

**2.24B**

The Insolvency Act 1986

**Administrator's progress report**

Name of Company J C Whilton Limited	Company number 04069047
In the High Court of Justice, Chancery Division, Manchester District Registry	Court case number 2135 of 2015

(a) Insert full name(s) and address(es) of administrator(s)

We  
Dean Nelson  
Smith Cooper  
St Helen's House  
King Street  
Derby  
DE1 3EE

Nicholas Charles Osborn Lee  
Smith Cooper  
158 Edmund Street  
Birmingham  
B3 2HB

Joint Administrators of the above company attach a progress report for the period

(b) Insert date

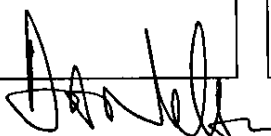
From

18 February 2015

To

17 August 2015

Signed

  
Joint Administrator

Dated

17/9/2015

**Contact Details:**

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form

The contact information that you give will be visible to searchers of the public record

Dean Nelson Smith Cooper St Helen's House King Street Derby DE1 3EE	
DX Number	01332 332021 DX Exchange

When you have completed and signed this form, please send it to the Registrar of Companies at -  
**Companies House, Crown Way, Cardiff CF14 3UZ DX 33050 Cardiff**

FRIDAY



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18/09/2015

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COMPANIES HOUSE

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 F 0115 824 2110

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Our Ref XXJCo1/B8

Your Ref

Date 17 September 2015

## ALL KNOWN CREDITORS AND MEMBERS

Dear Sirs

**J.C. Whilton Limited – In Administration (“the Company”)**  
**Registered in England & Wales No. 04069047 at 2 Lace Market Square, Nottingham,**  
**NG1 1PB**  
**In the High Court of Justice, Chancery Division, Manchester District Registry Case No.**  
**2135 of 2015**

### 1 Introduction

- 1.1 I write further to the appointment of Dean Anthony Nelson and Nicholas Charles Osborn Lee as Joint Administrators on 18 February 2015, by the Company's director pursuant to Paragraph 12(1)(b) of Schedule B1 to the Insolvency Act 1986
- 1.2 This progress report has been prepared pursuant to Rule 2.47(4) of the Insolvency Rules 1986 for the 6 month period from 18 February 2015 to 17 August 2015 and should be read in conjunction with the receipts and payments enclosed at Appendix B. Please note that I only intend to comment upon matters that have occurred since my proposals were distributed to creditors on 25 February 2015

### 2 Enclosures

- 2.1 Creditors are being sent with this report -

#### Appendix

- A Form 2.24B Joint Administrators progress report
- B Joint Administrators abstract receipts and payments to 17 August 2015
- C Estimated outcome statement
- D Joint Administrators remuneration notification

### 3 Statutory information

- 3.1 The provisions of Rule 2.47 of the Insolvency Rules 1986 oblige me to provide you with the following information

**Sent from Smith Cooper, 2 Lace Market Square, Nottingham NG1 1PB**

Smith Cooper is the trading name of SC Advisory Services Limited, a company registered in England  
 Registered number 7678255  
 Registered Office St Helen s House, King Street, Derby DE1 3EE  
 A list of directors is available for inspection at the above address

Dean Anthony Nelson and Nicholas Charles Osborn Lee are licensed in the UK as Insolvency Practitioners by the Institute of Chartered Accountants in England and Wales. When acting as Receiver, Administrative Receiver or Administrator they act as agent only, without personal liability and when acting as Administrator, the affairs, business and property of the company are being managed by them.

Regulated by the Institute of Chartered Accountants in England & Wales for a range of investment business activities



- 3 2 The Administration Order was made in the High Court of Justice, Chancery Division, Manchester District Registry on 18 February 2015 under the case reference 2135 of 2015
- 3 3 The Company's registered office is situated at 2 Lace Market Square, Nottingham, NG1 1PB and its registered number is 04069047
- 3 4 Dean Anthony Nelson and Nicholas Charles Osborn Lee of Smith Cooper, St Helen's House, King Street, Derby, DE1 3EE, were appointed Joint Administrators on 18 February 2015 by the director. The Joint Administrators are required to exercise all of the powers and functions as Joint Administrators of the Company
- 3 5 The EC Regulation on Insolvency Proceedings applies to the Joint Administrators of the Company and these proceedings are main proceedings as defined in Article 3 of the EC Regulation

#### **4 Receipts and payments account**

- 4 1 Attached at Appendix B is a copy of the Joint Administrators' receipts and payments for the period from 18 February 2015 to 17 August 2015, showing a balance in hand of £170.2k, once a VAT refund has been received
- 4 2 Further details regarding the most pertinent items since my proposals were circulated to creditors, are detailed below

#### **5 Asset realisations**

- 5 1 Since my last report to creditors the following further realisations have been achieved / continue to be pursued

##### **Sale of chattel assets – Goodwill, stock (subject to a lien), fixtures and fittings and debtors**

- 5 2 You will recall from my previous report that only one formal offer of £113.5k to purchase certain assets, was received. My agent's Kumar & Company ("Kumar"), chartered surveyors, auctioneers and valuers of Birmingham recommended acceptance of the offer, together with Colligant Limited ("Colligant"), a commercial debt recovery specialist based in Nottingham, with the full consideration of £113.5k being paid on completion

##### **Book debts subject to Lloyds Commercial Finance Limited**

- 5 3 Since my previous report, Lloyds Commercial Finance Limited ("Lloyds"), confirmed that they have collected sufficient funds to discharge their indebtedness in full

The sum of c £20.5k has been received during the period of this report as reflected in Appendix B, concluding all realisations in this matter

##### **Cash at bank**

- 5 4 During the period of this report, funds of c £59.2k have also been received, which was held in the Company's bank account with Lloyds Bank plc

#### **6 Costs of realisation**

- 6 1 Payments made during the period since my appointment to 17 August 2015 are detailed on Appendix B, the majority of which are self-explanatory. An explanation of the principal items is detailed below -

### Pre-Administration costs

- 6.2 I can confirm that a meeting of creditors was convened and held under Paragraph 53 of schedule B1 of the Insolvency Act 1986, on 19 March 2015, to consider the approval of the Joint Administrators proposals, remuneration and appointment of a creditors committee

During the meeting a number of queries were raised in relation to the quantum of creditors' claims received, therefore the chairman elected to adjourn the meeting pursuant to Rule 2.34(4) of the Insolvency Rules 1986

The meeting was adjourned until 2 April 2015. At the adjourned meeting the queries were sufficiently addressed and the Joint Administrators proposals and remuneration (fixed by reference to the time costs incurred) were approved. No creditors committee was formed.

As a result, pre-Administration costs and expenses incurred by the Administrator and his duly appointed professionals, amounting to c £15.2k plus VAT, which specifically relate to the formalities of appointment, were approved as an expense of the Administration pursuant to Rule 2.67A of the Insolvency Rules 1986.

- 6.3 The following amounts in respect of pre-Administration costs were approved, together with the following payments made, during the period from 18 February 2015 to 17 August 2015 in respect of these costs

	Approved	Paid during the period 18-Feb-15 to 17-Aug-15
	£	£
Smith Cooper	5,411.30	5,411.30
Howes Percival LLP	7,160.00	7,160.00
Kumar & Company	1,654.00	1,654.00
Colligant Limited	1,000.00	1,000.00

### Joint Administrators expenses and disbursements

- 6.4 Below is a summary of the disbursements that have been incurred and paid during the period 18 February 2015 to 17 August 2015 -

Category 1 Disbursements	£	Category 2 Disbursements	£
Specific bond	312.00	Travel	30.15
Statutory advertising	136.40		
Re-direction of mail	120.00		
Use of websites by the office	5.00		
Total	573.40	Total	30.15

**Category 1 Disbursements** Payment of specific expenditure which generally comprise of external supplies and services specifically identifiable to the case which can be made without approval from creditors

**Category 2 Disbursements** Payments to the office holder or any party that is an associate of the office holder which generally comprise of disbursements for services provided by the office holder's firm. Such payments require the approval from creditors

As detailed in paragraph 6.2 above, at the meeting of creditors on 2 April 2015, creditors approved the Joint Administrators category 2 disbursements in accordance with Smith Cooper's disbursement policy, to be reimbursed as and when funds permit

6.5 Post appointment professional fees of c £2.9k plus VAT have been incurred by my solicitors, Howes Percival, during the period of this report for their assistance in the following

- Post-completion collation of executed documents,
- Drafting release forms for remaining charges and arranging for registration at Companies House
- Providing advice in respect of a retention of title claim
- Advising on the quantification of creditors' claims
- Attending the meeting of creditors and advising on matters arising

#### **Joint Administrators remuneration**

6.6 As detailed in paragraph 6.2 above, at the meeting of creditors on 2 April 2015, creditors approved the Joint Administrators remuneration, fixed by reference to the time costs incurred

6.7 Time costs incurred from the date of appointment to 17 August 2015 total c £15.6k which represents 92 hours at an average hourly rate of £170. I can confirm that remuneration of £5k plus VAT has been drawn during the period of this report in accordance with the above time costs resolution. This results in outstanding time costs of c £10.6k excluding VAT

6.8 Enclosed at Appendix D is the Joint Administrators remuneration notification, which provides an explanation of the firm's charging and disbursement policies, a summary of the time spent and disbursements paid, together with a schedule of the firm's hourly charge out rate

6.9 A link to the creditors' guide to Administrators' fees was provided to creditors in my previous report, however, for ease of reference, it can be located at

[http://www.r3.org.uk/media/documents/technical\\_library/SIPS/SIP%209%20E&W.pdf](http://www.r3.org.uk/media/documents/technical_library/SIPS/SIP%209%20E&W.pdf)

However, if you are unable to access this guide and would like a copy please contact Kimberley Waplington at Smith Cooper, 2 Lace Market Square, Nottingham, NG1 1PB or alternatively by email to [kimberley.waplington@smithcooper.co.uk](mailto:kimberley.waplington@smithcooper.co.uk)

6.10 A secured creditor, or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors, including that creditor (or with permission of the Court), have a period of twenty-one days from the date of this progress report to request further information in respect of the Joint Administrators remuneration and expenses

6.11 Any secured creditor, or unsecured creditor with the concurrence of at least 10% in value of the creditors, including that creditor (or with the permission of the Court), may make an application to the Court on the grounds that, the remuneration charged by the Joint Administrators, or the basis fixed for the Joint Administrators remuneration, or the expenses incurred by the Joint Administrator are excessive. Such an application to the Court must be made within eight weeks of the date of receipt of the progress report

#### **7. Estimated outcome statement & dividend prospects**

7.1 Attached at Appendix C is an estimated outcome statement which has been prepared from the information presently available to the Joint Administrators and incorporates estimated future realisations, costs and expenses

### **Preferential creditors**

- 7 2 Preferential creditors are made up of employee arrears of pay and holiday pay. Based on current information, there will be sufficient funds at the Joint Administrators' disposal to enable a dividend distribution to be declared to preferential creditors of 100p in the £ in this matter. I am in the process of adjudicating the preferential claims and anticipate that a first and final distribution will be made within the next four weeks.

### **Unsecured creditors**

- 7 3 Based on current information, there will also be sufficient funds at the Joint Administrators' disposal to enable a dividend distribution to be declared to unsecured creditors in this matter. However, the amount and timing of the dividend is not yet known.

### **8. Investigations**

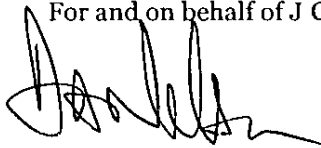
- 8 1 The Joint Administrators have a statutory obligation to submit a report on the director's conduct to the Insolvency Service, and I confirm that this report has been submitted. The contents of this report are confidential and therefore cannot be disclosed to creditors.

### **9. Conclusion / Exit strategy**

- 9 1 Once the preferential and unsecured creditor claims have been adjudicated and dividend distributions have been declared and paid, I will be in a position to issue my final report to creditors.
- 9 2 It is then the Joint Administrators' intention to obtain his release from office by dissolving the Company.

Yours faithfully

For and on behalf of J C Whilton Limited – In Administration



**Dean Nelson**  
Joint Administrator

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