

4321799

ETHEL AUSTIN INVESTMENT PROPERTIES
(FOREGATE STREET) LIMITED

IN THE HIGH COURT OF JUSTICE

NO 3691 OF 2014

CHANCERY DIVISION



Before Registrar Bailster

This 28th day of May 2014

COMPANIES COURT

IN THE MATTER OF HIGH LANE MEDICAL CENTRE LIMITED (IN MEMBERS' VOLUNTARY
LIQUIDATION) & OTHERS

AND IN BANKRUPTCY

IN THE MATTER OF WILLIAM COLIN MORGAN (A BANKRUPT) & OTHERS

AND IN THE MATTER OF AN OFFICE-HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN



(1) IAN JAMES GOULD

(2) EDWARD TERENCE KERR

(3) CHRISTOPHER KIM RAYMENT

Applicants

- and -

(1) JONATHAN DAVID NEWELL

(2) KERRY FRANCHINA BAILEY

(3) MATTHEW DAVID GIBSON

(4) JAMES DOUGLAS ERNLE MONEY

Respondents

ORDER

THURSDAY



Q3BT5R62
QIQ 10/07/2014 #18
COMPANIES HOUSE

UPON the application of Ian James Gould, Edward Terence Kerr and Christopher Kim Rayment ("the Application")

AND UPON reading the Witness Statements of Ian James Gould and Jonathan David Newell

IT IS ORDERED THAT:

- 1 The insolvency proceedings listed in the Schedules attached hereto which are not currently before the High Court be transferred to the High Court for the purposes of the Application only, and the Applicants do ensure that a sealed copy of this Order be lodged with the Court having jurisdiction over each case affected by this Order
- 2 The First Respondent, Jonathan David Newell, be removed from his office as Liquidator in respect of the companies in Members' Voluntary Liquidation which are set out in Schedule A hereto.
- 3 The Third Applicant, Christopher Kim Rayment, shall be appointed as Liquidator in substitution of the First Respondent in respect of the companies which are set out in Schedule A hereto
- 4 The First Respondent, Jonathan David Newell, be removed from his office as Liquidator in respect of the companies in Creditors' Voluntary Liquidation which are set out in Schedule B hereto
- 5 The First Applicant, Ian James Gould, shall be appointed as Liquidator in substitution of the First Respondent in respect of the companies which are set out in Schedule B hereto
- 6 The First Respondent, Jonathan David Newell, be removed from his office as Liquidator in respect of the companies limited by guarantee in Creditors' Voluntary Liquidation which are set out in Schedule C hereto
- 7 The First Applicant, Ian James Gould, shall be appointed as Liquidator in substitution of the First Respondent in respect of the companies limited by guarantee in Creditors' Voluntary Liquidation which are set out in Schedule C hereto
- 8 The First Respondent, Jonathan David Newell, be removed from his office as Liquidator in respect of the companies in Compulsory Liquidation which are set out in Schedule D hereto.
- 9 The Second Applicant, Edward Terence Kerr, shall be appointed as Liquidator in substitution of the First Respondent in respect of the companies which are set out in Schedule D hereto.
10. The First Respondent, Jonathan David Newell, be removed from his office as Administrator in respect of the companies in Administration which are set out in Schedule E hereto
11. The First Applicant, Ian James Gould, shall be appointed as Administrator in substitution of the First Respondent in respect of the companies which are set out in Schedule E hereto in which he is identified as proposed appointee In respect of

those companies, the First Applicant shall additionally replace the First Respondent as the nominated joint-liquidator under the terms of the Administrators' proposals for the purposes of placing the company into Creditors' Voluntary or Compulsory Liquidation

- 12 The First Respondent, Jonathan David Newell, be removed from his office as Supervisor in respect of the company in Company Voluntary Arrangement which is set out in Schedule F hereto
13. The First Applicant, Ian James Gould, shall be appointed as Supervisor in substitution of the First Respondent in respect of the company in Company Voluntary Arrangement which is set out in Schedule F hereto
- 14 The First Respondent, Jonathan David Newell, be removed from his office as Trustee in Bankruptcy in respect of the Bankruptcies which are set out in Schedule G hereto
- 15 The Second Applicant, Edward Terence Kerr, shall be appointed as Trustee in Bankruptcy in substitution of the First Respondent in respect of the Bankruptcies which are set out in Schedule G hereto
- 16 The Applicants shall procure that, at the first convenient opportunity to do so, and in any event within 3 months of the date of an Order being made in the terms of this Application, a block advertisement in respect of each of the insolvency appointments listed in Schedules A, B, C, D, E, F and G shall be placed in the London Gazette containing notification of the following matters:
 - 16 1 the removal of the First Respondent and the substitution of the First Respondent by the First, Second or Third Applicant, as the case may be;
 - 16.2 that creditors, members (in the case of Members' Voluntary Liquidations) and debtors (where they have a financial interest in the outcome of the insolvency proceedings) have liberty to apply, within 28 days after the notice has been advertised, to vary or discharge the Order made,
 - 16.3 that creditors, members (in the case of Members' Voluntary Liquidations) and debtors (where they have a financial interest in the outcome of the insolvency proceedings) have the right to object and make representations to the First Respondent in respect of his release with 28 days after the notice has been advertised, and
 - 16 4 that in the case of the Liquidations and Bankruptcies listed in Schedules A, B, C, D and G, the First Respondent will be entitled to apply to the Secretary of State for his release upon the expiry of 42 days from the date the notice has been advertised
17. In relation to the insolvency proceedings listed in the Schedules hereto, and insofar as the Insolvency Act 1986 or the Insolvency Rules 1986 contain any requirement for advertisement of the removal of the First Respondent or his substitution by the Applicants, the requirement shall be dispensed with save to the extent provided for herein. Insofar as the First Respondent is required by law to give any notice of the removal from office, the Applicants (and each of them) are entitled to sign and send any such notice on his behalf

- 18 The period to be covered by progress reports to creditors and the dates by which those reports need to be sent to creditors and filed with the Registrar of Companies (if applicable) shall not be altered by virtue of the making of this Order or the replacement of the First Respondent by the First, Second or Third Applicant, as the case may be, pursuant to this Order, and this provision shall override any requirement in the Insolvency Rules 1986 that would otherwise require a report to be made to creditors or would otherwise alter the period to be covered by progress reports or the dates by which those reports need to be sent to creditors and Companies House, on the termination, commencement of replacement of an office-holder's appointment, including those set out in rules 2 47(3A), 4 49B(5), 4 49C-CVL(3) and 6 78A(4) of the Insolvency Rules 1986
- 19 In each Liquidation and Bankruptcy listed in Schedules A, B, C, D and G hereto, the First Respondent shall not be at liberty to apply to the Secretary of State for his release until the expiry of 42 days from the date when the relevant notice referred to in paragraph 16 above has been placed in the London Gazette
20. In the Voluntary Arrangement listed in Schedule F hereto, the First Respondent be released from all liability both in respect of any of his acts or omissions in relation to his conduct as office-holder of the estates with effect from 28 days from the date when the relevant notice referred to in paragraph 16 above, has been placed in the London Gazette, save in respect of any claim notified to the First Respondent pursuant to the Insolvency Act 1986 and/pursuant to such other provision as may apply by that date
- 21 In each Administration listed in Schedule E hereto, the First Respondent be released from all liability both in respect of any of his acts and omissions in relation to his conduct as office-holder of the estates with effect from 28 days from the date when the relevant notice referred to in paragraph 16 above has been placed in the London Gazette, save in respect of any claim notified to the First Respondent pursuant to the Insolvency Act 1986 and/pursuant to such other provision as may apply by that date
- 22 There be no order as to costs
- 23 There be liberty to apply

Schedule B - Creditors' Voluntary Liquidations

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on
Ethel Austin Investment Properties (Foregate Street) Limited	Jonathan David Newell	Kerry Franchina Bailey	Ian James Gould	CVL	29/11/2013