquidator's Fees, Expenses & Disbursements****1 Staff Allocation and the Use of Sub-Contractors**

- 1 1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case
- 1 2 The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment
- 1 3 I am not proposing to utilise the services of any sub-contractors in this case

**Professional Advisors**

- 1 4 On this assignment I have used the professional advisors listed below. I have also indicated alongside, the basis of my fee arrangement with them, which is subject to review on a regular basis

Name of Professional Advisor	Basis of Fee Arrangement
Walker Morris (legal advice in relation to the waste permit and sale of the property)	Hourly rate and disbursements
Marsh Limited (insurance)	Fixed fee
Walker Singleton (advice in relation to the waste permit)	Hourly rate and disbursements
Wilkins Vardy Residential Ltd (property sale)	Fixed fee
Courts Advertising Ltd (statutory advertising)	Fixed fee
AUA Insolvency Risk Services Ltd (bordereau)	Fixed fee

- 1 5 My choice was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of my fee arrangement with them

**2 Liquidator's Expenses & Disbursements**

- 2 1 An analysis of the expenses paid to the date of this report, together with those incurred but not paid at the date of this report is provided below

	Paid in the period covered by this report £	Incurred but not paid to date £	Total anticipated cost £
Agents' costs	1,000 00	14,487 00	15,487 00
Solicitors' costs	Nil	12,541 50	12,541 50
Insurance	169 17	Nil	169 17
<b>Category 1 disbursements</b>			
Statutory advertising	225 00	Nil	225 00
Specific penalty bond	216 00	Nil	216 00
Subsistence	51 10	Nil	51 10
External meeting room hire	50 00	Nil	50 00
Company Search	5 00	Nil	5 00
<b>Category 2 disbursements</b>			
Business mileage	253 35	Nil	253 35

## W M DARLEY'S PROPERTIES LIMITED - IN LIQUIDATION

- 2.2 Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case. These disbursements are included in the tables of expenses above.
- 2.3 Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage. Details of Category 2 disbursements charged by this firm (where appropriate) were provided at the time the Liquidator's fees were approved by creditors. Any Category 2 disbursements incurred are specifically highlighted in the tables of expenses above.
- 2.4 **Charge-Out Rates**
- 2.5 XL Business Solutions Limited's current charge-out rates are detailed below. It should be noted that my Company's charge out rates may increase periodically. If any such increase applies, creditors will be notified accordingly.
- 2.6 Please note this Company records its time in minimum units of 6 minutes.

Grade	(Per hour) £
Partner / Director	240
Senior Manager	200
Manager	175
Experienced Senior	155
Senior	140
Administrator	105
Assistant	90