The Insolvency Act 1986

# Notice of deemed approval of proposals

Name of Company Herondeal Limited	Company number 05131265
In the High Court of Justice	Court case number 7447/2011
I (a) Richard Rones of ThorntonRones Limited, 311 Hi	gh Road, Loughton, Essex, IG10 1AH
having been appointed administrator(s) of (b) Heronder Essex, IG10 1AH	al Limited 311 High Road Loughton,

(c) Insert date of appointment (d) Insert name of applicant / appointor

(b) Insert name and address of registered office of

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

on (c) 23 August 2011 by (d) Mr Stephen Stuart Conway ("the director")

hereby give notice that

(e) Insert date

company

having made a statement under paragraph 52(1) of Schedule B1 and no meeting having been requisitioned under paragraph 49 of that Schedule, the proposals sent by me on (e)17 October 2011 were deemed to have been approved on (e)31 October 2011

Signed Administrator

Dated Policy

### Presenter's 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.

ThorntonRones Limited	
311 High Road, Loughton	n, Essex, IG10 1AH
	Tel- 0208 418 9333
DX	

\*AO0TXZ6T\*
A02 12/11/2011

When completed and signed please send it to the Registrar of Companies at

Companies House, Crown Way, Cardiff, CF14 3UZ DX33050 Cardiff

# **Herondeal Limited - In Administration**

**Administrator's Report and Statement of Proposals** 

17 October 2011

### **CONTENTS**

1	Statutory Information
2	Background to the Administration
3	Administration Strategy and Objective
4	Administrator's Receipts and Payments
5	Financial Position
6	Proposals
7	Exit Route
8	Pre-administration Costs
9	Administrator's Remuneration
10	Estimated Outcome
11	Next Report

### **APPENDICES**

Receipts and Payments Account for the Period from 23 August 2011 to 17 October 2011	Appendix A
Summary of the Estimated Financial Position of the Company as at 17 October 2011	Appendix B
Time Analysis for the Period from 23 August 2011 to 17 October 2011	Appendix C
Time Analysis up to 23 August 2011	Appendix D
Additional information in relation to Administrator's fees pursuant to Statement of Insolvency Practice 9	Appendix E
Estimated Outcome Statement as at 17 October 2011	Appendix F

### 1 Statutory Information

- 1 1 The registered number of Herondeal Limited ("the Company") is 05131265
- The trading address of the Company is 3<sup>rd</sup> Floor, Sterling House, Langston Road, Loughton, IG10 3TS. The business trades under its registered name.
- The registered office of the Company has been changed from 3<sup>rd</sup> Floor, Sterling House, Langston Road, Loughton, IG10 3TS to 311 High Road, Loughton, Essex, IG10 1AH
- 1 4 Details of the Company's directors, secretary and shareholders are as follows

i,	ীন্ত্ৰীই প্ৰচুৰ্বজনাকৰ	दिवादः (मन्त्रीतादरः	निवास स्थात
Director(s)			
Stephen Stuart Conway	18/06/2004	-	
Secretary			
Allan William Porter	24/01/2011	-	
Shareholder			
Galliard Homes Limited	•	-	1 00

### 2 Background to the Administration

- 2 1 Herondeal Ltd ("the Company") is a wholly owned subsidiary of Galliard Homes Limited, a well known and well established property developer
- The Company was formed in 2004 in order to acquire a plot of land located in Ilford Essex. The plot in question used to house a large nightclub however, following its demolition, it was the Company's intention to develop the site into 138 residential units and 1 commercial unit, the construction of which would be funded via secured loans from Alpha Bank (London). Limited and C J O'Shea (Group) Limited
- By November 2004, plans had been drawn up and submitted to the local authority for approval. Approval was granted, however, in association with this planning approval the Company was required to enter into a Section 106 agreement under the Town and Country Planning Act 1990.

- A Section 106 agreement is a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing. Benefits are secured either in kind or via financial contributions depending on what is required.
- 2.5 In this instance the S106 obligation included, but were not limited to, the following financial contributions totalling circa £2.8 Million
  - \$106 monitoring contribution of £2,500
  - CCTV contribution of £59,000
  - Employment contribution of £128,400
  - Highway Works contribution of £82,250
  - Affordable Housing contribution of £1,965,362
  - Community Care contribution of £51,350
  - Education contribution of £227,962
  - Heath contribution of £154,500
  - Public Arts contribution of £135,000
  - Public Open Space contribution of £29,675
- The original costing for this project showed that the development could achieve total sale proceeds of circa £33 million once complete, therefore, the Company agreed to the terms of this agreement
- The liford project was completed toward the end of 2009, unfortunately, by this time the "Credit Crunch" had hit the UK economy and the housing market had begun to weaken amidst rumours of a recession. This economic instability caused buyers to retreat from the marketplace and resulted in the Company making a 9% loss on the projected resale value of the finished development as they were forced to reduce the sale price of the units.
- 2.8 In addition to this, the Company also incurred unforeseen losses in terms of legal and agent's fees as a number of the units suffered from buyers pulling out and having to be remarketed and resold

- Despite the losses made of this project the local authority was still expecting the S106 obligations to be adhered to in line with the original estimates, however, as a result of the reduced profit on this project the Company found its self struggling to meet its liabilities to the local authority and other creditors
- The Company attempted to negotiate with the local authority in order to reduce this liability and in mid 2011 the Company's parent made attempts to settle with the local authority but this was not possible to complete. Thereafter, legal proceedings were issued against the Company.
- 2 11 The director, being mindful of the Company's financial position, sought the professional advice of an Insolvency Practitioner Accordingly, he met with Richard Rones of ThorntonRones Limited in late August 2011, and after discussing the situation, he decided to place the Company in Administration as this appeared to be the best course of action for all parties concerned
- This decision was taken by Mr Conway as he was aware that the best possible outcome for the Company's creditors as a whole would be achieved if the Company's sole asset, being the freehold interest in the liferd development, could be secured and sold therefore an Administration was considered to be the best course of action as it would enable a moratorium to be immediately effected to protect the Company's asset for the benefit of all creditors
- 2 13 Accordingly, with the consent of the sole secured creditor, Richard Rones of ThorntonRones
  Limited a licensed insolvency practitioner, was appointed Administrator of the Company by
  the director on 23 August 2011
- 2 14 The Administration is registered in the High Court under reference number 7447 of 2011

### 3 Administration Strategy and Objective

- The Administrator must perform his functions with the purpose of achieving one of the following objectives
  - rescuing the Company as a going concern,
  - achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in Administration), or
  - realising property in order to make a distribution to one or more secured or preferential creditors

- 3.2 Further information on the pursuance of the above objectives is detailed below
- The Company's sole asset is the freehold interest of the Ilford development. Therefore the strategy at the time of the Administrators appointment was to secure this asset and arrange for its sale within Administration as it was envisaged that this would allow the sole secured creditor to be repaid in full therefore meeting the third objective
- Following the Administrators appointment a valuation of the freehold interest was undertaken, this valuation indicated that the freehold interest in the Ilford development had a value of approximately £725,000, which would have enabled not only a full return to the secured creditor but would also have allowed for a dividend to the unsecured creditors
- Unfortunately however it appears that the terms of Section 106 agreement with the local authority (which is detailed within the history above) places a responsibility on the property itself with regard to the payment of the S106 obligation, therefore, the obligation to pay the debt under the S106 agreement would pass to any purchaser rendering this asset worthless
- It is the Administrators intention to hold discussions with local authority whereby the S106 liability is released from the property to enable its sale. In turn it is hoped that an agreement will be reached whereby the sale consideration achieved is split between the local authority and the charge holder on a mutually agreeable basis. Negotiations will need to be held with the local authority and the charge holder in this respect and it is the Administrators intent to begin this process shortly.
- Notwithstanding the above, the Administrator is still pursuing the third objective and hopes to be able to reach an amicable agreement with all parties in due course

### 4 Administrator's Receipts and Payments

A summary of receipts and payments for the Administration period from the date of my appointment to 17 October 2011 is attached as Appendix A

### 5 Financial Position

Attached as Appendix B is a summary of the Estimated Financial Position of the Company as at 17 October 2011, together with a list of creditors names and addresses along with details of their debts (including details of any security held by them)

### 6 Proposals

- It is proposed that the Administrator will continue to manage the affairs of the Company in order to achieve the objective of the Administration. In the circumstances it is proposed that
- As the Administrator thinks that the Company has no property which might permit a distribution to its creditors, he will file a notice with the Court and the Registrar of Companies for the dissolution of the Company See Section 7 below on Exit Routes for further information on this process
- The Administrator shall do all such other things and generally exercise all of his powers as contained in Schedule 1 of the Insolvency Act 1986, as he considers desirable or expedient to achieve the statutory purpose of the Administration
- Where no Creditors' Committee is appointed, the remuneration and disbursements of the Administrator shall be fixed by resolution of a meeting of creditors or where the Administrator thinks that the company has insufficient property to enable a distribution to be made to the unsecured creditors (other than via the prescribed part), approval will be sought from the secured and (if necessary) the preferential creditors in accordance with R2 106 of the Insolvency Rules 1986. The Administrator will also seek approval for any unpaid preadministration costs detailed in this report and his discharge from liability in the same manner.
- 6 5 In this case, the Administrator is seeking to approve the basis of his remuneration as follows
  - By reference to the time properly spent by the Administrator and his staff in attending to matters arising in the Administration to be drawn as and when funds are available
- In accordance with Statement of Insolvency Practice No 9, issued by the Association of Business Recovery Professionals, the Administrator will seek to be authorised to draw Category 2 disbursements as and when funds are available, in accordance with his firm's published tariff Details of Category 2 disbursements charged by the firm can be found in Appendix E
- The Administrator will also seek to be discharged from liability under Paragraph 98 of Schedule B1 to the insolvency Act 1986 immediately upon his appointment as Administrator ceasing to have effect

### 7 Exit Routes

### Dissolution of the Company

As the Administrator thinks that the Company has no property which might permit a distribution to its unsecured creditors, it is proposed that he file a notice together with his final progress report at Court and with the Registrar of Companies for the dissolution of the Company. He will send copies of these documents to the Company and its creditors. The Administrator's appointment will end following the registration of the notice by the Registrar of Companies.

### 8 Pre-administration Costs

- Prior to the appointment, the Administrator was required to undertaken work on behalf of the Company This included, but was not limited to, the following tasks
  - Preparing all necessary documentation to give both notice of intention to appoint an Administrator and obtain the Administrator's appointment,
  - Discuss strategy with the secured creditors,
  - Advise director on the Administration process and agree strategy
- I attach as Appendix D a time analysis for the period leading up to the Administrator's appointment which provides details of the activity costs incurred by staff grade up to 23 August 2011. This shows that time costs for the pre appointment period total £3,034.10, this represents 12.70 hours at an average rate of £238.91. To date, no fees have been drawn against these time costs.
- The payment of unpaid pre-administration costs set out above as an expense of the Administration is subject to the approval of creditors, separately to the approval of the Administrator's proposals. As the Administrator thinks that the company has insufficient property to enable a distribution to be made to the unsecured creditors, approval will be sought from the secured and (if necessary) the preferential creditors in accordance with R2 67A.

### 9 Administrator's Remuneration

- The Administrator's time costs at 17 October 2011 are £8,748 90. This represents 33 30 hours at an average rate of £262 73 per hour. As noted in the Proposals section above, the Administrator is seeking to fix the basis of his remuneration on a time costs basis appropriate approval will be sought as outlined in section 6 of this report.
- A copy of "A Creditors' Guide to Administrator's fees is available on request or can be downloaded from www icaew coluk/insolvency. If you would prefer this to be sent to you in hard copy please contact Jennifer Munday of this office on 0208 418 9333.
- 9 3 Attached as Appendix C is a Time Analysis which provides details of the activity costs incurred by staff grade to the above date
- 9 4 Attached as Appendix E is additional information in relation to my firm's policy on staffing, the use of sub-contractors, disbursements and details of our current charge-out rates by staff grade
- 9 5 I provide below a brief outline of the work undertaken under each respective time code heading

### Administration & Planning/Case Specific

A total of 16 60 hours has been spent by the Administrator and his staff under this heading. The type of work undertaken relates mainly to the completion of statutory paperwork and all associated case administration, these tasks include

- Collating creditor information and inputting the same onto IPS,
- Preparing initial notification to creditors,
- o Setting up case and cash files,
- o Advertising of the Administrators appointment,
- Notifying all relevant parties of the Administrators appointment,
- Preparing the relevant notices requesting the completion of the Statement of Affairs,
- o Requesting submission of relevant information from directors,
- Arranging for insurances and bonding of assets where required and completing all associated paperwork

These tasks were assigned to members of staff depending upon their relevant experience and knowledge, however the majority of the statutory paperwork was completed by the case manager with all other task mainly undertaken by administrators and support staff

### **Creditors**

A total of 16 70 hours has been spent by the Administrator and his staff under this heading. This time has been spent specifically dealing with creditors and their enquires, as well as dealing with the collation and registration of creditor claims.

Whilst standard enquires and tasks in this respect have been managed by support staff, the majority of creditor contact has been dealt with by the case manager and, in exceptional circumstances, the Administrator

### 10 Estimated Outcome

An estimate of the outcome of the Administration as at 17 October 2011 is attached as Appendix F. This indicates that there will potentially be a return to the secured creditors in this instance, however, there are insufficient assets to enable a distribution to the unsecured creditors.

### 11 Next Report

11.1 The Administrator is required to provide a progress report within one month of the end of the first six months of the Administration

### 12 Meeting of Creditors

The Administrator thinks that the Company has insufficient property to enable a distribution to be made to the unsecured creditors. In accordance with Paragraph 52 (1) (b) of Schedule B1 of The Insolvency Act 1986 an initial meeting of the Company's creditors is therefore not being convened. The Administrator is however obliged to hold an initial creditors' meeting if 10% in value of the creditors request it. If you wish for a meeting to be held, you must notify him in writing in the prescribed form on or before 31 October 2011. In the absence of any such request, the proposals will be deemed approved.

Should you have any queries with regard to this matter please do not hesitate to contact Jennifer Munday of this office

Yours faithfully For and on behalf of Herondeal Limited

Richard Rones Administrator

Enc

APPENDIX A

# Herondeal Limited (In Administration)

# Income and Expenditure Account 23 August 2011 to 17 October 2011

INCOME	Total (£)
	0 00
EXPENDITURE	
Specific Bond	20 00
	20.00
Balance	(20.00)
MADE UP AS FOLLOWS	
Court Fee Travel Expenses Statutory Advertising ThorntonRones	35 00 4 50 170 14 (229 64)
	(20 00)

### HERONDEAL LIMITED

# ESTIMATED FINANCIAL POSITION AS AT 17 OCTOBER 2011

	Book Va	alue	Estimated :	to Realise
	£	£	£	£
FIXED ASSETS				
Freehold Interest in 246-250 High Road Ilford Ground Rents Less C J O'Shea Group Limited - Fixed Charge Surplus/(Deficit)		49,016 (500,000) (450,984)	-	49,016 (500 000 (450 984
Surplus available to Preferential Creditors	_		_	-
Preferential Creditors				
None		-		-
Estimated Surplus to Unsecured Creditors	_		_	
Unsecured Creditors				
Trade & Expense Creditors Associated Creditor Loans Shortfall to Secured Creditor on Freehold Property	2,957,942 740,000 450 984	(4 148,926)	2 957,942 740,000 450 984	(4 148 926
Surplus/ (Deficit) to Members	_	(4,148,926)	-	(4,148,926

Rones Ltd	al Limited	v Creditors
<b>ThorntonRones</b>	Herondeal	Company

Кеу	Name	Address	¥
Secure	Secured Creditors		
0000	C J O'Shea Group Limited	Granard Business Centre, Bunns Lane, Mill Hill, London, NW7 2DZ	200,000 00
Total			500,000 00
Associa	Associated Creditors		
CG00 CG01	Galliard Homes Galliard Construction	3rd Floor, Sterling House, Langston Road, Loughton, IG10 3TS 3rd Floor, Sterling House, Langston Road, Loughton, IG10 3TS	150,000 00 590,000 00
Total			740,000 00
Unsecu	Unsecured Creditors		
CL00	London Borough of Redbridge	128/142 High Road, Town Hall, Ilford, Essex, 1G1 1DD	2,932,196 20
CA00	Adgenda Media	Lasenby House, 32 Kingsly Street, London, W1B 5QQ	322 75
CB00	British Gas	PO Box 254, Camberley, Surrey, GU15 3WA	4,217 80
CE00	Essex & Suffolk Water Company	PO Box 292, Durham, DH1 9TX	3,166 39
CF00	First Utility	PO Box 4360, Warwick, CV34 9DB	4,154 38
CH00	H M Customs & Excrse	Central Insolvency Sift Team, Legal Recovery Unit, 3NW, Queens Dock, Liverpoolv L74 4AA	2942
CH01	Howard Kennedy	Harcourt House, 19 Cavendish Square, London, W1A 2AW	9,939 91
CR00	Rider Levett Bucknall	2nd Floor, 60 New Bond Street, London, EC2M 1JJ	699 13
CS00	St Johns Ambulance	5 Broadfield House, Sheffield, S8 0XN	303 15
Total			2,957,941 71

# APPENDIX C

# Time Entry - SIP9 Time & Cost Summary

H164 - Herondeal Limited Project Code POST From 23/01/2011 To 17/10/2011

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	0.30	3 50	000	170	5 50	1 198 50	217 91
Case Specific Matters	0.40	10 50	0.20	00 0	11 10	2 948 90	265 67
Creditors	220	14 50	000	000	16 70	4 601 50	275 54
Irvestigations	900	00 0	00 0	0000	000	000	000
Realisation of Assets	000	000	000	000	000	00 0	000
Trading	00 0	000	00 0	000	00 0	00 0	000
Total Bours	00.0	28 55	0.20	1 20	33.30	8.748 90	262 73
Total Total	>5 Y						
Total Fees Claimed						000	
Total Disbursements Claimed						00.0	

Time Entry - SIP9 Time & Cost Summary

H164 - Herondeal Limited Project Code PRE To 23/08/2011

Classification of Work Function Partner	tner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	2 00	5 00	00 0	0 20	7 20	2,031 60	282 17
Case Specific Matters	00 0	3 00	00 0	2 50	5 50	1,002 50	182 27
Creditors	000	00 0	00 0	00 0	00 0	000	00 0
Investigations	00 0	00 0	00 0	00 0	00 0	00 0	00 0
Realisation of Assets	00 0	00 0	00 0	00 0	00 0	000	00 0
Trading	00 0	000	00 0	00 0	00 0	00 0	00 0
Total Hours	2 00	8 00	00 0	2 70	12 70	3,034 10	238 91

# Additional Information in Relation to Administrator's Fees Pursuant to Statement of Insolvency Practice 9

Appendix E

### 1 Policy

Detailed below is this firm's policy in relation to

- staff allocation and the use of sub-contractors,
- professional advisors, and
- disbursements

### 1 1 Staff Allocation and the use of Sub-contractors

The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case

The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment. Our charge out rate schedule below provides details of all grades of staff and their experience level.

We have not utilised the services of any sub-contractors in this case

### 1.2 Professional Advisors

On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis our fee arrangement with them, which is subject to review on a regular basis.

Name of Professional Advisor	Basis of Fee Arrangement
AUA Insolvency Risk Services	Specific Bond

Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them

### 13 Disbursements

Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case.

Category 2 disbursements do require approval from creditors These disbursements can include costs incurred by ThorntonRones Limited for the provision of services which include an element of recharged overhead, for example, room hire or document storage

On this case the following Category 2 disbursements have been incurred since appointment

Type and purpose	£
Fax	3 00
Photocopy	1 00
Postage	12 60
Total	16 60

### 2 Charge-out Rates

A schedule of ThorntonRones Limited charge-out rates for this assignment effective from 1 April 2011 is attached

### HERONDEAL LIMITED

# ESTIMATED OUTCOME STATEMENT AND COMPARISON AS AT 17 OCTOBER 2011

				Administration		Liquidation	
	Notes	Book Value		Estimated to Realise		Estimated to Realise	
		£	£	£	£	£	£
Fixed Charge							
Freehold Interest in 245-250 High Road. Itford Ground Rents on Freehold Property Less C.J.O. Shea Group Limited Fixed Charge Surplus/(Deficit)	1 2		49 016 (500 000) (450 984)	-	49 016 _(500,000) _(450 984)	=	49 016 (500 000) (450 984)
Less Cost of Realisation							
Estimated Agents Fees Estimated Administrators/Liquidator's Fees Legal Fees (including Pre Appt Costs) Administrators/Liquidator's Disbursements		(10 000) (30 000) (8 000) (1 500)		(10 000) (30 000) (8 000) (1 500)		(10 000) (30 000) (8 000) (1 500)	
Total Costs			(49 500)		(49 500)	-	(49 500)
Surplus available to Preferential Creditors		_	(49 500)	_	(49 500)	-	(49 500)
Preferential Creditors							_
None			į				
Estimated Surplus to Unsecured Creditors		_	(49 500)	=	(49 500)	_	(49 500)
Unsecured Creditors					ļ		
Trade & Expense Creditors Associated Creditor Loans Shortfall to Secured Creditor on Freehold Property		2 957 942 740 000 450 984		2 957 942 740 000 450 984		2 957 942 740 000 450 984	j
		_	(4 148 926)		(4 148 926)		(4 148 926)
Surplus/ (Deficit)		_	(4 198 426)	-	(4 198 426)	-	(4 198 426)
Estimated Dividend to Unsecured Creditors - Pence in the £			Nil		IIIA		NII

### Notes

### 1 Freehold Interest in 245-250 High Road, ifford

A valuation of this asset has been completed by Mssers Lambert Smith Hampton. A liability in excess of the estimated realiable value may attach to this property under a Section 106 entered into with the local authority. As a result this freehold property may not hold any value within the Administration.

### 2 Ground Rents

The Book Value for this asset is based upon the ground rent due for a penod of 12 months. The ground rents will remain due to the Company until the transfer of the freehold. As its is uncertain when and if the freehold will be transferred an allowance for a full 12 months ground rent has been made within the estimated outcome.