

Rule 1.26/  
1.54

The Insolvency Act 1986  
 Notice to Registrar of  
 Companies of Supervisor's  
 Abstract of Receipts and  
 Payments  
 Pursuant to Rule 1.26(2)(b) or  
 Rule 1.54 of the  
 Insolvency Rules 1986

# R.1.26(2)(b)/ R.1.54

For Official Use

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To the Registrar of Companies

Company Number

03425284

Name of Company

Barry Howard Homes Ltd

I / We  
 William John Turner  
 Prospect Place  
 85 Great North Road  
 Hatfield  
 Herts AL9 5BS

Geoffrey Stuart Kinlan  
 Prospect Place  
 85 Great North Road  
 Hatfield  
 Herts, AL9 5BS

supervisor(s) of a voluntary arrangement taking effect on

03 July 2008

present overleaf my/our abstract of receipts and payments for the period from

03 July 2008

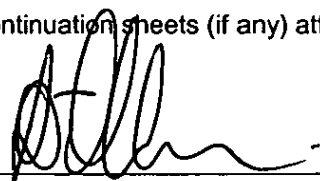
to

02 July 2009

Number of continuation sheets (if any) attached

☐

Signed



Date

11/9/09

BDO Stoy Hayward LLP  
 Prospect Place  
 85 Great North Road  
 Hatfield  
 Herts AL9 5BS

Ref: BARR/WT/RD/TP

Insolvency

SATURDAY



\*A4FDD0W\*

A15

05/09/2009

5

COMPANIES HOUSE

<b>RECEIPTS</b>		£
Brought forward from previous Abstract (if any)		0.00
<div style="border: 1px solid black; height: 300px; width: 100%;"></div>		
* Delete as appropriate	Carried forward to	0.00
	* continuation sheet / next abstract	
<b>PAYMENTS</b>		£
Brought forward from previous Abstract (if any)		0.00
<div style="border: 1px solid black; height: 300px; width: 100%;"></div>		
* Delete as appropriate	Carried forward to	0.00
	* continuation sheet / next abstract	

Note - The receipts and payments must severally be added up at the foot of each sheet and the totals carried forward from one abstract to another without any intermediate balance so that the gross totals shall represent the total amounts received and paid by the supervisor since he was appointed.

## **Barry Howard Homes Limited ("the Company")**

### **Comments on the progress and efficacy of the Voluntary Arrangement**

#### **1 Receipts & Payments**

- 1.1 I attach a statement showing my receipts and payments for the period from the date of my appointment to 1 September 2009.

#### **2 Actions Since Voluntary Arrangement Approval**

- 2.1 As detailed in the Company Voluntary Arrangement ("CVA") there were two scenarios (Scenario 1 and Scenario 2) which the Company would investigate and look to adopt. The main difference between the two scenarios was in regard to two development sites and the level of work to be undertaken by the Company's subsidiaries in either selling the sites immediately or completing the sites.
- 2.2 In this regard, planning permission has been granted for phase 2 of the development held in BHH Husbands Bosworth Ltd. As detailed in the Estimated Outcome Statement, circulated in the CVA proposal, no realisation was anticipated unless planning permission was obtained and the site developed under scenario 2. At this stage the directors have not begun work on this site although they intend to do so in the future. The directors are also considering other realisation strategies on this, and other sites, such as partial development, joint ventures or re-planning which may provide a more timely realisation for the unsecured creditors.
- 2.3 The other site, which may yield a better realisation in scenario 2, was held in BHH East Midlands Ltd and was a partly completed site in Leicester. I can advise that 5 of the 23 properties have now been sold and it is expected that the sale of these units will encourage the sale of the remainder of the site. Clearly, at this stage, the final outcome of this site is still uncertain.
- 2.4 The remaining development sites and properties were due to provide the same return regardless of the scenario undertaken. In this regard I can advise that a further 26 properties have been sold in the past 12 months.
- 2.5 As you will appreciate these funds will, firstly, be utilised to discharge the secured lender as envisaged by the CVA proposal. Regrettably, since the approval of the CVA, the property and construction market have continued to decline which has resulted in the actual realisations achieved being slightly lower than those anticipated in the CVA. Therefore to date the realisations have not been sufficient to repay the secured creditor in full.
- 2.6 However, in an effort to protect the creditors' position, the directors of the Company have entered into negotiations, on some of the sites, with the two secured creditors. This has resulted in the second chargeholder, G&C Finance, being discharged by the first chargeholder, The Royal Bank of Scotland plc. This has reduced the potential outgoings and, in part, should help to offset the aforementioned decrease in asset values.

- 2.7 However at this stage, and with the realisation process ongoing, the final realisations are still uncertain and the final position will not become clear until all the sites are completed and sold. It has become apparent to the Company that the anticipated return to creditors from the subsidiaries is unlikely to achieve the minimum dividend of 20p in the £ to be paid.
- 2.8 The directors have therefore advised that the third party contributions, detailed in the CVA, will start to be paid by way of monthly contributions of £20,833 from July 2010 for a period of 12 months. This will generate £250k which is the amount guaranteed by the third party should asset realisations prove to be insufficient to pay the minimum dividend to creditors.

### **3 Future of the CVA**

- 3.1 Over the next year the Company will continue to progress the currently agreed sales towards an early completion whilst continuing to find purchasers for the remaining properties and land.
- 3.2 It is the directors' intention to develop the remainder of the Nursery Road, Leicester site and the second phase of the Husbands Bosworth site if possible.
- 3.3 The Company has yet to achieve a sale of the Weedon site held in BHH Weedon Ltd, and the directors are currently formulating a suitable strategy for either the sale or development of this site. However as detailed in the CVA it is not anticipated that the unsecured creditors will benefit from this sale.
- 3.4 As you will appreciate the outcome for the unsecured creditors is still uncertain and will be dependent upon the completion and sale of the remaining properties and development sites. As stated above, the third party contributions will begin next year and I would anticipate that the first dividend should be payable around December 2010.

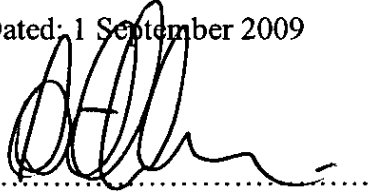
### **4 Supervisors' Remuneration**

- 4.1 The creditors have already approved the Supervisors' remuneration on a time costs basis and to date costs of £14,503 have accrued but not yet been drawn in respect of remuneration. I attach a schedule, which summarises the time costs drawn to date and indicates the work undertaken in that respect.

**5 Disbursements**

- 5.1 Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category one disbursements. I therefore report that since my appointment £914 has been accrued but not yet drawn in respect of remuneration.

Dated: 1 September 2009

A handwritten signature in black ink, consisting of several loops and a trailing flourish, positioned above a horizontal dotted line.

William Turner  
Joint Supervisor

Authorised by the Institute of Chartered Accountants in England & Wales

