# Liquidator's Progress Report

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

S. 192

To the Registrar of Companies

		Company Number
		03420930
	Name of Company	
Insert full name	(a)EURODALE LTD - IN LIQUIDATION	

(b) Insert full name(s) and address(es)

I <sup>(b)</sup>Asher Miller of David Rubin & Partners, 26 - 28 Bedford Row, London, WC1R 4HE

the Joint liquidator of the company attach a copy of our Progress Report under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 12 December 2014 to 11 December 2015

Signed OBMULLS

Date 4/2/16

Presenter's name, address and reference (if any) David Rubin & Partners 26 - 28 Bedford Row London WC1R 4HE

Tel 020 7400 7900 DX Number 267 DX Exchange London/Chancery Lane



COMPANIES HOUSE

#240

# IN THE MATTER OF

# **EURODALE LTD - IN LIQUIDATION**

# <u>AND</u>

# THE INSOLVENCY ACT 1986

THE JOINT LIQUIDATOR'S FIFTH ANNUAL PROGRESS REPORT
PURSUANT TO SECTION 104A OF THE INSOLVENCY ACT 1986
AND
RULE 4.49C OF THE INSOLVENCY RULES 1986

FOR THE YEAR ENDED 11 DECEMBER 2015

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  - December 2015
- B David Rubin & Partners Cumulative Time Analysis for the period 3 February 2012 to 11 December 2015
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- C Grant Thornton UK LLP Cumulative Time Analysis for the period 12 June 2012 to 11 December 2015

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# (a) Introduction

The Company was placed into liquidation by a Special Resolution of the members followed by a meeting of the creditors convened under section 98 of the Insolvency Act 1986 on 3 February 2012

As you may recall, at the meeting of creditors convened under Section 171(2)(b) of the Insolvency Act 1986 and duly held on 12 June 2012, it was resolved that I be removed as sole Liquidator and that I be appointed Joint Liquidator along with James Earp of Grant Thornton UK LLP ("GT")

James Earp retired from GT and was removed from office as Joint Liquidator by a Court Order obtained by consent on 11 December 2013 Accordingly he was replaced by David Ingram of GT with effect from 12 December 2013

This report provides an update on the progress in the liquidation for the period since my last progress report, from 12 December 2014 to 11 December 2015

# Rule 4.49C-CVL(5): Progress Report

# (b) Statutory information

Company name

Eurodale Ltd

Registered office

26-28 Bedford Row, London, WC1R 4HE

Company number

03420936

Trading address

68 Portland Avenue, London N16 6EA

# (c) Liquidator's name and address:

I, Asher Miller of David Rubin & Partners ("DRP"), 26-28 Bedford Row, London, WC1R 4HE was appointed Liquidator of the Company on 3 February 2012

I was subsequently removed as Liquidator of the Company by the creditors on 12 June 2012 and I was appointed as Joint Liquidator along with James Earp of GT, 30 Finsbury Square, London EC2P 2YU, who has now been replaced by David Ingram, also of GT as detailed above

# (d) Basis of Liquidator's remuneration

#### Basis of remuneration

- 1 1 At the meeting of creditors a resolution was passed approving that the basis of my remuneration as Liquidator be fixed by reference to the time properly spent by my staff and myself in attending to matters arising in the winding-up
- In accordance with the provisions of Statement of Insolvency Practice 9 ("SIP 9"), a schedule of my firm's charge-out rates was issued to creditors at the time the basis of the Liquidator's remuneration was approved. There has not been any material increase in the rates during this appointment. Our current hourly chargeout rates exclusive of VAT, which are charged in units of 6 minutes, are as follows -

	David Rubin & Partners £	Grant Thornton UK LLP £
Senior / Managing Partners	450	-
Partners/Office holders	300 - 395	615
Director	-	515
Managers / Senior Managers	250 - 295	470
Executive	-	305
Senior Administrators	180 - 220	-
Administrators	130 - 160	175
Cashiers and Assistants / Treasury	120 - 160	160
Supports	110 - 120	-

Chargeout rates of DRP are normally reviewed annually in November, when rates are adjusted to reflect such matters as inflation, increases in direct wage costs, and changes to indirect costs such as Professional Indemnity Insurance

#### 13 Staff allocation and the use of subcontractors

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case. The constitution of the case team will usually consist of a Partner, Manager, Senior Administrator and two Administrators. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and additional staff may be allocated to meet the demands of the case.

We have not utilised the services of any subcontractors in this case

# (e) Liquidator's remuneration

My time costs for the year under review are £10,273 50 This represents 44 18 hours at an average rate of £231 91 per hour I attach at Appendix B a Time Analysis which provides details of the activity during the year, analysed by staff grade

I have also reviewed my cumulative time costs for the period from 3 February 2012 to 11 December 2015 and would report that my total time costs are £81,332 00 for 322 06 hours, which equates to an average cost of £252 51 per hour A breakdown of my time charges is also set out in Appendix B To date £27,619 30 has been paid on account of these time costs

In addition, GT's time costs for the year under review are £31,729 25 for 103 09 hours, which equates to an average cost of £307 78 per hour. A breakdown of their time charges is also set out in Appendix C

GT's cumulative time costs for the period from 12 June 2012 to 11 December 2015 are £88,423 47 for 324 18 hours, which equates to an average cost of £272 75 per hour A breakdown of these time charges is also set out in Appendix C. To date £6,566 13 has been paid on account of these time costs

To view an explanatory note concerning Liquidators' remuneration issued by the Joint Insolvency Committee, please visit the Publications folder on our website at <a href="https://www.drpartners.com/cases">www.drpartners.com/cases</a>, using the following log-on details

USERNAME e895 eur@sharesrvr com PASSWORD rue598E\*

Alternatively, please contact this office to arrange for a copy to be sent to you

Included in the work undertaken by me and my staff is the following -

- Carrying out preliminary investigations, including the examination of the Company's statutory books and books of accounts and records. Liaising with the London Borough of Lewisham and investigating their concerns with regards to the director's conduct,
- Dealing with creditors' enquiries both by correspondence and by telephone and noting their claims, in particular ongoing and extensive liaisons with the London Borough of Lewisham regarding their s106 agreement, as detailed in 1 2 below
- Further investigations into historical antecedent transactions, including attempting to obtain co-operation from the Company's former accountants and legal advisers by application to Court
- Reviewing available information and identifying the extent of the Company's interest in various property assets, together with instruction of a specialist property agent Liaising with the existing Managing Agents regarding the ground rents and service charge in respect of the Company's two freehold properties as well as general freeholder management issues relating to construction work affecting the site, being carried out by the owner of the adjoining property
- v Applying for the Liquidator's bond, as required by Section 390 of the Insolvency Act,
- vi Publishing the necessary statutory advertisements in respect of the liquidation proceedings,
- Correspondence with the Company's bankers in respect of the closure of its bank account and the remittance of monies to the liquidation bank account
- VIII Opening a designated bank account and dealing with the movement of funds
- Periodic case and file reviews to ensure compliance with regularity obligations
- x Preparation and circulation of the annual progress reports and Receipts and Payments Account to creditors pursuant to S104A of the Insolvency Act 1986 and submission of same to the Registrar of Companies

#### (f) Liquidator's expenses

Expenses incurred in the liquidation are explained at (g) below in my comments on the Receipts and Payments Accounts

#### (g) Details of progress for the period under review and cumulatively:

As previously reported, the Company acquired the freehold interest of developed residential sites at 99 Plough Way, London SE8 5DP ("Plough Way") and Iceland Wharf, Plough Way London, SE16 7AB ("Iceland Wharf") in September 2008 from Topplan Estates Limited ("Topplan")

On 27 March 2003, Topplan and the London Borough of Lewisham ("LBL") signed an Agreement under Section 106 of the Town and Country Planning Act 1990 ("the Agreement"), with regards to the 51 flats at Plough Way LBL issued a Statutory Demand against the Company on 1 February 2012 for the sum of £1,567,402 77 in relation to the monies outstanding pursuant to the Agreement

The Agreement is binding on any successors in title to the freehold interest at Plough Way, London SE16 Therefore, as the liability under the Agreement is passed onto any successor in title this effectively renders the freehold interest as unsaleable as an onerous asset

However, I started liaising with the LBL, in order to seek a solution which will enable this asset to be disposed of for the benefit of all parties, as LBL are by far the single largest creditor. Accordingly, extensive correspondence has been ongoing with LBL in order to try and reach an agreement

LBL have advised that they were seeking counsel's opinion regarding their position and during this reporting period I have continued to pursue an agreement with LBL that would enable me to realise the freehold interest in the properties

In addition to this, GT's investigations have continued into the Company's business affairs, following which the focus has been on the sale of 51 flats at Plough Way, due to a liability that arose to LBL when these flats were sold

GT have made substantial efforts to obtain information from the Company's director and advisers, and as previously advised it was necessary to make a Court application to compel information to be provided GT are currently undertaking a review of the information received and considering the position

A Receipts and Payments Account is attached at Appendix A, which is further explained below. Also, attached at Appendix A is a cumulative Receipts and Payments Account for the period from 3 February 2012 to 11 December 2015.

#### 1. Receipts

#### 1.1 Bank interest gross

The funds in hand are held in an interest bearing account with a High Street bank in the Office Holder's name as Liquidator of the Company

Interest earned on the funds in hand amounts to £25 06 of which £6 39 was received during the year under review

#### 2. Payments

#### 2.1 Specific bond

The sum of £115 80 has been paid during the period in respect of the specific bond, which is the cost of insurance, based on the level of realisations by the Joint Liquidators, as required by the Insolvency Practitioners Regulations 2005

#### 2.2 Professional Fees

The sum of £5,000 excluding VAT, was paid to Wimpole Property Consultants Limited ("WPC") for acting in an advisory role in respect of the management of the Company's properties located at Iceland Wharf and Plough Way. This fee also included liaising with the contractor and structural engineer in respect of an development in an adjoining property and also negotiating a Scaffolding Licence, proving a rental income during the development.

WPC was selected as agents on the basis of their experience and expertise in dealing with property matters and charged their fees on a fixed fee basis

#### 2.3 VAT irrecoverable

The Company was not registered for VAT and therefore any VAT paid on fees, disbursements and other costs, and is unable to be recovered

#### 2.4 Joint Liquidator's Remuneration

Remuneration drawn during the year amounted to £12,400

#### 3. Expenses incurred but not recharged to the estate

#### 3.1 Specific bond

The sum of £30 is yet to be recharged by DRP and £260 is to be recharged by GT in respect of the specific bond, being the cost of insurance, based on the level of realisations by the Liquidator, as required by the Insolvency Practitioners Regulations 2005

#### 3.2 Meeting Costs

The first meetings of members and creditors were held at the offices of DRP and the subsequent creditors meeting held on 12 June 2012, for which my firm charges a nominal rental of £150 plus VAT for the provisions of the boardroom and ancillary facilities

#### 3.3 Statutory costs

The amount of £77 was incurred by DRP and GT has incurred the sum of £807 54 in respect of fees for various searches and information obtained from Companies House and Land Registry

#### 3.4 Statutory advertising

The sum of £306 has been incurred in respect of the costs for the publishing of statutory advertising in the London Gazette in respect of the meeting of the members and creditors and the notice of the appointment of the Joint Liquidators

#### 3 5 Storage Fees

The sum of £224 42 has been incurred by GT in respect of the costs for storing the Company's books and records

#### 3.6 Courier Fees

The sum of £2 95 has been incurred by GT in respect of courier fees

#### 3.7 Travel Costs

The sum of £61 40 has been incurred by GT in respect of travel costs incurred in attending to meetings

#### 3.8 Legal Fees

GT has incurred legal fees of Gordon Dadds solicitors in the sum of £1,392 33 in respect of Court fees and agent fees

# 3.9 Transcript Fees

GT has also incurred fees in the sum of £411 25 for the transcript prepared by Merrill Legal Solutions following their interview with the director

# (h) Details of any assets that remain to be realised and outstanding matters

As mentioned in paragraph (g) above, I am continuing to liaise with LBL regarding the Agreement and the sale of the Company's freehold interests. At this time the realisable value of the freehold interests is uncertain

I am continuing to liaise with Dealmore Commercial Limited regarding the ongoing service charges and ground rents they have collected for the Company's freehold interests and anticipate further recoveries in due course

#### (1) Investigations

- 1 In accordance with the Company Directors Disqualification Act 1986 a report on the conduct of the Directors of the Company to the Department for Business Innovation & Skills (BIS) has been submitted by GT, as agreed in the division of duties. As this is a confidential report, the contents will not be disclosed
- Shortly after my 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 initial meeting or as a response to my request to complete an investigation questionnaire.
- Investigations by GT have been conducted into the Company's business and affairs. These investigations are on-going. The focus of the investigations has been on the sale of the flats at Plough Way, due to the liability that arose in the sum of £1,104,722 to LBL, when the flats were sold
- 1 4 GT have made enquires with the Company's director and advisers instructed by the Company in relation to the flats and due to the lack of cooperation from the advisers it has been necessary to make a Court application to compel information to be provided
- 1 5 GT are currently undertaking a review of the information received and considering the liquidator's position

# (j) Creditors' rights – Rule 4.49E and Rule 4.131

- 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 provides further information about his remuneration or expenses which have been itemised in this progress report
- 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 the basis fixed for the Liquidator's remuneration, the remuneration charged or the expenses incurred by the Liquidator as set out in this progress report are excessive

#### (k) Any other relevant information:

#### (1) (a) Secured creditors

With the exception to the LBL claim of £1,567,402 77 which is registered against the Company's property, detailed in (g) above, there are no other secured creditors in this matter

#### (b) Prescribed Part

Section 176A of the Insolvency Act 1986 provides for a prescribed part of the Company's net property to be retained from distribution to the floating charge holder, where the debenture was created on or after 15 September 2003 and made available for the satisfaction of unsecured debts

Accordingly this regulation does not apply as there are no creditors with a floating charge on the Company's assets

#### (11) Preferential creditors

There are no preferential creditors in this matter

#### (iii) Unsecured creditors

The claims of 4 unsecured creditors totalling £1,613,411 46 have been received compared to 4 creditors totalling £1,615,618 65 disclosed on the Director's Estimated Statement of Affairs At this stage, it is uncertain of the quantum and for timing of any potential dividend to the unsecured creditors

#### (l) Next report

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

I trust you will find this report adequate for your purposes but should you require any further information, please do not hesitate to contact in the first instance either my Senior Manager, Yin Lee, or myself at this office

ASHER MILLER - JOINT LIQUIDATOR

DATE: 4/2/16

# Eurodale Ltd (In Liquidation) Joint Liquidator's Abstract of Receipts & Payments

Statement of Affairs		From 12/12/2014 To 11/12/2015	From 03/02/2012 To 11/12/2015
	ASSET REALISATIONS	<del></del> -	
Uncertain	Freehold Property	NIL	NIL
455 00	Cash at Bank	NIL	454 78
	Rent	NIL	64,931 17
	Cash held on Appointment	NIL	7,200 00
	Bank Interest Gross	6 39	25 06
	Licence Fee	NIL	3,892 75
		6 39	76,503 76
	COST OF REALISATIONS		
	Specific Bond	115 80	159 60
	Preparation of S of A	NIL	6,000 00
	Office Holders Fees	12,400 00	34,185 43
	Legal Fees	NIL	1,500 00
	QS Fees	5,000 00	5,000 00
	VAT	3,480 00	10,651 02
	Property Agents Fees	NiL	6,493 11
	Statutory Advertising	NIL	76 50
	Other Property Expenses	NIL	4,600 10
	Insurance of Assets	NIL	1,296 00
		(20,995 80)	(69,961 76)
	UNSECURED CREDITORS		
(1,578,744 00)	Trade & Expense Creditors	NIL	NIL
(36,875 00)	Directors' Loan	NIL	NIL NIL
, ,		NIL	NIL
	DISTRIBUTIONS		
(100 00)	Ordinary Shareholders	NIL	NIL
, ,	•	NIL	NIL
		(20,000,44)	6,542 00
(1,615,264.00)		(20,989.41)	
	REPRESENTED BY Current Account		6,542 00
			6,542.00

Note

# EURODALE LTD - IN CREDITORS' VOLUNTARY LIQUIDATION

# DAVID RUBIN & PARTNERS TIME COSTS FOR THE PERIOD FROM 12 DECEMBER 2014 TO 11 DECEMBER 2015 SIP 9 TIME SUMMARY

Hours Average Total Classification of Manager / Admin/ hourly rate Total Cost work function Senior Senior Cashiers Partners £ hours £ Admin Manager 218 46 01 54 32 42 7,143 50 22 06 06 18 02 24 Statutory compliance, admin and planning 0 00 00 00 0 00 00 00 00 00 00 00 00 00 Investigations 2,076 50 250 18 00 00 08 18 05 30 02 48 00 00 Realisations of assets 1,053 50 319 24 00 00 03 18 00 00 00 48 02 30 Creditors 44 18 10,273 50 231 91 14 18 24 54 01 54 03 12 Total hours and costs

DAVID RUBIN & PARTNERS CUMULATIVE TIME COSTS
FOR THE PERIOD FROM 03 FEBRUARY 2012 TO 11 DECEMBER 2015
SIP 9 TIME SUMMARY

	SIP 9 TI	ME SUMMA	ARY		<del></del>		
			Hours				Average
Classification of work function	Partners	Manager / Senior Manager	Admın / Senior Admin	Cashiers	Total hours	Total Cost £	hourly rate
Statutory compliance, admin and planning					1		 
IPS set up & maintenance	00 00	00 00	01 001	00 00	01 00	211 00	1
Statutory filings, circulars, notices, etc	00 30	02 30	07 24	00 00	10 24	2,545 00	
Case planning, strategy & control	00 00	01 36	13 36	00 12	15 24	3,508 00	227 79
Taxation PAYE, C/Tax & VAT	00 30	00 24	09 42	00 00	10 36	2,098 50	197 97
Accounting & Cashiering	00 00	00 00	01 06 <sup>1</sup>	08 48	09 54	1,535 00	1
Case reviews & Diary maintenance	01 18	08 30	15 30	00 00	25 18	6,044 00	238 89
Statutory reporting and compliance	01 54	08 30	45 54	00 00	56 18	12,726 00	226 04
Investigations				,		l	1
CDDA preparation & reporting	00 00	10 30	20 48	00 00	31 18	7,673 50	245 16
SIP2 assessment and financial review	00 00	. '		1		0 00	0 00
Antecedant transactions & wrongful trading	04 00	1		00 00	04 00	1,580 00	395 00
Proceedings & recoveries	00 00	o' 01 30 l	00 00	00 00	01 30	442 50	295 00
Realisation of assets	ļ	1	į	i ;		i	i
Freehold & leasehold properties	1 12 00	72 24'	44 30	00 00	128 54	35,438 00	
Intangible assets	00 00	00 00	00 00	00 00	00 00	0 00	
Shares & investments	00 00	00 00	00 00	00 00	00 00	0 00	0 00
Book debts collection	00 42	02 06	03 48	00 00	06 36	, 1,732 00	
Tangible assets	00 00	00 00	00 18	00 00	00 18	39 00	0 130 00
Creditors						•	
Secured creditors	00 00	00 00	00 00	00 00			
Unsec'd Creditors correspondence & claims	05 18	8 04 00	11 18	00 00		=	
Preferential creditors & employees	00 00	00 00	00 00	00 00	00 00		
Retention of Title	00 00	00 00	00 00	00 00			
Creditors' Committee	00 00	00 00	00 00	00 00	00 00		
Trading	00 00	0 00 00	00 00	00 00	00 00	0.00	0 0 0
Total hours and costs	26 12	2 112 00	174 54	09 00	322 06	81,332 0	0 252 5

Eurodale Limited - In Liquidation (the Company) Period 12 June 2012 to 11 December 2015 Grant Thornton SIP 9 Time Cost Analysis

State of the second of the sec	xecutive	Administrator		(Total)	
E Avg. Hrly	£ Avg Hrly	Hrs	£ Avg Hrly	Hrs	£ Avg. Hrly
	Rate		Rate		Rate
55 44 23,130 90 4:	15,253 75 279 48	70 31 12,600 00	179 21	184 13 53,189 65	5 288 87
				····	
				1	ı
1 03 426 63 414 20 0 30	84 00 280 00	32 81 9,156 00	279 06	34 14 9,666 63	_
4,2	8,765 75 272 23	43 05 8,771 19	203 74	84 47 21,799 82	2 258 08
			-	1	
0 53 225 38 425 25 0 60	168 00 280 00	20 32 3,373 99	166 04	21 45 3,767 37	1/5.63
	- [	1	1		Т
580.26 66 22 28,045 79 423 52 87 68	24,271 50 276 82	166.49 33,901 18	203 62	324 19 88,423 47	(17/7
66 22 28,045 /91 423 52 67 66	DE 1/7/27	70 077	2001	22 200/00 00:007	

Includes Investigation into Company's business and affairs in accordance with statement of insolvency Practice 2, ongoing correspondence with solicitors in relation to section 236 Investigations and

Legal Correspondence applications and reviewing witness statements

Includes Correspondence with unsecured creditors

Creditors

Includes Case planning, statutory obligations, general correspondence, dealing with tax correspondence and liaison with Joint Liquidators Administration &

Planning

Includes Liaison with the Company director Liaison with the Directors

Eurodale Limited - In Liquidation (the Company) Grant Thornton SIP 9 Time Cost Analysis Period 12 December 2014 to 11 December 2015

Standard	- B	Partner The State of the State		Vanager		<b>e</b> )	expose		<sub>E</sub>	ninistrator			Total	
	Hrs	£ Avg Hrly	Hrs		£ Avg Hrly	Hrs	3	Wg Hrly	Hrs	w	Avg Hrly	Hrs	Ğ.	Avg .Hrly
**************************************		Rate			Rate	~		Rate	٠	-	Rate			Rate
Administration and Planning			5 89	2,740 25	465 24	15 3	4,284	280	31	536 25	172 98	24 29	7,560 5	311 26
-						-			-	٦	_	ļ		_
Creditors			4	188	470	m	<b>8</b>	280	-			۲,	272	388 57
Investigations and Legal			16 05	7,305 5	455 17	53 85	15,078	280	7	1,200 5	171 5	6 9/	23,584	306 68
Correspondence		<u> </u>							-	,		- (	- t	
Liaison with the Directors			15	70 5	470	9	168	280	45	74 25	165	1.7	317 /5	7e0 p3
Total			22 49	10,304 25	458.17	70 05	19,614	280	10 55	1,811	171.66	103 09	31,729 25	

Includes Case planning, statutory obligations, general correspondence, dealing with tax correspondence and liaison with Joint Liquidators Administration & Planning

Includes Correspondence with unsecured creditors

Creditors

Includes Investigation into Company's business and affairs in accordance with statement of insolvency Practice 2, ongoing correspondence with solicitors in relation to section 236 applications and reviewing witness statements investigations and Legal Correspondence

Liaison with the Directors Includes Liaison with the Company director