

## The Insolvency Act 1986

**Administrator's progress report**

Name of Company

Monet Real Estate (High Wycombe) Limited

Company number

05704535

In the High Court of Justice

Chancery Division

Companies Court

[full name of court]

Court case number

8761 of 2010

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

We (a) Sarah Megan Rayment and Shay Bannon of BDO LLP, 55 Baker Street, London, W1U 7EU

administrator(s) of the above company attach a progress report for the period

(b) Insert date

From

(b)

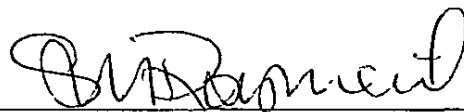
29 October 2010

to

(b)

28 April 2011

Signed



Joint Administrator

Dated

16/5/11

**Contact 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.

BDO LLP, 55 Baker Street, London, W1U 7EU

Our Ref MJC/AL/00155886

Tel 020 7893 2286

DX Number

DX Exchange



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17/05/2011

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COMPANIES HOUSE

When you have completed and signed this form please send it to the Registrar of Companies at

Companies House, Crown Way, Cardiff, CF14 3UZ

DX 33050 Cardiff

TUESDAY

16 May 2011

Our Ref MJC/AL/001558865

Please ask for  
Jeannine Flatt  
020 7893 2286**TO ALL CREDITORS**

Dear Sirs

**Monet Real Estate (High Wycombe) Limited - In Administration ("the Company")**

It is now 6 months since my appointment in respect of the above Company. In accordance with Rule 2.47 of the Insolvency Rules 1986 I am now reporting the progress made in implementing the approved proposals and achieving the statutory purpose of the Administration.

**1 Statutory Information**

- 1.1 The Joint Administrators are Sarah Megan Rayment and Shay Bannon of BDO LLP, 55 Baker Street, London, W1U 7EU and they were appointed in respect of Monet Real Estate (High Wycombe) Limited on 29 October 2010. Under the provisions of Paragraph 100(2) of Schedule B1 of the Insolvency Act 1986 the Administrators carry out their functions jointly and severally and neither Administrator has exclusive power to exercise any function.
- 1.2 The Administrators were appointed by Lloyds TSB Bank Plc ("the Bank") being the holders of a Qualifying Floating Charge, pursuant to Paragraph 14 of Schedule B1 of the Insolvency Act 1986. The Administration proceedings are dealt with in the High Court of Justice, Chancery Division and the court case number is 8761 of 2010.
- 1.3 The company's registered office is situated at 55 Baker Street, London, W1U 7EU and the registered number is 05704535.
- 1.4 I enclose, for your information, a summary of my receipts and payments to date showing a balance in hand of £105,904.26 and report as follows:

**2 Receipts and Payments**

- 2.1 I trust that the receipts and payments shown are self-explanatory
- 2.2 In addition, legal fees relating to general administration and property issues incurred but not yet paid total £23,675.50.



### **3 Trading / Realisation of Assets**

- 3.1 The Company was incorporated on 10 February 2006 as a property development / real estate company, with a view to selling and / or letting units within the Lincolns Inn Office Village Estate in High Wycombe, which was purchased in April 2006.
- 3.2 Upon our appointment as Joint Administrators we undertook an immediate review of the Company's affairs with particular regard to its financial and resource requirements. We instructed Agents to undertake a review of the Company's property and to provide us with a view as to potential realisations and a strategy report. We met with the Bank (the only party with an economic interest), to agree the strategy for dealing with the assets and it was agreed that the property would be marketed for sale as soon as possible.
- 3.3 Two agents were instructed to deal with the sale of the property, a national firm and a local firm. A number of parties expressed an interest in the property and we are in serious discussions with one of these parties. It is anticipated that a sale of the property will be achieved in due course.
- 3.4 A number of the office units are tenanted and a number are vacant. One of the leases expired at the end of December 2010 and has been renewed for a further period of 3 years.
- 3.5 As previously reported we retained Tideway Investment Management Limited to act as our managing agents in this matter

### **4 Future of the Administration**

- 4.1 I would refer creditors to my earlier report, which outlined the three statutory purposes of the Administration
- 3.2 The third statutory purpose is to realise the assets of the Company in order to make a distribution to one or more secured or preferential creditors. It remains the Joint Administrators' proposal that they continue to realise the assets of the Company for the benefit of the secured creditor.
- 4.3 The Joint Administrators' proposals, which were deemed to be approved by creditors on 31 December 2010, anticipated exiting the Administration by way of dissolution. It is the Joint Administrators' view that dissolution of the Company remains the most appropriate exit route from the Administration.

### **5 Prospects for Creditors**

Under Section 176A of the Insolvency Act 1986 the Joint Administrators must state the amount of funds available to unsecured creditors in respect of the prescribed part. This provision only applies where the Company has granted a floating charge to a creditor after 15 September 2003, as has happened in this case.

We anticipate that there may be a small distribution under the prescribed part.

## **5.1 Secured Creditor**

5.1 1 Finance for the company was provided by the Bank. The Bank holds fixed and floating charges over the assets of the Company under a debenture created on 9 August 2007 and registered with Companies House on 10 August 2007, and a second debenture created on 30 July 2009 and registered with Companies House on 31 July 2009.

5.1 2 At the date of appointment, the indebtedness to the Bank was £5,870,900. This figure is subject to accruing interest and charges. Based on current information, it is likely that the Bank will suffer a shortfall.

## **5.2 Preferential Creditors**

The Company did not have any employees. Therefore, based on current information there are no claims to be lodged by preferential creditors.

## **5.3 Unsecured Creditors**

The creditors' claims notified to us to date total approximately £509,675. Based on current information, it is likely that unsecured creditors will receive a small distribution under the prescribed part.

## **6 Joint Administrators' Remuneration**

6 1 Under the terms of the Insolvency Rules 1986 the Joint Administrators are obliged to fix their remuneration in accordance with Rule 2.106(2) of the Insolvency Rules 1986. This permits remuneration to be fixed either as a percentage of the value of the property with which the Joint Administrators have to deal or alternatively by reference to the time the Joint Administrators and their staff have spent in attending to matters in this Administration or, a fixed amount.

6 2 Where no meeting of creditors is being convened because there will be insufficient property to enable a distribution to be made to unsecured creditors other than by reason of prescribed part which is mentioned above (Paragraph 52(1) of Schedule B1 of the Insolvency Act 1986) our remuneration will be subject to the approval of the secured creditor as set out in Rule 2.106(5A)(a)/(b) of the Insolvency Rules 1986. To date costs of £53,395.20 have accrued. No funds have been drawn in respect of remuneration. I attach a schedule which summarises the time costs accrued to date and indicates the work undertaken in that respect.

6.3 Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. No category 1 disbursements have been recovered in this matter.

6 4 I provide at the end of this report an extract from the Insolvency Rules 1986 setting out the rights of creditors to request further information and/or challenge the remuneration or fees within the Administration.



Yours faithfully  
For and on behalf of  
Monet Real Estate (High Wycombe) Limited

A handwritten signature in black ink, appearing to read 'S Rayment'.

Sarah Rayment  
Joint Administrator

Authorised by the Insolvency Practitioners Association

## **Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Administrators' fees and expenses:-**

### **Rule 2.48A Creditors' request for further information**

(1) If—

- (a) within 21 days of receipt of a progress report under Rule 2.47—
  - (i) a secured creditor, or
  - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
- (b) with the permission of the court upon an application made within that period of 21 days, any unsecured creditor, makes a request in writing to the administrator for further information about remuneration or expenses (other than pre-administration costs) set out in a statement required by Rule 2.47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2).

(2) The administrator complies with this paragraph by either—

- (a) providing all of the information asked for, or
- (b) so far as the administrator considers that—
  - (i) the time or cost of preparation of the information would be excessive, or
  - (ii) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or
  - (iii) the administrator is subject to an obligation of confidentiality in respect of the information, giving reasons for not providing all of the information

(3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of—

- (a) the giving by the administrator of reasons for not providing all of the information asked for, or
- (b) the expiry of the 14 days provided for in paragraph (1),  
and the court may make such order as it thinks just

(4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2.109(1B) by such further period as the court thinks just

### **Rule 2.109 Creditors' claim that remuneration is or other expenses are excessive**

(1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4).

(1A) Application may be made on the grounds that—

- (a) the remuneration charged by the administrator,
- (b) the basis fixed for the administrator's remuneration under Rule 2.106, or
- (c) expenses incurred by the administrator,  
is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate

(1B) The application must, subject to any order of the court under Rule 2.48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss it without a hearing but it shall not do so without giving the applicant at least 5 business days' notice, upon receipt of which the applicant may require the court to list the application for a without notice hearing. If the application is not dismissed, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly

**Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Administrators' fees and expenses (continued):-**

**Rule 2.109 (continued)**

(3) The applicant shall, at least 14 days before the hearing, send to the administrator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the administrator was entitled to charge,

(b) an order fixing the basis of remuneration at a reduced rate or amount;

(c) an order changing the basis of remuneration,

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration,

(e) an order that the administrator or the administrator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

(5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the administration

**Monet Real Estate (High Wycombe) Limited  
(In Administration)**

**Joint Administrators' Abstract Of Receipts And Payments  
For the period 29 October 2010 to 28 April 2011**

	Receipts and Payments £
<b>RECEIPTS</b>	
Rent	134,102.53
Interest	182 20
VAT	27,964 06
	<u>162,248.79</u>
<b>PAYMENTS</b>	
Insurance	600.00
Professional fees and disbursements	3,035 00
Agents fees and disbursements	1,500 00
Void service charge	24,930.38
VAT paid	17,155.45
VAT	9,123.70
	<u>56,344.53</u>
Balance in Hand	<u><u>105,904.26</u></u>

BDO LLP  
55 Baker Street  
London, W1U 7EU

16/05/2011  
S Bannon & S Rayment  
Joint Administrators



Monet Real Estate (High Wycombe) Limited - In Administration

Summary of Time Charged and Rates Applicable for the Period From 29 October 2010 to 13 May 2011

Description	PARTNER		MANAGER		ASSISTANT MANAGER		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AVERAGE RATE
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	£
Steps on Appointment	1 15	597.65	8 75	3,032.25	12.80	3,353.60	6 15	776.95			28 85	7,760.45	268.99
Planning and Strategy			11 00	3,608.00	7 60	1,991.20	1.40	214.20			20.00	5,813.40	290.67
Case Progression	0 75	439.75	4 15	1,429.95	10 90	2,855.80	12 55	1,778.55	14 95	1,432.20	43.30	7,936.25	183.29
Assets Realisation / Dealing	1 20	636.00	4.50	1,476.00	30 50	7,991.00			1 05	100.80	36 20	10,103.00	279.09
Creditor Claims							2 90	443.70	5 35	513.60	1.05	100.80	96.00
Reporting	1.00	530.00	57 60	18,910.20	4 90	1,283.80					71.75	21,681.30	302.18
	4 10	2,203.40	86 00	28,456.40	66 70	17,475.40	23 00	3,213.40	21 35	2,046.60			

Net Total	201.15	53,395.20
Other Disbursements.		550.44
Grand Total		£53,945.64