

## Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

04394697

Name of Company

Conform Construction Limited

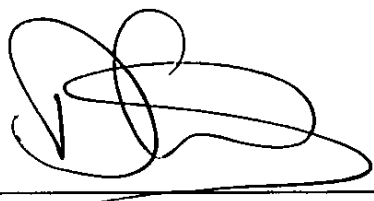
I / ~~We~~

Dave Clark, Clark Business Recovery Limited, 26 York Place, Leeds, LS1 2EY

the liquidator(s) of the company attach a copy of my/our Progress Report  
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 19/06/2014 to 18/06/2015

Signed



Date

10/07/15

Clark Business Recovery Limited  
26 York Place  
Leeds  
LS1 2EY

Ref CON2013/DNC/PH/PDC

FRIDAY



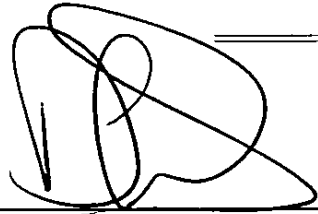
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COMPANIES HOUSE

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

Statement of Affairs		From 19/06/2014 To 18/06/2015	From 19/06/2013 To 18/06/2015
	<b>ASSET REALISATIONS</b>		
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	4 17	8 44
	Rates Refund	NIL	83 19
		<u>4 17</u>	<u>10,836 38</u>
	<b>COST OF REALISATIONS</b>		
	Bordereau	NIL	180 00
	Preparation of S of A	NIL	2,500 00
	Agents/Valuers Fees (1)	NIL	500 00
	Statutory Advertising	NIL	210 00
		<u>NIL</u>	<u>(3,390 00)</u>
	<b>FLOATING CHARGE CREDITORS</b>		
(92,414 00)	Bank of Scotland	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
	<b>UNSECURED CREDITORS</b>		
(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
	<b>DISTRIBUTIONS</b>		
(120 00)	Ordinary Shareholders	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
<b>(1,511,559.00)</b>		<u><b>4.17</b></u>	<u><b>7,446.38</b></u>

**REPRESENTED BY**

Vat Receivable	600 00
Bank 1 Current	7,046 38
Vat Payable	(200 00)
	<u><b>7,446.38</b></u>

  
 \_\_\_\_\_  
 Dave Clark  
 Liquidator

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**(In Liquidation)**  
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Dave Clark  
Liquidator

**CONFORM CONSTRUCTION  
LIMITED - IN LIQUIDATION**

**PROGRESS REPORT TO MEMBERS AND  
CREDITORS**

**PURSUANT TO S104A OF THE INSOLVENCY  
ACT 1986**

**AND RULE 4.49C OF THE INSOLVENCY RULES  
1986**

**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 year from 19 June 2014 to 18 June 2015

Prior to liquidation the Company operated as a joinery and construction contractor and traded from Pepper Road, Leeds, West Yorkshire, LS10 2RU

### **2. Receipts and payments account**

Attached is my abstract receipts and payments account for the year 19 June 2014 to 18 June 2015 together with my cumulative receipts and payments account

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

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

A meeting with Carillion was provisionally scheduled by Contract Recovery Solutions ('CRS'), quantity surveyors and debt recovery specialists. This meeting was to allow CRS and Carillion to discuss the substantiation of the defects that Carillion claimed should be offset against the retention monies held

The meeting between Carillion and CRS did not take place as the proposed locations that were suggested by Carillion were unreasonable and uncooperative. Since this stage, Carillion have refused to enter into dialogue about arranging a more appropriate location for the meeting

Confirmation has been provided by CRS that the defects period has expired and that a list of purported defects has also been provided. Despite numerous requests, Carillion have continued to fail to provide CRS with the supporting documentation required and as a result, CRS have advised the Liquidator that the only outstanding option available is to issue legal proceedings

CRS have advised me that a letter before action has been issued to Carillion to which, no response has been received to date. I have therefore entered into a conditional fee agreement from Stripes Solicitors who have been instructed by CRS to issue legal proceedings on the Liquidator's behalf

I anticipate being in a better position to determine the prospects of any realisation from this source within the next 6 to 12 months

#### **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.

##### **Preferential creditors**

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

##### **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**

The Insolvency Act 1986 provides that the Liquidator should give creditors formal notice that there will be no dividend to creditors. This report should be treated as formal notice that no dividend will be made to creditors.

## 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 is available upon request or can be viewed at [www.insolvency-practitioners.org.uk](http://www.insolvency-practitioners.org.uk)

The time spent on the liquidation in the period from 19 June 2014 to 1 May 2015 was 40.4 hours, at an average rate of £249.90 per hour, giving total time costs of £10,096 A breakdown in accordance with SIP9 is attached

The total time spent on the liquidation from 19 June 2013 to 1 May 2015 was 125.7 hours, at an average rate of £240.47 per hour, giving total time costs of £30,227 I have received no funds on account of these costs, and the balance remains un-discharged A breakdown in accordance with SIP9 is attached

This does not include time spent in the preparation of the Statement of Affairs for which £5,000 plus VAT was approved I have received no funds on account of these costs and the balance held will be utilised against these outstanding costs

The Firm's hourly charge out rates changed with effect from 1 April 2015 The revised rates applicable in this case are as follows

Grade of Staff	01/04/2013 (£)	01/04/2014 (£)	01/04/2015 (£)
Director / Associate	340	370	390
Senior Manager / Manager	290	310	330
Case Manager / Senior	180	210	230
Assistant and support staff	100 - 160	120 - 190	120 - 190

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, and
- 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

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	£	Category 2	£
Bordereau	180 00	Stationery & postage	750 00
Companies House	13 00		
Statutory Advertising	210 00		
<b>Total</b>	<b>403.00</b>		<b>750.00</b>

A copy of Clark Business Recovery Limited's disbursements policy is attached detailing how these costs are recharged Details of the payments made are shown in the attached receipts and payments account

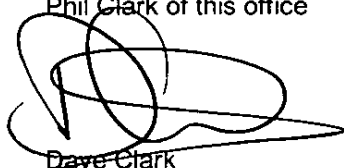
In accordance with Rule 4 49E of the Insolvency Rules 1986 Members or Creditors have the right to request further information about the office holder's remuneration or expenses and may request additional information relating to the conduct of the Liquidation Such requests should be made within 21 days of this report in writing to the office holder at the address shown above

Furthermore, in accordance with Rule 4 131 of the Insolvency Rules 1986, 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 Conclusion**

The issues relating to the recovery of the outstanding retentions due from Carillion will need to be resolved before a final meeting can be called

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



Dave Clark

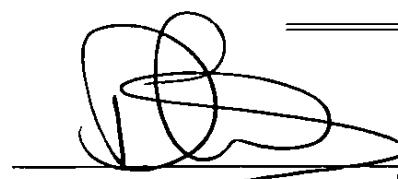
**Liquidator**

Date 9 July 2015



**Conform Construction Limited**  
**(In Liquidation)**  
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Dave Clark  
Liquidator

**Conform Construction Limited - In Liquidation**  
**Time Analysis in Hours**  
**for the period 19 June 2014 to 1 May 2015**

<b>Category</b>	<b><u>Director/ Associate</u></b>	<b><u>Senior Manager/ Manager</u></b>	<b><u>Case Manager/ Senior</u></b>	<b><u>Assistant &amp; Support Staff</u></b>	<b><u>Total</u></b>	<b><u>Time Cost £</u></b>	<b><u>Average Rate £</u></b>
Administration & Planning	1 1	1 9	10 7	0 0	13 7	3,289	240 07
Creditors	0 5	5 1	5 6	0 2	11 4	3,008	263 86
Cashiering	1 2	0 0	4 4	0 0	5 6	1,378	246 07
Investigations	0 0	3 3	0 3	0 0	3 6	1,088	302 22
Realisation of Assets	0 2	0 0	5 9	0 0	6 1	1,333	218 52
Trading	0 0	0 0	0 0	0 0	0 0	0	0 00
<b>Total</b>	<b><u>3 0</u></b>	<b><u>10.3</u></b>	<b><u>26.9</u></b>	<b><u>0 2</u></b>	<b><u>40 4</u></b>	<b><u>10,096</u></b>	<b><u>249.90</u></b>

**Conform Construction Limited - In Liquidation**  
**Time Analysis in Hours**  
**for the period to 1 May 2015**

<b>Category</b>	<b><u>Director/ Associate</u></b>	<b><u>Senior Manager/ Manager</u></b>	<b><u>Case Manager/ Senior</u></b>	<b><u>Assistant &amp; Support Staff</u></b>	<b><u>Total</u></b>	<b><u>Time Cost £</u></b>	<b><u>Average Rate £</u></b>
Administration & Planning	4 8	6 4	13 2	17	41 4	9,226	222 85
Creditors	6 7	16 4	6 2	14 1	43 4	11,028	254 10
Cashiering	3 4	1 1	5 7	6 2	16 4	3,840	234 15
Investigations	0 7	7 8	0 3	0 6	9 4	2,743	291 81
Realisation of Assets	0 6	3 2	6 6	4 7	15 1	3,390	224 50
Trading	0 0	0 0	0 0	0 0	0 0	0	0 00
<b>Total</b>	<b><u>16.2</u></b>	<b><u>34.9</u></b>	<b><u>32.0</u></b>	<b><u>42.6</u></b>	<b><u>125 7</u></b>	<b><u>30,227</u></b>	<b><u>240.47</u></b>