

LIQ03

Notice of progress report in voluntary winding up



Companies House

THURSDAY



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A16

10/08/2017

#174

COMPANIES HOUSE

1 Company details

Company number 0 4 3 9 4 6 9 7
Company name in full Conform Construction Limited

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Dave
Surname Clark

3 Liquidator's address

Building name/number 26 York Place
Street Leeds
Post town LS1 2EY
County/Region
Postcode
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.

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6 Period of progress report

From date	^d 1	^d 9	^m 0	^m 6	^y 2	^y 0	^y 1	^y 6
To date	^d 1	^d 8	^m 0	^m 6	^y 2	^y 0	^y 1	^y 7

7 Progress report

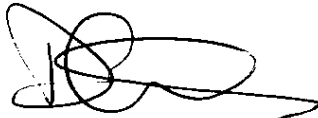
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d0

^d7

^m0

^m8

^y2

^y0

^y1

^y7

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 **Phil Clark**

Company name **Clark Business Recovery Limited**

Address **26 York Place**

Leeds

Post town **LS1 2EY**

County/Region

Postcode

Country

DX

Telephone **0113 2438617**



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

Conform Construction Limited
(In Liquidation)
Liquidator's Summary of Receipts & Payments

Statement of Affairs £		From 19/06/2016 To 18/06/2017 £	From 19/06/2013 To 18/06/2017 £
	ASSET REALISATIONS		
1,500.00	Plant & Machinery	NIL	1,000.00
320.00	Office Equipment	NIL	NIL
	Motor Vehicles	NIL	2,244.75
9,000.00	Stock	NIL	NIL
NIL	WIP	NIL	NIL
50,082.00	Retentions	NIL	NIL
	Directors Contributions to Costs	NIL	7,500.00
	Bank Interest Gross	1.04	13.64
	Rates Refund	NIL	83.19
		<u>1.04</u>	<u>10,841.58</u>
	COST OF REALISATIONS		
	Bordereau	NIL	180.00
	Preparation of S. of A.	5,000.00	7,500.00
	Liquidators remuneration	816.58	816.58
	Agents/Valuers Fees (1)	NIL	500.00
	Stationery & Postage	1,635.00	1,635.00
	Statutory Advertising	NIL	210.00
		<u>(7,451.58)</u>	<u>(10,841.58)</u>
	FLOATING CHARGE CREDITORS		
(92,414.00)	Bank of Scotland	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	UNSECURED CREDITORS		
(1,353,026.00)	Trade & Expense Creditors	NIL	NIL
(5,250.00)	Landlord	NIL	NIL
(121,651.00)	H.M. Revenue & Customs	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	DISTRIBUTIONS		
(120.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(1,511,559.00)</u>		<u>(7,450.54)</u>	<u>NIL</u>
	REPRESENTED BY		
			<u>NIL</u>



 Dave Clark
 Liquidator

**CONFORM CONSTRUCTION
LIMITED - IN LIQUIDATION**

**PROGRESS REPORT TO MEMBERS AND
CREDITORS**

**PURSUANT TO SECTION 104A OF THE
INSOLVENCY ACT 1986**

**AND RULE 18.7 OF THE INSOLVENCY RULES
(ENGLAND & WALES) 2016**

DATE OF LIQUIDATION: 19 JUNE 2013

NAME OF LIQUIDATOR: DAVE CLARK

**LIQUIDATORS ADDRESS: CLARK BUSINESS RECOVERY
LIMITED, 26 YORK PLACE, LEEDS, LS1 2EY**

Conform Construction Limited - In Liquidation

Company number: 04394697

Registered Office: Clark Business Recovery Limited, 26 York Place, Leeds, LS1 2EY

1. Introduction

Dave Clark of Clark Business Recovery Limited was appointed Liquidator of the Company by shareholders and creditors on 19 June 2013.

This report sets out an account of the acts and dealings and of the conduct of the liquidation for the period from 19 June 2016 to 18 June 2017. This report should be read in conjunction with any prior reports on this case.

Prior to liquidation the Company operated as a joinery & construction contractor and traded from Pepper Road, Leeds, West Yorkshire, LS10 2RU. The Company's registered office was situated at European House, 93 Wellington Road, Leeds, West Yorkshire, LS12 1DZ.

The EC Regulations apply and these proceedings will be the Main Proceedings as defined in Article 3 of the EC Regulations.

2. Receipts and payments account

Attached at **Appendix A** is my receipts and payments account for the period from 19 June 2016 to 18 June 2017 together with my cumulative receipts and payments account for the period 19 June 2013 to 18 June 2017.

Where possible all funds have been held on an interest bearing account in order to maximise the level of realisations.

3. Asset realisation

Realisations during the course of the liquidation can be compared to the Statement of Affairs as shown on the attached receipts and payments account.

Plant & Machinery and Office Equipment

My previous report to creditors confirmed that the Company's landlord made an offer in the sum of £1,000 plus VAT for the Company's plant & machinery and office equipment.

Michael Steel & Co (Plant & Machinery) Limited, professional asset valuers (my "Agent") provided a valuation of these assets and the estimated to realise value was £1,820. My Agent advised that after taking into consideration the costs of uplifting these assets, this offer should be accepted.

Accordingly this offer was accepted and the full consideration was received on 3 September 2013.

Rates refund

As previously reported, the sum of £83 has been realised in respect of a rates refund.

Motor vehicles

As previously reported, the sum of £2,245 has been realised in respect of motor vehicles. These funds were in respect of the surplus funds due to the Company in accordance with the HP agreement with Lombard North Central Plc. No further realisations are anticipated from this source.

Directors' Contributions to Costs

The sum of £7,500 has been realised in respect of the Directors' contributions to costs.

No further funds are due in this respect.

Work In Progress / Retentions

As explained in my previous reports to creditors, the only outstanding issue relating to this case is the recovery of a number of retentions due to the Company from Carillion PLC ('Carillion').

Contract Recovery Solutions ("CRS"), quantity surveyors and debt recovery specialists were instructed to pursue Carillion on behalf of the Liquidator in respect of the outstanding retentions.

CRS confirmed that the defects period had expired and that a list of purported defects had been provided by Carillion. Supporting documentation was requested from Carillion in respect of these defects however nothing was provided. As a result, CRS advised the Liquidator to issue legal proceedings.

Following the advice of CRS, the Liquidator instructed Stripes Solicitors ("Stripes") to issue proceedings against Carillion in respect of this claim. The Liquidator entered into a conditional fee agreement with Stripes and After the Event Insurance was also secured to protect the Liquidator's position.

The costs incurred by Stripes in respect of this claim are subject to a conditional fee agreement and are not expected to be in excess of £25,000. Stripes Solicitors are also entitled to a 100% success fee in the event that the claim against Carillion is successful.

Information has been provided to CRS by Carillion however there have been a number of queries regarding the accuracy of this information. My last report confirmed that Carillion had claimed a number of 'certified' payments had been made however the timings of these payments suggested these payments were made after my appointment. I have previously confirmed that no funds have been received from Carillion and as a result, these claims will need to be evidenced by Carillion.

CRS have continued to liaise with the former director of the Company to ascertain the accuracy of the information received from Carillion. Stripes and CRS have confirmed that they are still reviewing the information provided by Carillion and I anticipate legal proceedings being issued against Carillion shortly.

4. Investigation

An investigation has been conducted into the Company in accordance with the requirements of the Company Directors Disqualification Act 1986 and a report has been submitted to the Department for Business Innovation and Skills as required. The contents of that report are confidential and cannot be disclosed or discussed with creditors.

The detailed investigation matters as set out in Statement of Insolvency Practice 2 have also been completed. There are no matters arising from this investigation that require any further action that would provide any additional funds for the benefit of creditors.

5. Liabilities

Secured creditors

Information available from Companies House shows a debenture in favour of Bank of Scotland Plc creating a fixed and floating charge over the Company's assets, registered on 28 May 2010. As there are no fixed charge assets, any distribution to the secured creditor would be under their floating charge if sufficient realisations are made.

At this stage, a distribution to any class of creditor in this case is dependent on the outcome of the claim against Carillion.

Preferential creditors

According to the Statement of Affairs and information provided by the directors, there are no preferential creditors of the Company.

Despite this, a claim form was received from a former employee and this was submitted to the Redundancy Payments Service ('RPS') on 12 August 2013. To date, I have not received a proof of debt from the RPS.

Prescribed part

In accordance with Section 176A of the Insolvency Act 1986, the Liquidator is required to set aside a prescribed amount of the Company's 'net property' towards the satisfaction of unsecured debts. Net property is the amount of property that would otherwise be available for satisfaction of holders of debentures, secured by, or holders of, any floating charge created by the Company after 15 September 2003.

As the charge in favour of Bank of Scotland Plc was created on 25 May 2010, these provisions will be applied in the event that a distribution is made to Bank of Scotland under their floating charge.

Unsecured creditors

I have received 54 unsecured creditor claims totalling the sum of £1,221,901.51. The Statement of Affairs estimated unsecured creditors to be the sum of £1,479,927.

Notice of no dividend

The Insolvency Act 1986 provides that the Liquidator should give creditors formal notice that there will be no dividend to creditors. A notice of no dividend was circulated to all known unsecured creditors on 12 August 2014.

6. Liquidation fees

At the meeting of creditors held on 19 June 2013 creditors voted in favour of a resolution that the Liquidator's remuneration be fixed by reference to time properly given by the Liquidator and his staff in attending to matters arising in the liquidation to be drawn from time to time.

Statement of Insolvency Practice 9 ("SIP9") outlines the information to be provided to creditors by the office holder when dealing with the matter of his remuneration, this includes a creditors guide to these costs. This can be viewed at www.clarkbr.co.uk under the 'Creditor Reports' tab.

The total time spent on the liquidation in the year from 19 June 2016 to 18 June 2017 was 15.3 hours, at an average rate of £276.14 per hour, giving total time costs of £4,225. A breakdown in accordance with SIP9 is attached at **Appendix B**.

The total time spent on the liquidation from 19 June 2013 to 18 June 2017 was 170.1 hours, at an average rate of £242.56 per hour, giving total time costs of £41,259. I have received £817 plus VAT on account of these costs, and the outstanding balance remains un-discharged. A breakdown in accordance with SIP9 is attached at **Appendix C**.

This does not include time spent in the preparation of the Statement of Affairs for which £5,000 plus VAT was approved and paid.

The Firm's hourly charge out rates changed with effect from 1st of April. The revised rates applicable in this case are as follows:

Grade of Staff	2013 (£)	2014 (£)	2015 (£)	2016 (£)	2017 (£)
Director / Associate	340	370	390	410	410
Senior Manager	290	310	330	350	350
Case Manager	180	210	230	250	250
Case Administrator and Assistant/Support staff	160 - 100	190 - 120	190 - 120	210 - 130	210 - 150

Please note that time is charged in 6 minute units rounded up to the nearest unit.

7. Liquidation expenses and disbursements

The following expenses have been incurred in respect of the Liquidation:

- The sum of £2,500 plus VAT has been paid to Urquhart Warner Myers for their work carried out assisting with the preparation of the Statement of Affairs and report to creditors;

- The sum of £500 plus VAT has been paid to Michael Steel & Co Limited for their work carried out preparing a valuation of the Company's assets and advising on their subsequent sale; and
- The costs of Contract Recovery Solutions Limited have not been agreed at this stage but it is anticipated that these costs will be approximately 20% of any realisations in respect of the work in progress and retentions.

The choice of professionals was based on perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of the Liquidator's fee arrangement with them.

The following disbursements have been incurred:

Category 1 disbursements comprise of specific expenditure which relates to the administration of the liquidation and which are paid to an independent third party.

Expense	Incurred (£)	Paid (£)	To be paid (£)
Bordereau	180.00	180.00	0.00
Statutory Advertising	210.00	210.00	0.00
TOTAL	390.00	390.00	0.00

Category 2 disbursements include elements of shared or allocated costs. Details of how these costs are calculated where included in the disbursements policy previously provided to creditors. However, a copy is available upon request.

Expense	Incurred (£)	Paid (£)	To be paid (£)
Stationery and Postage	1,930.00	1,635.00	295.00
TOTAL	1,930.00	1,635.00	295.00

A copy of the firm's disbursements policy has previously been provided to creditors detailing how these costs are recharged. However, a further copy is available upon request.

In accordance with Rule 18.9 of the Insolvency Rules (England & Wales) 2016, Members or Creditors have the right to request further information about the office holder's remuneration or expenses and may request additional information relating to the conduct of the Liquidation. Such requests should be made within 21 days of this report in writing to the office holder at the address shown above.

Furthermore, in accordance with Rule 18.34 of the Insolvency Rules (England & Wales) 2016, creditors have the right to claim that the office holder's remuneration or expenses are excessive. Such applications should be made to court no later than 8 weeks after receipt of this report.

8. Ethics


The Liquidator is bound by the Insolvency Code of Ethics and considered his professional bodies guide to conduct and ethics in relation to accepting an instruction from the Board of this Company.

He is satisfied that there is no evidence to suggest that there is any matter that would affect his independence or objectivity in dealing with this matter, and that no threat has arisen to his compliance with the fundamental principles and safeguards applied by the code during the period of this report.

9. Conclusion

The issues relating to the claim against Carillion will need to be resolved before the Liquidator's final account can be issued to members and creditors.

If you require any further information or clarification on any matter, please do not hesitate to contact Phil Clark of this office.

A handwritten signature in black ink, appearing to read 'Dave Clark', with a stylized, looping flourish at the end.

Dave Clark

Liquidator

Date: 7 August 2017

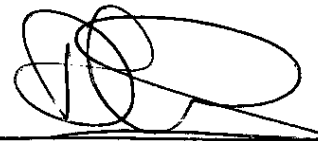
Conform Construction Limited
(In Liquidation)
Liquidator's Abstract of Receipts & Payments

APPENDIX A

Statement of Affairs		From 19/06/2016 To 18/06/2017	From 19/06/2013 To 18/06/2017
	ASSET REALISATIONS		
1,500.00	Plant & Machinery	NIL	1,000.00
320.00	Office Equipment	NIL	NIL
	Motor Vehicles	NIL	2,244.75
9,000.00	Stock	NIL	NIL
NIL	WIP	NIL	NIL
50,082.00	Retentions	NIL	NIL
	Directors Contributions to Costs	NIL	7,500.00
	Bank Interest Gross	1.04	13.64
	Rates Refund	NIL	83.19
		<u>1.04</u>	<u>10,841.58</u>
	COST OF REALISATIONS		
	Bordereau	NIL	180.00
	Preparation of S. of A.	5,000.00	7,500.00
	Liquidators remuneration	816.58	816.58
	Agents/Valuers Fees (1)	NIL	500.00
	Stationery & Postage	1,635.00	1,635.00
	Statutory Advertising	NIL	210.00
		<u>(7,451.58)</u>	<u>(10,841.58)</u>
	FLOATING CHARGE CREDITORS		
(92,414.00)	Bank of Scotland	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
	UNSECURED CREDITORS		
(1,353,026.00)	Trade & Expense Creditors	NIL	NIL
(5,250.00)	Landlord	NIL	NIL
(121,651.00)	H.M. Revenue & Customs	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
	DISTRIBUTIONS		
(120.00)	Ordinary Shareholders	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
<u>(1,511,559.00)</u>		<u>(7,450.54)</u>	<u>NIL</u>

REPRESENTED BY

NIL



 Dave Clark
 Liquidator

Appendix B

Conform Construction Limited - In Liquidation Time Cost Analysis In Hours for the period 19 June 2016 to 18 June 2017

	<u>Director/ Associate</u>	<u>Senior Manager</u>	<u>Case Manager / Cashier</u>	<u>Case Administrator / Support Staff</u>	<u>Total</u>	<u>Time Costs (£)</u>	<u>Average hourly rate (£)</u>
Administration, Planning & Statutory Compliance	1.10 451.00	0.30 105.00	5.10 1,275.00	0.40 84.00	6.90	1,915.00	277.54
Creditors & Distribution	0.70 287.00	0.00 0.00	3.20 800.00	0.00 0.00	3.90	1,087.00	278.72
Cashiering	0.20 82.00	0.00 0.00	1.60 400.00	0.00 0.00	1.80	482.00	267.78
Investigations	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00	0.00	0.00
Realisation of Assets	0.10 41.00	0.50 175.00	2.10 525.00	0.00 0.00	2.70	741.00	274.44
Total Hours by grade of staff	2.10	0.80	12.00	0.40	15.30	4,225.00	276.14
Hourly rate per grade of staff	410.00	350.00	250.00	210.00			
Total Time Costs by grade of staff	861.00	280.00	3,000.00	84.00	4,225.00		

Appendix C

Conform Construction Limited - In Liquidation Time Cost Analysis In Hours for the period 19 June 2013 to 18 June 2017

	<u>Director/ Associate</u>	<u>Senior Manager</u>	<u>Case Manager / Cashier</u>	<u>Case Administrator / Support Staff</u>	<u>Total</u>	<u>Time Costs (£)</u>	<u>Average hourly rate (£)</u>
Administration, Planning & Statutory Compliance	7.20	7.40	25.60	21.90	62.10	14,403.00	231.93
Creditors & Distribution	8.00	11.50	10.90	17.10	47.50	11,851.00	249.49
Cashiering	4.60	0.70	13.50	6.20	25.00	6,044.00	241.76
Investigations	0.70	2.10	0.60	0.60	4.00	1,095.00	0.00
Realisation of Assets	0.90	10.50	15.40	4.70	31.50	7,866.00	249.71
Total Hours by grade of staff	21.40	32.20	66.00	50.50	170.10	41,259.00	242.56
Hourly rate per grade of staff	410.00	350.00	250.00	210.00			