

LIQ14

Notice of final account prior to dissolution in CVL



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 0 4 1 9 7 1 5 6

Company name in full Boden Samuel Ltd

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Situl Devji

Surname Raithatha

3 Liquidator's address

Building name/number 38 De Montfort Street

Street Leicester

Post town

County/Region

Postcode L E 1 7 G S

Country

4 Liquidator's name ①

Full forename(s)

Surname

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator

Use this section to tell us about
another liquidator.

LIQ14

Notice of final account prior to dissolution in CVL

6 Liquidator's release

☐ Tick if one or more creditors objected to liquidator's release.

:

7 Final account

☒ I attach a copy of the final account.

8 Sign and date

Liquidator's signature

Signature

X 

X

Signature date

^d0^d9

^m0^m4

^y2^y0^y2^y4

**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 **Mansi Vora**

Company name **Springfields Advisory LLP**

Address
38 De Montfort Street
Leicester

Post town **LE1 7GS**

County/Region

Postcode

Country

DX

Telephone **0116 299 4745**

**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 or email 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



Private and Confidential

TO ALL KNOWN CREDITORS AND
SHAREHOLDERS

Our ref BO2003/SDR/LL/MV/11B

Your ref

Date 9 February 2024

Dear Sirs

Boden Samuel Ltd ("**the Company**") – In **Creditors'** Voluntary Liquidation

I am now able to conclude the winding up of the affairs of the Company and enclose my final account and notice to creditors and members, together with a receipts and payments account for the whole of the period I was in office.

Also enclosed is a formal notice setting out the final dividend position in respect of the liquidation, although the information in that notice is summarised below.

A dividend will not be declared to the creditors as the funds realised have been used to make payments to meet the expenses of the Liquidation.

Creditors and members should note that provided no objections to my release are received, I shall obtain my release as Liquidator following the delivery of the final notice to the Registrar of Companies, following which my case files will be placed in storage.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Mansi Vora by email at mansi.v@springfields-uk.com, or by phone on 0116 249 2011 before my release.

Yours faithfully
For and on behalf of
Boden Samuel Ltd

Situl Devji Raithatha
LIQUIDATOR

Enc.

In case of query contact: **Mansi Vora** Direct line: **0116 249 2011** Email: MANSI.V@SPRINGFIELDS-UK.COM

www.springfields-uk.com

Springfields Advisory LLP 38 De Montfort St Leicester LE1 7GS

Limited Liability Partnership Registered in England & Wales number OC404694. Any reference to Partner means a member of the LLP
All officeholders are licensed in the United Kingdom by the Insolvency Practitioners Association and are bound by the Insolvency Code of Ethics
Details about our privacy policy and general information about the firm can be found at <https://www.springfields-uk.com/regulatory>



Notice of Final Account of

Boden Samuel Ltd ("the Company") – In Creditors' Voluntary Liquidation

Company registered number: 04197156

NOTICE IS GIVEN by the Liquidator, Situl Devji Raithatha, under rule 6.28 of The Insolvency (England and Wales) Rules 2016 and section 106 of The Insolvency Act 1986, that the Company's affairs have been fully wound up.

1. Creditors have the right under rule 18.9 of The Insolvency (England and Wales) Rules 2016 to request further details of the Liquidator's remuneration and expenses. That request must be made to the Liquidator within 21 days of receipt of the final account, and with either the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question). Secured creditors may also request further details.
2. Creditors have the right under rule 18.34 of The Insolvency (England and Wales) Rules 2016 to apply to Court to challenge the amount and/or basis of the Liquidator's fees, and/or the amount of any expenses incurred. That application must be made within 8 weeks of receipt of the final account, and with either the permission of the Court, or with the concurrence of 10% in value of the creditors (including the creditor in question). Secured creditors may also make an application.
3. Creditors may object to the release of the Liquidator by giving notice in writing to the Liquidator at the address given below before the end of the prescribed period. The prescribed period will end at the later of: 8 weeks after delivery of this notice; or, if any request for information regarding the Liquidator's remuneration and/or expenses is made under rule 18.9, or if any application is made to Court to challenge the Liquidator's fees and/or expenses under rules 18.34 or 18.35, when that request or application is finally determined.
4. The Liquidator will vacate office under section 171 of the Insolvency Act 1986 when, upon expiry of the prescribed period that creditors have to object to his release, they deliver to the Registrar of Companies the final account and a notice saying whether any creditor has objected to his release.
5. The Liquidator will be released under section 173 of the Insolvency Act 1986 at the same time as vacating office, unless any creditors objected to their release.

Creditors requiring further information regarding the above, should either contact me at 38 De Montfort Street, Leicester, LE1 7GS, or contact Mansi Vora by telephone on 0116 249 2011, or by email at mansi.v@springfields-uk.com.

DATED THIS 9TH DAY OF FEBRUARY 2024



Situl Devji Raithatha
Liquidator

Notice about final dividend position

Boden Samuel Ltd (“the Company”) – In Creditors’ Voluntary Liquidation

Company registered number: 04197156

Notice is given under rule 14.36 of The Insolvency (England and Wales) Rules 2016, by Situl Devji Raithatha, the Liquidator, to the creditors of Boden Samuel Ltd, that no dividend will be declared to the unsecured creditors.

A dividend will not be declared to the creditors as the funds realised have been used to make payments to meet the expenses of the Liquidation.

Creditors requiring further information regarding the above, should either contact me at 38 De Montfort Street, Leicester, LE1 7GS, or contact Mansi Vora by telephone on 0116 249 2011, or by email at mansi.v@springfields-uk.com.

DATED THIS 9TH DAY OF FEBRUARY 2024



Situl Devji Raithatha
Liquidator

Boden Samuel Ltd (“the Company”) – In Creditors’ Voluntary Liquidation

LIQUIDATOR’S FINAL ACCOUNT TO CREDITORS AND MEMBERS

EXECUTIVE SUMMARY

Apart from bank interest, there have been no asset realisations on this case. I have complied with my statutory duties and I am now in a position to finalise the Liquidation. This is my report on the Liquidation period.

Regrettably, there are no funds available for creditors.

STATUTORY INFORMATION

Company name:	Boden Samuel Ltd
Company number:	04197156
Trading address:	3 Halford Street, Leicester, LE1 1JA
Registered office:	38 De Montfort Street, Leicester, LE1 7GS
Former registered office:	3 Halford Street, Leicester, LE1 1JA
Principal trading activity:	Mortgage Brokerage
Liquidator’s name:	Situl Devji Raithatha
Liquidator’s address:	38 De Montfort Street, Leicester, LE1 7GS
Liquidator’s contact details:	mansi.v@springfields-uk.com and 0116 249 2011
Date of appointment:	13 March, 2023

LIQUIDATOR’S ACTIONS SINCE APPOINTMENT

Since my appointment, I have undertaken my statutory investigations into the affairs of the Company.

There is certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors. A description of the routine work undertaken since my appointment as Liquidator is contained in Appendix 1.

RECEIPTS AND PAYMENTS ACCOUNT

I enclose at Appendix 2 a Receipts & Payments Account for the period from 13 March, 2023 to date (“the Period”). All amounts are shown exclusive of VAT. I have reconciled the account against the financial records I am required to maintain.

The Company was not registered for VAT and I have therefore been unable to reclaim VAT on the costs and expenses of the Liquidation.

ASSET REALISATIONS

Furniture & Equipment

The Company's accounting records showed furniture and equipment with a book value of £7,126.19. No realisations were anticipated on the Statement of Affairs as the Director indicated that these assets primarily consisted of old office furniture and equipment, which was either abandoned on the basis that the costs of uplift and disposal outweighed its value, or disposed of as it was no longer fit for purpose.

I have considered the Director's explanation in conjunction with a schedule of assets obtained from the Company's accountant and have concluded that there is no commercial benefit in reviewing this matter further.

Funds held under Indemnity

The sum of £8,000 was received from the Director personally in respect of an indemnity for costs.

LIABILITIES

Secured Creditors

There are provisions of the insolvency legislation that require Liquidator to set aside a percentage of a Company's assets for the benefit of the unsecured creditors in cases where the Company gave a "qualifying floating charge" over its assets to a lender on or after 15 September 2003. This is known as the "prescribed part of the net property." A Company's net property is that left after paying the preferential creditors, but before paying the lender who holds a floating charge. Liquidator has to set aside:

- 50% of the first £10,000 of the net property; and
- 20% of the remaining net property

up to a maximum of £600,000/£800,000 (depending on when the charge was created).

As there are no charges registered over the assets of the Company, the prescribed part provisions did not apply.

Preferential & Non-Preferential Unsecured Creditors

Ordinary Preferential Creditor claims include some elements of employee claims, such as outstanding holiday pay and arrears of wages. They also include outstanding employee pension contributions in the four months preceding the date of Liquidation.

HM Revenue & Customs ("HMRC") are secondary preferential creditors for certain specified debts, such as VAT, PAYE, employee National Insurance Contributions, student loan deductions and Construction Industry Scheme deductions. Secondary Preferential Creditor Claims are payable after all ordinary preferential debts have been paid in full, and before non-preferential unsecured debts.

Non-Preferential Unsecured claims make up the remaining claims and include amounts owing to trade & expense creditors. These claims are paid after the claims of the Ordinary Preferential Creditors.

The position on this case and the outcome for each category of creditor is summarised below ("SOA" is an abbreviation of "Statement of Affairs"):

Creditor Category	Estimated Claims on SOA (£)	Claims Received to Date (£)	Unclaimed Creditors (£)	Outcome
Ordinary Preferential	416.80	Nil	416.80	No funds available for distribution
Second Preferential	153,016.00	Nil	153,016.00	No funds available for distribution
Non-Preferential Unsecured	83,740.22	55,815.66	43,334.06	No funds available for distribution
TOTAL	237,173.02	55,815.66	196,766.86	

INVESTIGATION INTO THE AFFAIRS OF THE COMPANY

I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved. I am required by the Statements of Insolvency Practice to undertake such an initial investigation and the work detailed below has been undertaken in connection with that initial investigation.

Concerns were raised by a creditor at the outset of the Liquidation. In addition, transactions involving associated parties and payments identified on bank statements were highlighted for further investigation. Having made further enquiries in relation to these matters and analysed the accounting records available, it was concluded that there was no commercial benefit in pursuing further investigations.

Finally, within three months of my appointment as Liquidator, I am required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present Director would make them unfit to be concerned with the management of the Company. I would confirm that my report has been submitted.

PRE-APPOINTMENT REMUNERATION

My costs for assisting the Director in preparing the Statement of Affairs and seeking a decision from creditors on the nomination of a Liquidator were agreed at £8,000 plus VAT. The sum of £6,048.48 plus VAT has been drawn on account of these costs.

LIQUIDATORS' REMUNERATION

My remuneration was approved by creditors on a time cost basis based on fees estimate of £27,603.10. The fees estimate acts as a cap and I cannot draw remuneration in excess of that estimate without first seeking approval from the creditors. I enclose a summary of my firm's time costs for the Period (subject to the posting of time sheets) and you will note that my total time costs to the end of the Period amount to £11,450.80 representing 43.30 hours of work at a blended charge out rate of £264.45 per hour. The actual blended charge out rate incurred compares with the estimated blended charge out rate of £306.70 in my fees estimate.

Due to the lack of funds in the estate, I have been unable to draw any of these costs.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of Guidance Notes issued with Statement of Insolvency Practice 9, and they can be accessed at the link: <http://www.insolvency-practitioners.org.uk/regulation->

and-guidance/guides-to-fees]. There are different versions of these Guidance Notes, and in this case please refer to the most recent version.

A copy of our Practice Fee Recovery Sheet is enclosed.

LIQUIDATORS' EXPENSES

Expenses are any payments from the estate which are neither an office holder's remuneration nor a distribution to a creditor or a member. Expenses also includes disbursements. Disbursements are payments which are first met by the office holder and then reimbursed to the office holder from the estate. Expenses are split into:

- category 1 expenses, which are payments to persons providing the service to which the expense relates who are not an associate of the office holder; and
- category 2 expenses, which are payments to associates or which have an element of shared costs. Before being paid category 2 expenses require approval in the same manner as an office holder's remuneration.

I have used the following agents or professional advisors in the Period:

Professional Advisor	Nature of Work	Basis of Fees
Schofield Sweeney LLP	Solicitors	Fixed fee

Schofield Sweeney LLP were instructed to arrange legal representation at the hearing of a Winding Up Petition on 15 March 2023. The petition was dismissed.

The choice of professionals was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also considered that the basis on which they will charge their fees represented value for money. I have reviewed the charges they have made and am satisfied that they are reasonable in the circumstances of this case.

I enclose a schedule of the expenses incurred in the Period, which includes cumulative figures for the period from 13 March 2023 to date. The expenses incurred have exceeded the estimate provided to creditors due to the need to solicitors to assist me with my investigations, which were not anticipated when the estimate was prepared.

FURTHER INFORMATION

An unsecured creditor may, with the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Liquidator's remuneration and expenses within 21 days of their receipt of this final account. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the Court, or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to Court to challenge the amount of remuneration charged by the Liquidator as being excessive, and/or the basis of the Liquidator's remuneration, and/or the amount of the expenses incurred as being excessive, within 8 weeks of his receipt of this final account. Any secured creditor may make a similar application to court within the same time limit.

As Insolvency Practitioners, when carrying out all professional work relating to an insolvency appointment, I am bound by the Insolvency Code of Ethics, as well as by the regulations of our professional body. More details about these matters and general information about Springfields Advisory LLP that is of relevance can be found at <https://www.springfields-uk.com/regulatory>.

SUMMARY

The winding up of the Company is now for all practical purposes complete and I am seeking the release of myself as Liquidator of the Company. Creditors and members should note that provided no objections to my release is received I shall obtain my release as Liquidator following the delivery of the final notice to the Registrar of Companies, following which our case files will be placed in storage.

DISCLAIMER

This report has been prepared for the sole purpose of updating creditors and shareholders of the Company for information purposes to fulfil the necessary statutory requirements of the Liquidator. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, or otherwise used by creditors or shareholders for any purpose other than updating them for information purposes, or any other person for any purpose whatsoever.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Mansi Vora by email at mansi.v@springfields-uk.com, or by phone on 0116 249 2011 before my release.

Dated: 9 February 2024

A handwritten signature in black ink, appearing to be 'SD' followed by a long horizontal stroke.

Situl Devji Raithatha
LIQUIDATOR

Appendix 1 - Details of Work undertaken in the Period

This represents the work involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder (and their staff). It does not give direct financial benefit to the creditors but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that an office holder must follow.

- Case planning - devising an appropriate strategy for dealing with the case and giving instructions to staff to undertake the work on the case.
- Setting up electronic case files
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond (this is insurance required by statute that every insolvency office holder must obtain for each insolvency appointment).
- Convening a decision procedure to seek a decision from creditors to approve the basis of remuneration.
- Dealing with all routine correspondence and emails relating to the case.
- Opening, maintaining and managing the estate bank account.
- Creating, maintaining and managing a cashbook.
- Undertaking regular bank reconciliations of the estate bank account.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case-by-case administrators.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.

Realisation of assets:

This represents the work involved in the protection and realisation of assets, which is undertaken directly for the benefit of creditors.

- Liaising with the bank regarding the closure of the account.

Creditors:

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also needs to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of their statutory functions

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.

Investigations:

The insolvency legislation gives the office holder powers to take recovery action in respect of what are known as antecedent transactions, where assets have been disposed of prior to the commencement of the insolvency procedure, and also in respect of matters such as misfeasance and wrongful trading. The office holder is required by the Statements of Insolvency Practice to undertake an initial investigation in all cases to determine whether there are potential recovery actions for the benefit of creditors.

- Recovering the books and records for the case.
- Listing the books and records recovered.
- Submitting an online return on the conduct of the Directors as required by the Company Directors Disqualification Act.
- Conducting an initial investigation with a view to identifying potential asset recoveries by seeking and obtaining information from relevant third parties, such as the bank, accountants, solicitors, etc.
- Reviewing books and records to identify any transactions or actions the office holder may take against a third party in order to recover funds for the benefit of creditors.

Boden Samuel Ltd
(In Liquidation)
Liquidator's Summary of Receipts & Payments

Statement of Affairs £		From 13/03/2023 To 09/02/2024 £	From 13/03/2023 To 09/02/2024 £
	ASSET REALISATIONS		
	Bank Interest Gross	41.20	41.20
	Funds held under Indemnity	8,000.00	8,000.00
NIL	Furniture & Equipment	NIL	NIL
		8,041.20	8,041.20
	COST OF REALISATIONS		
	Corporation Tax	10.13	10.13
	Irrecoverable VAT	1,321.59	1,321.59
	Legal fees (2)	276.00	276.00
	Postal Services	54.50	54.50
	Specific Penalty Bond	50.00	50.00
	Statement of Affairs Fee	6,048.48	6,048.48
	Statutory Advertising	280.50	280.50
		(8,041.20)	(8,041.20)
		NIL	NIL
	REPRESENTED BY		
			NIL

Note:

SPRINGFIELDS ADVISORY LLP
PRACTICE FEE RECOVERY POLICY FOR INSOLVENCY APPOINTMENTS

Introduction

This sheet explains the alternative fee bases allowed by the insolvency legislation when acting as office holder in insolvency appointments. The legislation allows different fee bases to be used for different tasks within the same appointment. The fee basis, or combination of bases, set for a particular appointment is/are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court. The report accompanying the request to fix the basis of remuneration will indicate the basis, or bases, being requested in that particular case and will make it clear what work is to be undertaken in respect of each basis.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of guides that can be accessed at <https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/>. Alternatively, hard copies of any of the guidance notes are available on request from our office. Please note that we have provided further details in this policy document.

SIP 9 also contains various requirements that the office holder has to comply with in connection with their remuneration, both when seeking approval and when reporting to creditors and other interested parties after approval. One of the matters that an office holder has to comply with is that they must also seek approval for any payments that could reasonably be perceived as representing a threat to the office holder's objectivity or independence by virtue of a professional or personal relationship, including to an associate. Where it is anticipated that such payments will be made in a case they will be separately identified when seeking approval for the basis of the office holder's remuneration.

Other than in respect of Voluntary Arrangements an office holder is required to record the time spent on casework in all cases, even if they are being remunerated for that work on a basis other than time costs. Time is recorded directly to the relevant case and the nature of the work undertaken is recorded at that time. The work is generally recorded under the following categories:

- Case Administration
- Realisation of Assets
- Investigations.
- Creditors
- Trading
- Case specific matters.

Time cost basis

When charging fees on a time costs basis we use charge out rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken.

Charge-out Rates

Grade of staff	Current charge-out rate per hour, effective from 1 August 2023 £	Previous charge-out rate per hour, effective from 1 August 2022 £
Partner	526	496
Manager	315-398	298-376
Administrator	180-267	170-252

Time is recorded in units of 6 minutes (prior to 08/01/2007 this was 15 minute units)

These charge-out rates charged are reviewed periodically and are adjusted to take account of inflation and the firm's overheads.

When we seek time costs approval, we have to set out a fees estimate. That estimate acts as a cap on our time costs so that we cannot draw fees of more than the estimated time costs without further approval from those who approved our fees. When seeking approval for our fees, we will disclose the work that we intend to undertake, the hourly rates we intend to charge for each part of the work, and the time that we think each part of the work will take. We will summarise that information in an average or "blended" rate for all of the work being carried out within the estimate, and by reference to each separate category of work. The blended rate is calculated as the prospective average cost per hour, based upon the estimated time to be expended by each grade of staff at their specific charge out rate. We will also say whether we anticipate needing to seek approval to exceed the estimate and, if so, the reasons that we think that may be necessary.

A report accompanying the request to fix the basis of remuneration will include the fees estimate, as well as details of the expenses that will be, or are likely to be, incurred. Further information about expenses is given in a separate section below.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If we subsequently need to seek authority to draw fees in excess of the estimate, we will say why we have exceeded, or are likely to exceed the estimate; any additional work undertaken, or proposed to be undertaken; the hourly rates proposed for each part of the work; and the time that the additional work is expected to take. As with the original estimate, we will summarise that information in an average or "blended" rate for all of the work being carried out within the estimate, and by reference to each separate category of work, and will also say whether we anticipate needing further approval and, if so, why we think it may be necessary to seek further approval.

Percentage basis

The legislation allows fees to be charged on a percentage of the value of the property with which the office holder has to deal (realisations and/or distributions). Different percentages can be used for different assets or types of assets. A report accompanying the request to fix the basis of remuneration will set out the potential assets in the case, the remuneration percentage proposed in respect of any realisations and the work covered by that remuneration, which may solely relate to work undertaken in connection with the realisation of the assets, but might also include other categories of work as listed

above. The report will also include details of the expenses that will be, or are likely to be, incurred. Further information about expenses is given in a separate section below.

The percentage approved in respect of realisations will be charged against the assets realised, and where approval is obtained on a mixture of bases, any fixed fee and time costs will then be charged against the funds remaining in the liquidation after the realisation percentage has been deducted.

A percentage of distributions made to unsecured creditors may also be requested, in order to cover the work associated with the agreement of claims and making the distribution.

The disclosure that we make will include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal. In order to meet the requirements of SIP 9 it will also explain why the basis requested is expected to produce a fair and reasonable reflection of the work that we anticipate will be undertaken on the case.

If the basis of remuneration has been approved on a percentage basis then an increase in the amount of the percentage applied can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the percentage applied. If there has not been a material and substantial change in the circumstances, then an increase can only be approved by the Court.

Fixed fee

The legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. A report accompanying the request to fix the basis of remuneration will set out the set fee that we proposed to charge and the work covered by that remuneration, as well as details of the expenses that will be, or are likely to be, incurred. Further information about expenses is given in a separate section below.

The disclosure that we make will include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal. In order to meet the requirements of SIP 9 we will also explain why the basis requested is expected to produce a fair and reasonable reflection of the work that we anticipate will be undertaken on the case.

If the basis of remuneration has been approved on a fixed fee basis then an increase in the amount of the fixed fee can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the fixed fee. If there has not been a material and substantial change in the circumstances, then an increase can only be approved by the Court.

Mixed basis

If remuneration is to be sought on a mixed basis, we will make it clear in the report accompanying the request to fix the basis of remuneration which basis will be charged for each category of work that is to be undertaken on the case.

Members' voluntary liquidations and Voluntary Arrangements

The legislation is different for members' voluntary liquidations (MVL), Company Voluntary Arrangements (CVA) and Individual Voluntary Arrangements (IVA). In MVLs, the company's members set the fee basis, often as a fixed fee, and SIP 9 does not apply unless the members specifically request it. In CVAs and IVAs, the fee basis is set out in the proposals and creditors approve the fee basis when they approve the arrangement.

All bases

With the exception of IVA's and CVA's, which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

Expenses

As already indicated, a report will accompany the request to fix the basis of remuneration and that will include details of expenses to be incurred, or likely to be incurred. When reporting to the committee and creditors during the course of the insolvency appointment the actual expenses incurred will be compared with the original estimate provided.

Expenses are any payments from the insolvent estate that are neither an office holder's remuneration nor a distribution to a creditor, or a member. Expenses also include disbursements. Disbursements are payments that are first paid by the office holder and then reimbursed from the insolvent estate. Expenses are divided into those that do not need approval before they are charged to the estate (Category 1) and those that do (Category 2).

Category 1 expenses are payments to persons providing the service to which the expense relates who are not an associate of the office holder. They can be paid by the office holder without obtaining prior approval. Examples of costs that may amount to Category 1 expenses are professional advisors (who are not associates), statutory advertising, external meeting room hire (where the room is only hired for that meeting), external storage, specific penalty bond insurance, insolvency case management software fees charged on a per case basis, and Company search fees.

Category 2 expenses are either payments to associates, or payments in respect of expenses that have an element of shared costs, such as photocopying and mileage. Category 2 expenses require approval in the same manner as an office holder's remuneration before they can be paid.

From 1 April 2021, the practice does not propose to recover any Category 2 expenses that include an element of shared costs.

Professional advisors may be instructed to assist the office holder on the case where they consider that such assistance is necessary to enable them to appropriately administer the case. The fees charged by any professional advisors used will be recharged at cost to the case. Where the professional advisor is not an associate of the office holder it will be for the office holder to agree the basis of their fees. Where the professional advisor is an associate of the office holder it will be for those responsible for fixing the basis of the office holder's remuneration to approve payments to them. The fees of any professional advisors are subject to the rights of creditors to seek further information about them or challenge them as summarised below. Professional advisors that may be instructed on a case include:

- Solicitors/Legal Advisors;
- Auctioneers/Valuers;
- Accountants;
- Quantity Surveyors;
- Estate Agents;
- Pension specialists;
- Employment Claims specialists; and
- GDPR/Cyber Security specialists.

Reporting and rights to challenge

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration charged by the office holder in the period covered by the report, i.e., the amount that the office holder is entitled to draw, together with the amount of remuneration actually drawn. If approval has been obtained for remuneration on a time costs basis, the time costs incurred will also be disclosed, whether drawn or not, together with the "blended" rates of such costs. The report will also compare the actual time costs incurred with those included in the fees estimate prepared when fixing the basis of the remuneration, and indicate whether the fees estimate is likely to be exceeded. If the fees estimate has been exceeded, or is likely to be exceeded, the report will explain why that is the case.

The report will also provide information about expenses incurred in the period covered by the report, together with those actually paid, together with a comparison with the estimated expenses. If the expenses incurred, or anticipated to be incurred, have exceeded the estimate provided the report will explain why that is the case.

Under the insolvency legislation the report must also include a statement of the legislative rights of creditors to request further information about the remuneration charged and expenses incurred in the period covered by the report, or to challenge them on the grounds that they are excessive. Extracts of the relevant insolvency rules dealing with these rights are set out below. Once the time period to seek further information about the office holder's remuneration and/or expenses for the period covered by the report has elapsed, then a Court Order is required to compel the office holder to provide further information about the remuneration and expenses. A Court order is required to challenge the office holder's remuneration and/or expenses for the period covered by the report. Once that period has elapsed, then a separate Court Order is required to allow an application out of time.

Under rule 18.9 of the Insolvency (England and Wales) Rules 2006, an unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the office holder's remuneration and expenses, within 21 days of receipt of any report for the period. Any secured creditor may request the same details in the same time limit.

Under rule 18.34, an unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the office holder's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of any report for the period. Any secured creditor may make a similar application to court within the same time limit.

Under some old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

Time Entry - SIP9 Time & Cost Summary

BO2003 - Boden Samuel Ltd
All Post Appointment Project Codes
To: 09/02/2024

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	2.40	2.20	14.90	0.00	19.50	5,279.10	270.72
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.30	4.90	0.00	5.20	1,189.60	228.77
Investigations	0.60	5.70	12.10	0.00	18.40	4,936.10	268.27
Realisation of Assets	0.00	0.00	0.20	0.00	0.20	46.00	230.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	3.00	8.20	32.10	0.00	43.30	11,450.80	264.45
Total Fees Claimed						0.00	
Total Disbursements Claimed						104.50	

Case Name:	Boden Samuel Ltd
Reporting Period:	13 March 2023 to Date ("the Period")

Type - Category 1	Incurred & accrued in the Period (£)	Estimated expenses in fee report (£)	Difference between estimated expenses & actual expenses (£)
Specific Penalty Bond	50.00	30.00	20.00
Statutory Advertising	280.50	187.00	93.50
Postal Services	54.50	65.60 -	11.10
Legal Fees & Disbursements	276.00	150.00	126.00
TOTAL	661.00	432.60	228.40

<u>Estimated v Actual Expenses Summary</u>		£
Total expenses as per estimate*	432.60	
Actual expenses incurred to end of the Period	661.00	
Difference	-	228.40

* The estimated expenses are those set out in the schedule that accompanied my report of **4 April 2023**.