

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

<b>1</b>	<b>Company details</b>		<b>→ Filling in this form</b> Please complete in typescript or in bold black capitals.
Company number	0 3 4 9 4 1 4 1		
Company name in full	Hencan Country Homes Limited		
<b>2</b>	<b>Liquidator's name</b>		
Full forename(s)	Stephen		
Surname	Penn		
<b>3</b>	<b>Liquidator's address</b>		
Building name/number	Absolute Recovery, Unit 2		
Street	Railway Court		
Post town	Ten Pound Walk		
County/Region	Doncaster		
Postcode	D N 4 5 F B		
Country			
<b>4</b>	<b>Liquidator's name ①</b>		
Full forename(s)			<b>① Other liquidator</b> Use this section to tell us about another liquidator.
Surname			
<b>5</b>	<b>Liquidator's address ②</b>		
Building name/number			<b>② Other liquidator</b> Use this section to tell us about another liquidator.
Street			
Post town			
County/Region			
Postcode			
Country			

LIQ03

Notice of progress report in voluntary winding up

**6** Period of progress report

From date	d	1	d	9	m	0	m	8	y	2	y	0	y	2	y	1
To date	d	1	d	8	m	0	m	8	y	2	y	0	y	2	y	2


**7** Progress report

☒ The progress report is attached

**8** Sign and date

Liquidator's signature

Signature

X 

X

Signature date

d	0	d	6	m	1	m	0	y	2	y	0	y	2	y	2
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

LIQ03

## Notice of progress report in voluntary winding up

**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

James Rybak

Company name

Absolute Recovery Limited

Address

Absolute Recovery, Unit 2

Railway Court

Post town

Ten Pound Walk

County/Region

Doncaster

Postcode

D

N

4

5

F

B

Country

DX

Telephone

01302 572701

**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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)

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

**Hencan Country Homes Limited T/A Westthorpe House  
- In Creditors' Voluntary Liquidation**

**Reporting period from 19 August 2021 to 18 August 2022**

**8 September 2022**

# **HENCAN COUNTRY HOMES LIMITED T/A WESTHORPE HOUSE - IN LIQUIDATION**

## **CONTENTS**

- 1** Introduction and Statutory Information
- 2** Receipts & Payments
- 3** Progress of the Liquidation
- 4** Creditors
- 5** Liquidator's Remuneration
- 6** Creditors' Rights
- 7** Next Report

## **APPENDICES**

- A** Receipts and Payments Account for the Period from 19 August 2021 to 18 August 2022  
Cumulative Receipts and Payments Account for the Period since the Liquidator's Appointment
- B** Additional information in relation to Liquidator's Fees, Expenses & the use of Subcontractors

# **HENCAN COUNTRY HOMES LIMITED T/A WESTHORPE HOUSE - IN LIQUIDATION**

## **1 Introduction and Statutory Information**

- 1.1 I, Stephen Penn of Absolute Recovery Limited, Unit 2, Railway Court, Ten Pound Walk, Doncaster, DN4 5FB, was appointed as Liquidator of Hencan Country Homes Limited T/A Westhorpe House (the **Company**) on 19 August 2020. I am authorised to act as an insolvency practitioner in the UK by ICAEW and am bound by the Insolvency Code of Ethics when carrying out work relating to insolvency appointments. In the event of case related queries, the Liquidator can be contacted on telephone number 01302 572701 or by email via [info@absrecovery.co.uk](mailto:info@absrecovery.co.uk).
- 1.2 This progress report provides an update on the conduct of the Liquidation for the period from 19 August 2021 to 18 August 2022 (the Period) and should be read in conjunction with any previous progress reports which have been issued.
- 1.3 Information about the way that this firm will use, and store personal data on insolvency appointments can be found at <http://www.absolute-recovery.co.uk/privacypolicy.html>. If you are unable to download this, please contact us and a hard copy will be provided to you.
- 1.4 The principal trading address of the Company was University House, 5-7 Oxford Street, Newbury, Berkshire, RG14 1JG.
- 1.5 The registered office of the Company has been changed to Unit 2, Railway Court, Ten Pound Walk, Doncaster, DN4 5FB and its registered number is 03494141.

## **2 Receipts and Payments**

- 2.1 At Appendix A is my Receipts and Payments Account covering the Period of this report. Also attached is a cumulative Receipts and Payments Account for the period from the date of my appointment as Liquidator to the end of the Period covered by this report.
- 2.2 In Section 3 below, you will find an update on the progress made during the Period in realising the Company's assets and dealing with its affairs.

## **3 Progress of the Liquidation**

- 3.1 This section of the report provides creditors with an update on the progress made in the liquidation during the Period and an explanation of the work done by the Liquidator and his staff.
- 3.2 Further to my previous report, for ease, I have titled each matter below that has been actioned during the period and or is currently ongoing in the liquidation:

### **Claim by Oury Clark Chartered Accountants and Counterclaim by Hencan**

- 3.3 Creditors will recall that prior to my appointment Oury Clark Chartered Accountants were pursuing a claim against the Company in which the Company issued a counterclaim which was to be tried in the County Court at Central London. Following this a stay of proceedings for the hearing scheduled for 14 September 2021 was granted for one year. I intend to discuss the next step regarding this matter with my solicitor once the one-year period has passed and will provide creditors with an update in my next report.

### **Cavendish IP – Assignment of Claim**

- 3.4 The last update I received on this matter from Cavendish IP Solutions ("Cavendish") was that the defendants are "stonewalling" so they would need to approach Mr Cantle's Trustee in Bankruptcy with regards to a potential cooperation. I will continue to liaise with Cavendish on this matter and aim to be able to provide an update to creditors in my next report.

**Bankruptcy of Deceased director Robert Frank Cornelis Cantle**

- 3.5 The Trustee's initial report to creditors highlighted the deceased had a jointly owned property with his spouse for circa £3,200,000. I have not received the latest Trustees report on this matter; however, I intend to request this in due course to see if there is a potential recovery into the Liquidation estate. I will keep creditors informed on this matter and aim to be able to provide an update in my next report.

**LPA Receivership**

- 3.6 Creditors will recall that Joint Law of Property Act (Fixed Charge) Receivers were appointed in respect of Westhorpe House in favour of Amicus Finance Plc pursuant to legal charges in their favour. I have not received any current updates from the LPA Receivers to say what has or is due to happen with the property, and I will in due course write to them and obtain an update.

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

- 3.7 An office holder must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work I anticipated would need to be done in this area was outlined in my initial fees estimate/information which was previously agreed by creditors.
- 3.8 Where the costs of statutory compliance work or reporting to creditors exceeds the initial estimate, it will usually be because the duration of the case has taken longer than anticipated, possibly due to protracted asset realisations, which have in turn placed a further statutory reporting requirement on the Liquidator.
- 3.9 As noted in my initial fees estimate/information, this work will not necessarily bring any financial benefit to creditors but is required on every case by statute.

**Realisation of Assets**

**Npower Refund**

- 3.10 As can be seen on the attached Receipts and Payments account, during the period covered by this report I have received £525.59 in respect of a credit balance held on the Company's account.
- 3.11 It is not anticipated that the work the Liquidator has carried out to deal with the Company's assets will provide a financial benefit to creditors. This is because the value of the assets was insufficient to produce a financial benefit after the associated costs of realisation were taken into consideration.

***Creditors (claims and distributions)***

- 3.12 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.
- 3.13 Work undertaken by a Liquidator in dealing with a company's creditors may only therefore bring a financial benefit to certain classes of creditor such as a secured creditor or the preferential creditors, 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

## HENCAN COUNTRY HOMES LIMITED T/A WESTHORPE HOUSE - IN LIQUIDATION

creditors a company has, the more time and cost will be involved by the Liquidator in dealing with those claims.

- 3.14 More information on the anticipated outcome for all classes of creditor in this case can be found in Section 4 below.
- 3.15 At this stage, I consider the following matters worth bringing to the attention of creditors:
- There are 2 secured creditors who are owed approximately £1,892,000. I have not received a claim from Amicus Finance Plc in Administration as they have taken possession of the building that was being developed.
  - There are approximately 13 unsecured creditor claims in this case with a value of £2,085,529, these being the ones that have submitted a claim to date in the liquidation.
  - Two unsecured creditors claim to be owed £13,496,305 and they are connected companies, in relation to inter-company loans. The two companies in question are in liquidation with me appointed as Liquidator, which are Westhorpe One Limited & Westhorpe Two Limited.

### ***Investigations***

- 3.16 You may recall from my first progress report to creditors that some of the work 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.
- 3.17 My report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986 was submitted during the first year of the liquidation and is confidential.
- 3.18 Since my last progress report, I would advise that no further asset realisations have come to light that may be pursued by me for the benefit of creditors.

### ***Matters still to be dealt with***

- 3.19 As can be seen from the information reported above, there are still a number of outstanding matters to be dealt with and until satisfactory responses and or outcome have been reached the case will remain open.

## **4 Creditors**

### ***Secured Creditors***

- 4.1 Amicus Finance Plc & BDZ Holdings Limited holds a fixed and floating charge over the Company's assets. At the date of the liquidation the indebtedness to the secured creditor was estimated at £1,900,000. I have not received a claim from Amicus Finance plc.

### ***Unsecured Creditors***

- 4.2 The Company's statement of affairs indicated there were 10 creditors whose debts totalled £16,013,691.09. To date, I have received claims totalling £2,085,529.75 from 10 creditors. 5 further creditors have come to light since my appointment.



- 4.3 The Company granted a floating charge to Amicus Finance plc and BDZ Holdings Limited. Accordingly, I am required to create a fund out of the Company's net floating charge property for unsecured creditors (known as the **Prescribed Part**).
- 4.4 At this moment in time, I would confirm that it is anticipated there will be insufficient funds realised after defraying the expenses of the liquidation to pay a dividend to unsecured creditors, unless realisations are made from the points raised in the investigation.
- 4.5 Unsecured creditors who have not yet submitted a claim are encouraged to do so using the proof of debt form uploaded on the portal (access to which is provided in the letter circulating notice of this report being available) and provide documentary evidence in support.

## **5 Liquidator's Remuneration**

- 5.1 The Liquidator's remuneration basis was agreed as a set amount by creditors. To date an amount of £nil has been drawn against the total set fee agreed of £14,500. It is anticipated the balance will be drawn prior to the closure of the liquidation, however the final amount paid to my firm against the agreed set fee will be confirmed in my final progress report in due course.
- 5.2 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from:  
  
<https://www.icaew.com/-/media/corporate/files/technical/insolvency/creditors-guides/2017/liquidations-creditor-fee-guide-6-april-2017.ashx?la=en>
- 5.3 Attached as Appendix B is additional information in relation to the Liquidator's fees and expenses including where relevant, information on the use of subcontractors and professional advisers.

## **6 Creditors' Rights**

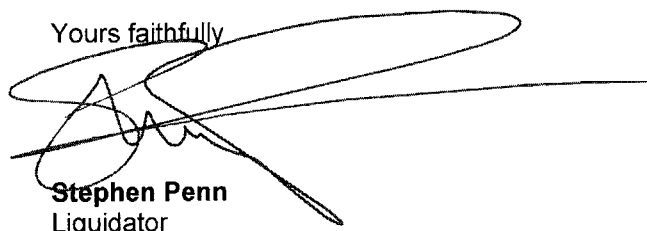
- 6.1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report.
- 6.2 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.

## **7 Next Report**

- 7.1 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 account.
- 7.2 If you have any queries in relation to the contents of this report, I can be contacted by telephone on 01302 572701 or by email at [j.rybak@absrecovery.co.uk](mailto:j.rybak@absrecovery.co.uk).

**HENCAN COUNTRY HOMES LIMITED T/A WESTHORPE HOUSE - IN LIQUIDATION**

Yours faithfully

A handwritten signature in black ink, appearing to be 'Stephen Penn', written over the typed name and title.

**Stephen Penn**  
Liquidator

# Hencan Country Homes Limited

## In Liquidation

### Liquidator's Summary of Receipts and Payments (Daybook Basis)

Statement of Affairs £	From 19 August 2021 To 18 August 2022 £	From 19 August 2020 To 18 August 2022 £
<b>ASSET REALISATIONS</b>		
400.00 Fixtures & Fittings	0.00	0.00
450.00 Office Furniture & Equipment	0.00	0.00
Asset purchase	0.00	800.00
NPower Refund	525.59	525.59
Bank Interest Gross	0.37	0.42
	<u>525.96</u>	<u>1,326.01</u>
<b>FLOATING CHARGE CREDITORS</b>		
(1,892,000.00) Floating Charge Creditor	0.00	0.00
	<u>0.00</u>	<u>0.00</u>
<b>UNSECURED CREDITORS</b>		
(575,386.09) Trade & Expense Creditors	0.00	0.00
(50,000.00) Banks/Institutions	0.00	0.00
(6,000.00) HM Revenue & Customs	0.00	0.00
(13,496,305.00) Intercompany Loans	0.00	0.00
	<u>0.00</u>	<u>0.00</u>
<b>DISTRIBUTIONS</b>		
(100.00) Ordinary Shareholders	0.00	0.00
	<u>0.00</u>	<u>0.00</u>
<u>(16,018,941.09)</u>	<u>525.96</u>	<u>1,326.01</u>

### REPRESENTED BY

Bank 1 Current	1,486.01
Vat Payable	(160.00)
	<u>1,326.01</u>



Stephen Penn  
Liquidator

**Appendix B**

**Additional Information in Relation to the Liquidator's Fees, Expenses & the use of Subcontractors**

**Staff Allocation and the use of Subcontractors**

The 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, 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.

I have not utilised the services of any subcontractors on this case.

**Professional Advisors**

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

<b>Name of Professional Advisor</b>	<b>Basis of Fee Arrangement</b>
Cavendish IP (litigation funders)	50% of realisations
Lahar Consultants (valuation and disposal advice)	Fixed Fee of £100 plus VAT for desktop valuation

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.

**Liquidator's Expenses**

The estimate of expenses which were anticipated at the outset of the liquidation was provided to creditors when the basis of my fees was approved. The table below compares the anticipated costs against those incurred to date.

**Category 1 expenses**

These expenses do not require prior approval by creditors. The type of expenses that may be charged to a case as a Category 1 expense generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, external room hire and external storage costs. Also chargeable, will be any properly reimbursed expenses incurred by personnel in connection with the case. These expenses may include disbursements which are payments first met by an office holder and then reimbursed from the estate.

<b>Expense</b>	<b>Estimated overall cost £</b>	<b>Paid In Prior Period £</b>	<b>Paid in the period covered by this report £</b>	<b>Incurred but not paid to date £</b>
Agent's fees & expenses	120.00	Nil	Nil	120.00
Litigation Funders	Dependent upon recoveries made	Nil	Nil	No realisations have been made to date therefore nothing has been incurred
Statutory advertising	240.00	Nil	Nil	240.00

## HENCAN COUNTRY HOMES LIMITED T/A WESTHORPE HOUSE - IN LIQUIDATION

Specific Penalty Bond	96.00	Nil	Nil	96.00
Re-direction of mail	216.00	Nil	Nil	216.00

### Category 2 expenses

These expenses 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 therefore include payments to associates of the office holder or shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis. Details of Category 2 disbursements charged by this firm (where appropriate) were provided at the time the Liquidator's fees were approved by creditors.

<b>Expense</b>	<b>Estimated overall cost £</b>	<b>Paid in Prior Period £</b>	<b>Paid in the period covered by this report £</b>	<b>Incurred but not paid to date £</b>
None				