

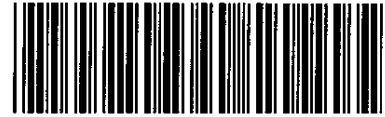
LIQ03

Notice of progress report in voluntary winding up



Companies House

SATURDAY



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A25

05/05/2018

#86

COMPANIES HOUSE

1 Company details

Company number 0 5 2 0 9 8 6 1 /

Company name in full ACAL Energy Limited ✓

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Darren

Surname Edwards

3 Liquidator's address

Building name/number 40a Station Road

Street Upminster

Post town

County/Region

Essex

Postcode RM14 2TE

Country

4 Liquidator's name ●

Full forename(s)

Surname

● Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ●

Building name/number

Street

Post town

County/Region

Postcode

Country

● Other liquidator

Use this section to tell us about
another liquidator.

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

From date	0	8	0	3	2	0	1	7
To date	0	7	0	3	2	0	1	8

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

0 3 0 5 2 0 1 8

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.

Darren Edwards

Aspect Plus Limited

40a Station Road

Upminster

Essex

Postcode	R	M	1	4	2	T	R
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DX

0800 988 1897

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

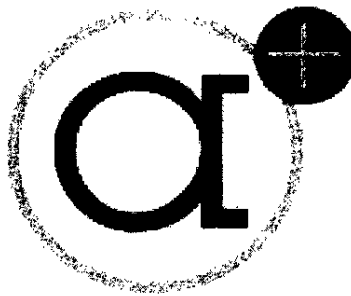
For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

IN THE MATTER OF
ACAL ENERGY LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION
("the Company")

AND
THE INSOLVENCY ACT 1986

THE LIQUIDATOR'S FIRST ANNUAL PROGRESS REPORT
PURSUANT TO SECTION 104A OF THE INSOLVENCY ACT 1986
FOR THE YEAR ENDED 7 MARCH 2018



Aspect Plus Limited
40a Station Road
Upminster
Essex
RM14 2TR

CONTENTS

- a. Introduction
- b. Statutory Information
- c. Liquidator's name and address
- d. Basis of Liquidator's remuneration
- e. Liquidator's remuneration
- f. Liquidator's expenses
- g. Other professional costs
- h. Details of progress for period under review
- i. Details of any assets that remain to be realised and outstanding matters
- j. Investigations
- k. Creditors' rights to request information and their right to challenge the Liquidator's remuneration and expenses
- l. Any other relevant information
- m. EC Regulations
- n. Next Report

APPENDICES

- 1. Receipts and Payments Account from 8 March 2017 to 7 March 2018
- 2. Time Analysis for the period 8 March 2017 to 7 March 2018
- 3. Charge out rates and disbursement policy
- 4. Detailed review of work undertaken
- 5. Proof of Debt



ACAL ENERGY LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION
Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986
3 May 2018

(a) Introduction

The Company was placed into Liquidation by a Special Resolution of the members followed by a meeting of the creditors convened under Section 98 of the Insolvency Act 1986, on 8 March 2017. This report provides an update on the progress in the Liquidation for the year ended 7 March 2018.

Rule 18.3: Progress Report

(b) Statutory Information

Company name: ACAL Energy Limited
Registered office: 40a Station Road, Upminster, Essex, RM14 2TR
Company number: 05209861
Trading address: The Heath Business and Technical Park, Runcorn, Cheshire, WA7 4QX

(c) Liquidator's name and address

Liquidator name: Darren Edwards
Liquidator firm: Aspect Plus Limited
Liquidator address: 40a Station Road, Upminster, Essex, RM14 2TR
Appointment date: 08 March 2017

(d) Basis of Liquidator's remuneration

Pre-appointment costs

I can advise that a fixed fee of £6,000.00 plus VAT and disbursements was agreed by creditors and drawn from assets realisations. This fee relates to the assistance given to the Directors of the Company in notifying and convening the members and creditors meetings under Section 98 of the Insolvency Act 1986, and the preparation of the statement of affairs and Director's report to creditors.

Basis of remuneration

I am seeking resolution by correspondence pursuant to Rule 4.63A of the Insolvency Rules 1986 to seek agreement on the basis and amount of my remuneration as Liquidator. Details of the resolutions are provided within this progress report at section (k).

In accordance with the provisions of Statement of Insolvency Practice 9 ("SIP 9"), a schedule of this firm's charge-out rates was issued to creditors at the time the basis of the Liquidator's pre Liquidation remuneration was approved.

I can advise that there has not been any increase in the charge-out rates during this appointment and current and previous rates are detailed at Appendix 3.

	£
Partners	325
Managers / Senior Managers	250
Senior Administrators	190
Administrators	150
Other professional Staff	90



Staff allocation and the use of subcontractors

The general approach to this firm's 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, Manager, Senior Administrator and an Administrator. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and additional staff may be allocated to meet the demands of the case. I have not utilised the services of any subcontractors in this case.

(e) Basis of Liquidator's remuneration

I am seeking creditors' approval for fees by correspondence pursuant to Rule 4.63A of the Insolvency Rules 1986, requesting the following resolutions:

1. That a Liquidation committee be established if sufficient nominations are received;
2. That the Liquidator's fee estimate is approved; and

Postal resolutions should be returned within the prescribed deadline, as set in form at Appendix 6.

This firm's time costs for the reporting period are £21,478.00. This represents 92.66 hours at an average rate of £231.80 per hour. I attach at Appendix 2, a time analysis, which provides details of the activity during the year, analysed by staff grade.

To date, I have drawn no fees in respect of these time costs, however I am seeking creditors authority to draw fees within this report.

To view an explanatory note concerning Liquidator's remuneration issued by the Joint Insolvency Committee, please contact this office to arrange for a hard copy to be sent to you. Alternatively, you may view the guide to Liquidators' guide to fees online by copying the link below to your web browser:

A copy of this firm's charge out rates and disbursement policy is attached at Appendix 3.

I can advise that R3, the Association of Business Recovery Professionals have a website for creditors, which provides information to assist those creditors who are unfamiliar with the insolvency process. Please copy the following link in your web browser to access information: -

www.creditorinsolvencyguide.co.uk

Included in the work undertaken by me and my staff is the following:-

- Dealing with Company creditors' enquiries both by correspondence and by telephone and noting their claims;
- Carrying out all necessary investigations, including the examination of the company's statutory books and books of accounts and records in order to enable me to prepare and submit a Liquidator's report on the conduct of the directors pursuant to the requirements of the Company Directors Disqualification Act 1986;
- Liaising with the Company's bankers and realising the cash at bank;
- Corresponding with HM Revenue & Customs regarding post appointment VAT and Corporation Tax;



- Reviewing the security of the secured creditor;
- Liaising with Gordon Brothers regarding Patents held in the Company's name, removal of hazardous and general waste/rubbish at the trading premises;
- Liaising WP Thomson Intellectual Property regarding the sale of the Patents registered in the Company's name;
- Preparation of this annual progress report to creditors; and
- General statutory and administrative tasks.

(f) Liquidator's expenses

Expenses incurred in the Liquidation are explained at (g) below in my comments on the Receipts and Payments Accounts.

At present, Category 2 disbursements have not been fully reconciled and no payments have been made. These will include costs, which are directly referable to the Liquidation but are not paid to an independent third party and will include shared or allocated costs such as photocopying, internal room hire and business mileage.

Category 1 disbursements relate to specific expenditure directly referable to the Liquidation and paid to an independent third party, such as statutory advertising, storage costs and postage. I can advise that the sum of £253.80 has been incurred in respect statutory advertising and paid from asset realisations.

I can advise that this firm utilises an IT system in which to maintain records and information regarding the Liquidation. The IT provider for the use of this software, which has been incurred and paid, charges a one off fee of £110.00 per case and is currently unpaid.

I am required to obtain specific bond insurance, based on the level of realisations expected to be realised, as required by the Insolvency Practitioners Regulations 2005. This cost has been incurred in the sum of £272.00, and paid from asset realisations.

This firm uses a commercial archiving company for storage facilities for the Company's records and papers. This is recharged at the rate of £5 per box per annum for storage and on a time costs basis at £37.50 per hour for contents listing together with a small charge to cover the administration costs of archiving and retrieval of documents. I am also required to keep my working papers for 6 years from the conclusion of the Liquidation. To date storage costs amount to £1,034.17.

(g) Other professional costs

Gordon Brothers ("GB") professional valuation agents were instructed on a time costs basis to value the Company's assets, deal with interested parties, Patent issues and completing a sale thereof.

In addition, GB assisted with a number of issues at the former trading premises that involved dealing with hazardous and general waste, disposal and clearing the former trading premises of the Company books and records.

The total costs of GB amount to £17,029.60 plus VAT, of which £435.52 remains unpaid.

Taylor Wessing ("TW") were instructed to review the validity of the charge of Carbon Trust Investments Limited registered against the Company.

The costs for this service was £2,500 plus VAT, which has been paid.

In addition, TW dealt with the Intellectual Property sale and drafting a sale agreement, preparation of a non-disclosure agreement, dealing with the former landlord's requests that were deemed not in the Liquidator's remit along with several ad hoc legal queries.

TW have been paid £10,000.00 plus VAT for the above-mentioned services.

WP Thomson Intellectual Property were paid £1,132.33 plus VAT for dealing with foreign agents in respect of the Company's Patents and sale thereof.

No other professionals have been instructed.

(h) Details of progress for the period under review

According to the Statement of Affairs lodged in these proceedings, the Company had cash at bank of £39,000.00. The actual amount recovered was £59,053.05 owing to an unexpected debtor receipt of £29,071.97 being deposited into the Company's bank account on 5 April 2017.

A Receipts and Payments Account is attached at Appendix 1, which is further explained below. It should be noted that all figures in the Receipts and Payment Account are shown net of VAT.

Receipts

Cash at Bank

As mentioned above.

Sale of Assets/Patents

The sale was completed for £20,000 plus VAT.

Insurance Refund

£576.56 was recovered from the Company's former insurers, as an insurance premium refund.

Bank interest gross

Interest earned on the funds in hand amounts to £11.73.

Payments

All payments made to date have previously been mentioned.

(i) Details of any assets that remain to be realised and outstanding matters

There are no further assets to realise.

I am seeking creditors approval that I may drawn from the funds held my unbilled time charges as previously mentioned. Please return the postal resolution form duly completed in order that I may draw my time costs incurred.



Subject to the above and prior to finalising the Liquidation, the final tax position is to be confirmed and statutory matters concluded.

(j) Investigations

In accordance with the Company Directors Disqualification Act 1986, a report/return on the conduct of the Directors of the Company has been submitted to the Department for Business Innovation & Skills. As this is a confidential report/return, the Liquidator is not able to disclose the contents.

Shortly after appointment, an initial assessment was made of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account information provided by creditors either at the initial meeting or as a response to my request to complete an investigation questionnaire. The investigations have not revealed any issues requiring further report.

(k) Creditors' rights to request information and their right to challenge the Liquidator's remuneration and expenses

Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provides further information about his remuneration or expenses which have been itemised in this progress report.

Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that the basis fixed for the Liquidator's remuneration, the remuneration charged, or the expenses incurred by the Liquidator as set out in this progress report are excessive.

(l) Any other relevant information:

Prescribed Part

As Liquidator, I have a duty to advise whether the prescribed part applies in respect of the amount of funds available for unsecured creditors. This provision only applies where the Company has granted a floating charge to a secured creditor on or after 15 September 2003. I can advise that the Company granted a floating charge therefore there is a Prescribed Part in this instance, however the funds available are below the prescribed minimum of £10,000 and the costs associated with paying a small dividend will be disproportionate with the costs that would be incurred.

Secured creditors

As previously mentioned, Carbon Trust Investments Limited have a debenture charge registered against the Company. The legal advice received indicates the charge to be a floating and not fixed charge against the Company's assets.

Preferential creditors

The Liquidator has not received any preferential claims.



Unsecured creditors

The Director's statement of affairs listed unsecured creditors' claims in the sum of £4,784,896. Claims received to date amount to £2,433,718.

As no dividend is payable any claims received have not been adjudicated upon.

(m) EC Regulations (Whether Proceedings Are Main Proceedings or Territorial)

The Company's centre of main interest was in The Heath Business and Technical Park, Runcorn, Cheshire, WA7 4QX, and therefore it is considered that the EC Regulations will apply. These proceedings are main proceedings as defined in Article 3 of the EC Regulation.

(n) Next report

I am required to provide a further report on the progress of the Liquidation within two months of the end of the next anniversary of the Liquidation, unless I have concluded matters prior to this date and issued my final account.

On a general note, if you have any comments or concerns in connection with my conduct, please contact me in the first instance. If the matter is not resolved to your satisfaction and you wish to take it further, you may contact the Insolvency Services directly via the Insolvency Complaints Gateway. They can be contacted as follows:

- I. Email ip.complaints@insolvency.gsi.gov.uk
- II. Telephone +44 (0) 300 678 0015
- III. Write to The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds LS11 9DA

I trust you will find this report adequate for your purposes, but should you require any further information, please do not hesitate to contact in the first instance Darren Tapsfield this office.



Darren Edwards
Liquidator

Date: 3 May 2018



**ACAL Energy Limited - In Creditors Voluntary Liquidation
Liquidator's Abstract of Receipts & Payments**

Statement of Affairs	08/03/17 to 07/03/18	Total
£	£	£
RECEIPTS		
0.00 Insurance Refund	576.56	576.56
39,000.00 Cash at Bank	59,053.05	59,053.05
Uncertain Patent/Intellectual Property	20,000.00	20,000.00
0.00 Bank Interest Gross	11.73	11.73
<u>39,000.00</u>	<u>79,641.34</u>	<u>79,641.34</u>
PAYMENTS		
Legal Fees – Charge review	(2,500.00)	(2,500.00)
Legal Fees – Patent/Intellectual Property sale	(10,000.00)	(10,000.00)
Statement of Affairs Fee	(6,000.00)	(6,000.00)
Agents Costs	(16,594.08)	(16,594.08)
Storage Costs	(1,034.17)	(1,034.17)
Statutory Advertising	(253.80)	(253.80)
WP Thompson Intellectual Property	(1,132.33)	(1,132.33)
VAT Receivable	(3,435.92)	(3,435.92)
Specific Bond	(272.00)	(272.00)
	<u>(41,222.30)</u>	<u>(21,222.30)</u>
CASH IN HAND	<u>38,419.04</u>	<u>38,419.04</u>

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Appendix 2

Liquidator's Remuneration Schedule

ACAL Energy Limited

Between 08 March 2017 and 07 March 2018

Classification of work function	Partner/Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average Hourly Rate
Administration & Planning	2.30	1.10	10.86	13.80	28.06	4,329.90	154.31
Investigations	0.60	0.00	7.50	0.00	8.10	1,328.00	163.95
Realisation of Assets	29.70	0.50	3.90	0.70	34.80	10,587.50	304.24
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	10.00	0.50	7.30	3.90	21.70	5,233.00	241.15
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total hours	42.60	2.10	29.56	18.40	92.66		
Time costs	13,845.00	525.00	5,104.40	2,004.00		21,478.40	
Average hourly rate	325.00	250.00	172.68	108.91			231.80

Description	Total Incurred £	Total Recovered £
Statutory Advertising	253.80	253.80
Liquidator's Bond	272.00	272.00
Insolv IT Charge	110.00	0.00
Totals	635.80	525.80

Summary of Fees

Time spent in administering the Assignment	Hours	92.66
Total value of time spent to 07 March 2018	£	21,478.40
Total Liquidator's fees charged to 07 March 2018	£	0.00

Estimated Liquidator's Time Costs and disbursements

Charge-out rates

The Liquidator is seeking agreement from the relevant body of creditors to draw fees on a time cost basis.

Work undertaken by staff is recorded in 6 minute units in an electronic time recording system. Time properly incurred on cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. Details of charge-out rates effective from 1 January 2016 are as follows:

Partners	£325
Managers	£250
Senior Administrators	£190
Administrators	£150
Junior Administrators	£90

Expenses

Below is an outline of the expenses that may be incurred during the assignment.

Agents and Valuers	There will be a fixed fee for valuations from £150 to £1,000 plus VAT. Marketing will be on a percentage basis from 2% to 10%. Costs incurred will depend on the size and complexity of the assets to be realised
Debt collection Agents	It is anticipated that the agent will be paid a percentage of debtor realisations. This percentage will vary from approximately 5% to 25% depending upon the age and complexity of the debt
Solicitors	If Solicitors are instructed then this will normally be on a time costs basis which will be monitored by the office holder and disclosed to creditors in future progress reports. Where possible, "no win, no fee" type arrangements will be sought to minimise risk to the assignment.
ERA specialists	Time cost basis which would be monitored by the office holder and disclosed to creditors in future progress reports

Disbursements

Category 1 disbursements are payments to independent third parties where there is specific expenditure directly referable to the case. Specific approval from creditors to draw these expenses incurred is not required and the amount recharged to the case is the exact amount incurred.

Examples of Category 1 disbursements include postage, case advertising, specific bond insurance, company search fees, travel and properly reimbursed expenses incurred by personnel in connection with the case. Also included will be services specific to the case where these cannot practically be provided by Aspect Plus Limited, such as printing and room hire.

An indication of Category 1 disbursements is set out below: -

Insolv Case Management Fee (No VAT)	£110.00
Specific Bond (No VAT)	£272.00
Statutory Advertising (Exc. VAT)	£253.80
External Storage of Insolvency Practitioners working papers	£2,000.00

Category 2 disbursements are expenses that are directly referable to an insolvency assignment but not paid to an independent third party and include elements of shared or allocated costs incurred by Aspect Plus Limited and recharged to the estate. Category 2 disbursements may be drawn if they have been approved in the same manner as an office holder's remuneration. Examples of Category 2 disbursements are photocopying, all business mileage, internal room hire and internal storage.

A one of cost of £10 will be charged per creditor to cover stationary, postage, fax, telephone and photocopying. Mileage will be recharged to the estate at 45p per mile.

Further information

To view an explanatory note concerning Office Holder's remuneration issued by the Joint Insolvency Committee, please contact this office to arrange for a hard copy to be sent to you. Alternatively, you may view a guide to fees online by copying the link below to your web browser:

<http://www.insolvency-practitioners.org.uk/regulation-and-guidance/guides-to-fees>

ACAL ENERGY LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION
Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986
3 May 2018

Appendix 4

Detailed list of work undertaken for Acal Energy Limited in Creditors' Voluntary Liquidation for the review period 08/03/2017 to 07/03/2018

Below is detailed information about the tasks undertaken by the Liquidator.

General Description	Includes
Stationery and General Administration	
Stationery/advertising	Filing of documents to meet statutory requirements including annual receipts and payments accounts Annual corporation tax return Quarterly VAT returns Advertising in accordance with statutory requirements Bonding the case for the value of the assets
Document maintenance/file review/checklists	Filing of documents Periodic file reviews documenting strategy Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards Maintenance of statutory and case progression task lists/diaries Updating checklists
Bank account administration	Preparing correspondence opening and closing accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Maintenance of the estate cash book Banking remittances and issuing cheques/BACS payments
Planning / Review	Discussions regarding strategies to be pursued Meetings with team members and independent advisers to consider practical, technical and legal aspects of the case
Books and records / STORED	Dealing with records in storage
Pension Scheme	Identifying whether there is a pension scheme
Reports	Circulating initial report to creditors upon appointment Preparing annual progress report, investigation, meeting and general reports to creditors
Meeting of creditors	Preparation of meeting notices, proxies/voting forms and advertisements notice of meeting to all known creditors Collate and examine proofs and proxies/votes to decide on resolutions Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisement of meeting and draft minutes of meeting. Responding to queries and questions following meeting Issuing notice of result of meeting.
Investigations	
SIP & REVIEW	Collection and making an inventory of company books and records Correspondence to request information on the company's dealings, making further enquiries of third parties Reviewing questionnaires submitted by creditors and directors Reconstruction of financial affairs of the company Reviewing company's books and records Preparation of deficiency statement Review of specific transactions and liaising with directors regarding certain transactions Liaising with the committee/creditors or major creditors about further action to be taken
Submitting findings on conduct of directors	Preparing statutory investigation reports Liaising with Insolvency Service Submission of report with the Insolvency Service Preparation and submission of supplementary report if required Assisting the Insolvency Service with its investigations
Examinations	
Litigation / Recovery	Strategy meeting regarding litigation Seeking funding from creditors Reviewing terms of solicitors' conditional fee agreements



ACAL ENERGY LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION
Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986
3 May 2018

General Description of Work	Includes
Realisation of Assets	
Cash at Bank	Realisation monies held by the Company's bankers
Patents	Dealing with agents and sale of Patents registered against the company
Creditors	
Creditor Communication	Receive and follow up creditor enquiries via telephone Review and prepare correspondence to creditors and their representatives via facsimile, email and post
Dealing with proofs of debt	Preparation of correspondence to potential creditors inviting submission of POD Receipt of POD



Proof of Debt – General Form

ACAL Energy Limited

Date of resolution for voluntary winding-up 8 March 2017

DETAILS OF CLAIM		
1.	Name of Creditor (if a company, its registered name)	
2.	Address of Creditor (i.e. principal place of business)	
3.	If the Creditor is a registered company: <ul style="list-style-type: none"> For UK companies: its registered number For other companies: the country or territory in which it is incorporated and the number if any under which it is registered The number, if any, under which it is registered as an overseas company under Part 34 of the Companies Act 	
4.	Total amount of claim, including any Value Added Tax, as at the date of winding-up, less any payments made after this date in relation to the claim, any deduction under R14.20 of the Insolvency (England & Wales) Rules 2016 and any adjustment by way of set-off in accordance with R14.24 and R14.25	£
5.	If the total amount above includes outstanding uncapitalised interest, please state	YES (£) / NO
6.	Particulars of how and when debt incurred	
7.	Particulars of any security held, the value of the security, and the date it was given	
8.	Details of any reservation of title in relation to goods to which the debt relates	
9.	Details of any document by reference to which the debt can be substantiated. [Note the liquidator may call for any document or evidence to substantiate the claim at his discretion]	
10.	Give details of whether the whole or any part of the debt falls within any (and if so which) of the categories of preferential debts under section 386 of, and schedule 6 to, the Insolvency Act 1986	Category Amount(s) claimed as preferential £
AUTHENTICATION		
Signature of Creditor or person authorised to act on his behalf		
Name in BLOCK LETTERS		
Date		
If signed by someone other than the Creditor, state your postal address and authority for signing on behalf of the Creditor		
Are you the sole member of the Creditor?		YES / NO