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Peelstowe (London) Limited.

IN THE HIGH COURT OF JUSTICE

No. 11210 of 2011

CHANCERY DIVISION

COMPANIES COURT

Registrar

Baister



IN THE MATTER OF BRENTWOOD HOTELS LIMITED AND OTHERS

AND

IN THE MATTER OF THE INSOLVENCY ACT 1986 AND

BETWEEN:



STEVEN EDWARD BUTT

Applicant

-and-

(1) ANTHONY CLIFF SPICER

(2) HENRY ANTHONY SHINNERS

(3) VIVIENNE ELIZABETH OLIVER

Respondents

Draft ORDER

UPON the Application of Steven Edward Butt of Smith & Williamson Limited, 25 Moorgate, London, EC2R 6AY ("the Applicant") dated 28 December 2011

And UPON READING the documents on the Court File recorded as having been read.

IT IS ORDERED THAT -

- 1 The Applicant has leave to make a composite application in respect of the insolvency proceedings identified in the Schedules numbered 1 to 4 attached to this Application ("the Schedules")
- 2 The time for service of this Application be abridged to permit it to be heard at such time as this court shall think fit

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- 3 Pursuant to Section 108(2) of the Act the Applicant, Steven Edward Butt, be removed from his office as joint liquidator of the companies identified in Schedule 1 hereto as being in Creditors' Voluntary Liquidation;
- 4 Pursuant to Section 108(2) of the Act the First Respondent, Anthony Cliff Spicer shall be appointed as joint liquidator in substitution of the Applicant of those companies in Creditors' Voluntary Liquidation in respect of which he is identified in Schedule 1 as proposed appointee;
- 5 Pursuant to Section 108(2) of the Act the Second Respondent, Henry Anthony Shinnars shall be appointed as joint liquidator in substitution of the Applicant of those companies in Creditors' Voluntary Liquidation in respect of which he is identified in Schedule 1 as proposed appointee,
- 6 Pursuant to Section 108(2) of the Act the Applicant, Steven Edward Butt, be removed from his office as joint liquidator of the companies identified in Schedule 2 hereto as being in Members' Voluntary Liquidation,
- 7 Pursuant to Section 108(2) of the Act the Second Respondent, Henry Anthony Shinnars shall be appointed as joint liquidator of the companies identified in Schedule 2 hereto as being in Members' Voluntary Liquidation, in substitution of the Applicant,
- 8 Pursuant to Section 172(2) of the Act the Applicant, Steven Edward Butt, be removed from his office as joint liquidator of the companies identified in Schedule 3 hereto, as being subject to Compulsory Liquidation,
- 9 Pursuant to Section 168(3) of the Act the Second Respondent, Henry Anthony Shinnars, shall be appointed as joint liquidator of the companies identified in Schedule 3 hereto, as being subject to a Compulsory Liquidation, in substitution of the Applicant,
- 10 Pursuant to Section 7(5) of the Act the Applicant, Steven Edward Butt, be removed from his office as joint supervisor of the company identified in Schedule 4 hereto, as being subject to a Company Voluntary Arrangement,
11. Pursuant to Section 7(5) of the Act the Second Respondent, Henry Anthony Shinnars, be appointed as joint supervisor of the company identified in Schedule 4 hereto, as being subject to a Company Voluntary Arrangement;
12. The Respondents shall procure that, at the first convenient opportunity to do so, and in any event within 3 months of the date of the order, a block advertisement in relation to each of the estates listed in the Schedules hereto shall be placed in the London Gazette containing notification of the following matters
  - 12.1 the substitution of the Applicant by the First or Second Respondent,
  - 12 2 the fact that the creditors (or members in the case of members' voluntary liquidation) have liberty to apply, within 28 days after the notice has been advertised, to vary or discharge the order made,
  - 12 3 in the case of each liquidation, that
    - 12 3 1 the costs of complying with a request of the committee or creditor or member as appropriate for an account of the Applicant's administration should be an expense of the insolvency proceedings,

- 12 3.2 the fact that the creditors or members as appropriate have the right to object and make representations to the Secretary of State in respect of the Applicant's release within 28 days after the notice has been advertised; and
- 12 3 3 the fact that in the case of each Compulsory Liquidation the Applicant will be entitled to apply to the Secretary of State for his release upon expiry of 42 days from the date the notice has been advertised,
13. In the case of each Compulsory Liquidation, the Applicant shall not be at liberty to apply to the Secretary of State for his release until after the expiry of 42 days from the date when the relevant notice referred to in paragraph 12 above has been placed in the London Gazette
- 14 In the case of each Creditors' Voluntary Liquidation and Members' Voluntary Liquidation, the Applicant be released from all liability both in respect of acts and omissions of his in the administration and otherwise in relation to his conduct as office holder of the companies as are listed in Schedules 1 and 2 hereto with effect from 42 days after the relevant notice referred to in paragraph 12 above has been placed in the London Gazette, save in respect of any claim notified to the Applicant or (where appropriate) his joint appointee or replacement office holder by that date pursuant to the Act and / or pursuant to such other provision as may apply,
15. In each Company Voluntary Arrangement, the Applicant be released from all liability both in respect of acts and omissions of his in the administration and otherwise in relation to his conduct as office holder of the companies as are listed in Schedules 4 hereto with effect from 28 days after the relevant notice referred to in paragraph 12 above has been placed in the London Gazette, save in respect of any claim notified to the Applicant or (where appropriate) his joint appointee or replacement office holder by that date pursuant to the Act and / or pursuant to such other provision as may apply;
- 16 The costs of this Application be apportioned equally between each of the estates identified in Schedules 1 to 4 hereto and each of the said estates shall bear an equal proportion of the costs
17. In no case shall the amount charged to any estate in respect of the costs exceed 10 per cent of the aggregate of available funds and the value of the immediately realisable assets in that estate.

Dated this 10<sup>th</sup> day of January 2012



Steven Edward Butt

SCHEDULE 1

CREDITORS' VOLUNTARY LIQUIDATIONS

| Name of case                                  | Date of appointment | Date of original appointment | Date of appointment (if different) | Applicant's | Current Appointee    | Joint                | Proposed Appointee |
|---|---------------------|------------------------------|------------------------------------|-------------|----------------------|----------------------|--------------------|
| Brentwood Hotels Limited                      | 13/07/2010          |                              | 27/07/2011                         |             | Anthony Cliff Spicer | Henry Shinnars       | Anthony            |
| Donington LL Funding Limited                  | 08/10/2010          |                              | 27/07/2011                         |             | Anthony Cliff Spicer | Henry Shinnars       | Anthony            |
| Fortress Warehousing and Distribution Limited | 19/09/2008          |                              | 27/07/2011                         |             | Vivienne Oliver      | Henry Shinnars       | Anthony            |
| FP Realisations 2010 Limited                  | 19/01/2011          |                              | 27/07/2011                         |             | Vivienne Oliver      | Henry Shinnars       | Anthony            |
| FW Cook Building Services Limited             | 03/03/2006          |                              | 27/07/2011                         |             | Vivienne Oliver      | Henry Shinnars       | Anthony            |
| Heller Ehrman (Europe) LLP                    | 22/05/2009          |                              | 27/07/2011                         |             | Anthony Cliff Spicer | Henry Shinnars       | Anthony            |
| HG Homes Limited                              | 18/03/2010          |                              |                                    |             | Henry Shinnars       | Anthony Cliff Spicer | Anthony            |
| Hucke Limited                                 | 26/02/2008          |                              | 27/07/2011                         |             | Vivienne Oliver      | Henry Shinnars       | Anthony            |
| Kingfisher Events Limited                     | 15/06/2009          |                              | 27/07/2011                         |             | Anthony Cliff Spicer | Henry Shinnars       | Anthony            |

| Name of case                     | Date of appointment | original | Date of appointment (if different) | Applicant's Appointee | Joint                | Proposed Appointee |
|----------------------------------|---------------------|----------|------------------------------------|-----------------------|----------------------|--------------------|
| Louise Goldin Limited            | 22/05/2009          |          | 27/07/2011                         | Anthony Cliff Spicer  | Henry Shinnars       | Anthony            |
| LRC Collections Limited          | 26/04/2011          |          | 27/07/2011                         | Anthony Cliff Spicer  | Henry Shinnars       | Anthony            |
| Luntri (UK) Limited              | 23/10/2009          |          | 27/07/2011                         | Anthony Cliff Spicer  | Henry Shinnars       | Anthony            |
| Luella Bartley Limited           | 10/12/2009          |          | 27/07/2011                         | Anthony Cliff Spicer  | Henry Shinnars       | Anthony            |
| NJINI Limited                    | 30/10/2008          |          | 27/07/2011                         | Henry Shinnars        | Anthony Cliff Spicer |                    |
| Pedstowe (London) Limited        | 07/05/2009          |          | 27/07/2011                         | Henry Shinnars        | Anthony Cliff Spicer |                    |
| Pedstowe (East Midlands) Limited | 07/05/2009          |          | 27/07/2011                         | Henry Shinnars        | Anthony Cliff Spicer |                    |
| Pedstowe Chichester Limited      | 07/05/2009          |          | 27/07/2011                         | Henry Shinnars        | Anthony Cliff Spicer |                    |
| Westchurch Limited               | 07/05/2009          |          | 27/07/2011                         | Henry Shinnars        | Anthony Cliff Spicer |                    |

# SCHEDULE 2

## MEMBERS' VOLUNTARY LIQUIDATIONS

| Name of case                        | Date of original appointment | Date of appointment (if different) | Applicant's | Current Appointee | Joint     | Proposed Appointee        |
|-------------------------------------|------------------------------|------------------------------------|-------------|-------------------|-----------|---------------------------|
| Bulgarian Property Developments Plc | 28/10/2009                   | 27/07/2011                         |             | Vivienne Oliver   | Elizabeth | Henry Shinnars<br>Anthony |
| Stonyfield UK Limited               | 23/09/2011                   |                                    |             | Vivienne Oliver   | Elizabeth | Henry Shinnars<br>Anthony |

# SCHEDULE 3

## COMPULSORY LIQUIDATIONS

| Name of case              | Date of order | Date of appointment | original Date of appointment | Applicant's appointment (if different) | Court details of (if different) | Current Appointee         | Joint Appointee | Proposed Appointee     |
|---------------------------|---------------|---------------------|------------------------------|--|---------------------------------|---------------------------|-----------------|------------------------|
| Inclarity Limited         | 28/01/2011    | 19/05/2011          |                              |  | High Court 6077 of 2010         | Anthony Spicer            | Cliff           | Henry Anthony Shinnars |
| Oil Trade Company Limited | 02/12/2009    | 01/03/2010          | 27/07/2011                   |  | High Court 19597 of 2009        | Vivienne Elizabeth Oliver |                 | Henry Anthony Shinnars |
| Promostaff com Limited    | 14/08/2003    | 14/08/2003          | 27/07/2011                   |  | High Court 5106 of 2003         | Anthony Spicer            | Cliff           | Henry Anthony Shinnars |

# SCHEDULE 4

## COMPANY VOLUNTARY ARRANGEMENTS

| Name of case        | Date of order | Date of original appointment | Date of Applicant's appointment (if different) | Court details           | Current Appointee | Joint Appointee    | Proposed Appointee     |
|---------------------|---------------|------------------------------|--|-------------------------|-------------------|--------------------|------------------------|
| Timan Oil & Gas Plc | 16/04/2010    | 16/04/2010                   | 27/07/2011                                     | High Court 3003 of 2010 | Vivienne Oliver   | Elizabeth Shinnars | Henry Anthony Shinnars |