

LIQ03

Notice of progress report in voluntary winding up



Companies House

MONDAY



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11/05/2020

#245

COMPANIES HOUSE

1 Company details

Company number 0 8 2 0 2 5 1 6

Company name in full Southernhay Retail Limited

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Michelle Anne

Surname Weir

3 Liquidator's address

Building name/number Lameys

Street Envoy House, First Floor

Longbridge Road

Post town Plymouth

County/Region Devon

Postcode P L 6 8 L U

Country UK

4 Liquidator's name ①

Full forename(s)

Surname

① Other liquidator
Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator
Use this section to tell us about
another liquidator.

LIQ03

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6 Period of progress report

From date	d	0	d	9	m	0	m	3	y	2	y	0	y	1	y	9
To date	d	0	d	8	m	0	m	3	y	2	y	0	y	2	y	0

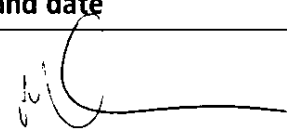
7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X 

X

Signature date

d	0	d	7	m	0	m	5	y	2	y	0	y	2	y	0
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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.

Contact name **Lauren Kessel**

Company name **Lameys**

Address **First Floor**

Envoy House

Longbridge Road

Post town **Plymouth**

County/Region **Devon**

Postcode

P	L	6		8	L	U
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Country **UK**

DX

Telephone **01752 254912**

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

ANNUAL PROGRESS REPORT OF SOUTHERNHAY RETAIL LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Content

Executive Summary

Administration and Planning

Enquiries and Investigations

Realisation of Assets

Trading

Creditors

Fees and Expenses

Creditors' Rights

EU Regulations

GDPR

Conclusion

Appendices

Appendix A - Statutory Information

Appendix B – Receipts and Payments account for the period 09/03/2018 to 08/03/2020

Appendix C - Detailed list of work undertaken in the period

Appendix D - Expenses summary for period, cumulative & comparison with estimate

Appendix E – Additional information in relation to Liquidator's fees

ANNUAL PROGRESS REPORT OF SOUTHERNHAY RETAIL LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

EXECUTIVE SUMMARY

A summary of key information in this report is detailed below.

Assets

Asset	Estimated to realise per Statement of Affairs (£)	Realisations to date (£)	Anticipated future realisations (£)	Total anticipated realisations (£)
Balance at bank	4,000.00	4,000.16	Nil	4,000.16
Rent deposit	Nil	39,990.68	Nil	39,990.68
Interest	Nil	25.99	14.01	40.00

Expenses

Expense	Amount per fees and expenses estimates (£)	Expense incurred to date (£)	Anticipated further expense to closure (£)	Total anticipated expense (£)
Preparation of Statement of Affairs fees	4,000.00	4,000.00	Nil	4,000.00
Statutory bonding	53.00	80.00	Nil	80.00
Statutory advertising	293.22	244.35	Nil	244.35
Legal fees	Nil	1,003.00	Unknown	Unknown
Land Registry	6.00	89.00	Nil	89.00
Mileage	Nil	3.80	Nil	3.80
Postage	100.00	51.63	18.37	70.00
Liquidator's fees (fixed)	12,000.00	12,000.00	Nil	12,000.00
Liquidator's fees (%)	Unknown	11,997.20	Unknown	Unknown

Dividend prospects

Creditor class	Dividend paid to date	Anticipated dividend, based upon the above
Secured creditor	Nil	Small distribution
Preferential creditors	Nil	100p in the £
Unsecured creditors	Nil	Small distribution

Summary of key issues outstanding

Conclusion of the matters identified from the investigations

Closure

Due to the issues outstanding as listed above, it is difficult to estimate the timing of any dividend and the closure of the liquidation.

Change in Office Holder

Michelle Weir and Simon Hicks of Lameys were appointed Joint Liquidators of Southernhay Retail Limited on 9 March 2018. As there was no requirement for two liquidators to remain in office, Simon Hicks confirmed his resignation from office on 31 October 2019. This was filed at Register of Companies with the release date of 22 November 2019.

ADMINISTRATION AND PLANNING

Statutory information

Statutory information may be found at Appendix A.

The Liquidator is required to meet a considerable number of statutory and regulatory obligations. Whilst many of these tasks do not have a direct benefit in enhancing realisations for the insolvent estate, they assist in the efficient and compliant progressing of the administration of the case, which ensures that

ANNUAL PROGRESS REPORT OF SOUTHERNHAY RETAIL LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

work is carried out to high professional standards. A detailed list of these tasks may be found in Appendix C.

The Liquidator has met her statutory and regulatory duties to report to creditors, as listed below. In consideration of the need for transparency and engagement with creditors, care has been taken to ensure that reports and other communications with creditors have provided useful details of the strategies pursued and the outcomes anticipated.

During the Review Period, the following key documents have been issued:

First progress report;

Other administration tasks

During the Review Period, the following material tasks in this category were carried out:

Case reviews etc.

Ongoing investigations

ENQUIRIES AND INVESTIGATIONS

As advised in the previous progress report, the initial assessment revealed matters that the Liquidator considered merited further investigation. The Liquidator has been in contact with the directors of the Company and engaged solicitors to recover the sums identified. At this stage no further information in relation to the progress can be disclosed because to do so could jeopardise any eventual recovery.

The transfers identified in the investigations could mean realisations will exceed the costs and creditors may receive a better return from the liquidation. However, this is very much dependant on the recovery and cost from the ongoing matters.

Although this work may not generate any financial benefit to creditors, it was necessary to meet the statutory duties as well as conduct appropriate enquiries and investigations into potential rights of actions to enhance realisations.

REALISATION OF ASSETS

Detailed below is key information about asset realisation and strategy, however, more details about the work undertaken may be found at Appendix C. The Liquidator formulated and worked through a realisation strategy that sought to maximise realisations net of costs. The financial benefit of those efforts is described further below.

The only realisation within the Review Period has been minimal bank interest of £20.57.

CREDITORS

Irrespective of whether sufficient realisations are achieved to pay a dividend to creditors, the Liquidator has had to carry out key tasks which are detailed in the list at Appendix C. The following sections explain the anticipated outcomes to creditors and any distributions paid.

Secured creditors

As stated in the previous report, the Company had granted a debenture to Barclays Bank Plc ("the Bank"). The outstanding debt due to the bank is circa £318,000 excluding any charges and accruing interest.

It is anticipated that the bank will receive a return under its fixed and floating charge.

Preferential creditors

As the final claim has not been received, the preferential creditor claim is estimated at circa £260, and will receive a dividend of 100p in the £.

ANNUAL PROGRESS REPORT OF SOUTHERNHAY RETAIL LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Unsecured creditors

The trade and expense creditors as per the statement of affairs totalled 1,608,821.37. The total value of unsecured claims is not known at present.

Dividend prospects

Based on current realisations there is a prospect of a small dividend to unsecured creditors.

FEES AND EXPENSES

Pre-appointment costs fixed fee agreed with the Directors and ratified by creditors.

The creditors authorised the fee of £4,000 for assisting the directors with placing the Company in Liquidation and with preparing the Statement of Affairs on 9 March 2018.

The fee was part paid from first realisations on appointment and is shown in the enclosed receipts and payments account.

The Liquidator's fees

It is the firm's practice to ensure that work is conducted by the appropriate staff member at the appropriate level of experience. Junior members of staff deal with the day to day administration on cases and a manager and partner then oversees the work undertaken. Where the issues are complex and litigious, the work will be closely supervised or undertaken by a senior manager or partner.

The basis of the Liquidator's fees was approved by creditors on 12 April 2018 in accordance with the following decision:

"30% plus VAT of the recovery on any of the following, as a result of the investigations:-

Antecedent transactions

Preference transactions

Transactions at undervalue

Any amounts which requires solicitors to be instructed

Any debtor balance which are not disclosed on the statement of affairs

A fixed fee of £12,000 plus VAT for dealing with all other aspects of the case."

The Liquidator has drawn £11,997.20 in respect of the fees agreed on a % basis, which is calculated as follows:

30% of the rent deposit totalling £39,990.68; fee of £11,997.20.

Disbursements

The disbursements that have been incurred during the period are detailed on Appendix D. Also included in Appendix D is a comparison of the expenses likely to be incurred in the Liquidation as a whole with the original expenses estimate, together with reasons where any expenses are likely to exceed that estimate.

Information about this insolvency process may be found on the R3 website at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors' Guide to Fees' together with the firm's charge-out rate and disbursement policy may be found at <http://tinyurl.com/bqoaopu>. A hard copy of both the Creditors' Guide and the firm's charge-out rate and disbursement policy may be obtained on request.

Other professional costs

Michelmores LLP were instructed as legal advisors. Their costs have been agreed on the basis of their standard hourly charge out rates, plus disbursements and VAT. The unpaid solicitors' fees for this period are £167.50 plus VAT.

ANNUAL PROGRESS REPORT OF SOUTHERNHAY RETAIL LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

CREDITORS' RIGHTS

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

EU REGULATIONS (WHETHER PROCEEDINGS ARE MAIN PROCEEDINGS OR TERRITORIAL)

The Company's centre of main interest was in the UK as their registered office and trading address was 1 Colleton Crescent, Exeter, Devon, EX2 4DG and therefore it is considered that the EU Regulations apply. These proceedings are main proceedings as defined in the EU Regulation.

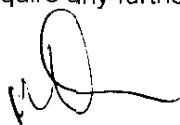
GDPR

The General Data Protection Regulation requires that individuals whose data is being held be contacted and provided with information about their rights. A privacy notice is available at <http://lameys.co.uk/index.php/resources/viewcategory/4-general>.

CONCLUSION

The administration of the case will continue until the above outstanding matters are concluded.

If you require any further information, please contact this office.



Signed

MICHELLE WEIR
LIQUIDATOR

ANNUAL PROGRESS REPORT OF SOUTHERNHAY RETAIL LIMITED - IN CREDITORS'
VOLUNTARY LIQUIDATION

Appendix A

Statutory Information

Company Name	Southernhay Retail Limited
Former Trading Name	Artigiano Retail Limited
Company Number	08202516
Registered Office	Lameys Envoy House First Floor Longbridge Road Plymouth Devon PL6 8LU
Former Registered Office	1 Colleton Crescent Exeter Devon EX2 4DG
Office holders	Michelle Anne Weir
Office holders' address	Lameys Envoy House First Floor Longbridge Road Plymouth Devon PL6 8LU
Date of appointment	9 March 2018
Change in office holder:	Simon Hicks confirmed his resignation from office on 31 October 2019. This was filed at Register of Companies with the release date of 22 November 2019

SOUTHERNHAY RETAIL LIMITED
CREDITORS' VOLUNTARY LIQUIDATION

RECEIPTS & PAYMENTS ACCOUNT
09 MARCH 2018 TO 8 MARCH 2020

Estimated to realise per Statement of Affairs		09.03.2019 TO 08.03.2020	TOTAL TO DATE
£	RECEIPTS	£	£
4,000	Balance at bank	-	4,000.16
-	Rent deposit	-	39,990.68
-	Interest	20.57	25.99
4,000		20.57	44,016.83
	PAYMENTS		£
	Preparation of Statement of Affairs fee	-	4,000.00
	Statutory bonding	-	80.00
	Statutory advertising	-	244.35
	Legal fees	-	1,003.00
	Land Registry	-	89.00
	Mileage	-	3.80
	Postage	8.27	51.63
	Liquidator's remuneration	-	23,997.20
		8.27	29,468.98
			14,547.85
	Held as:		
	VAT receivable		-
	Balance at bank		14,547.85
	Total		14,547.85

Notes:

1. Receipts & Payments are stated net of VAT

ANNUAL PROGRESS REPORT OF SOUTHERNHAY RETAIL LIMITED - IN CREDITORS'
VOLUNTARY LIQUIDATION

Appendix C

Detailed list of work undertaken for Southernhay Retail Limited in Creditors' Voluntary Liquidation for the review period 09/03/2019 to 08/03/2020

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

General Description	
Statutory and General Administration	
Statutory	Filing of documents to meet statutory requirements including annual receipts and payments accounts Annual corporation tax returns VAT returns
Document maintenance/file review/checklist	Filing of documents Periodic file reviews documenting strategy Maintenance of statutory and case progression task lists/diaries Updating checklists
Bank account administration	Bank account reconciliations Maintenance of the estate cash book Banking remittances and issuing cheques 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
Reports	Preparing annual progress report, investigation and general reports to creditors
Investigations	
Litigation / Recoveries	Reviewing terms of solicitors' conditional fee agreements Preparing brief to solicitors Liaising with solicitors regarding recovery actions Attending to negotiation

ANNUAL PROGRESS REPORT OF SOUTHERNHAY RETAIL LIMITED - IN CREDITORS'
VOLUNTARY LIQUIDATION

Appendix D

**Expenses summary for period, cumulative & comparison with estimate
for Southernhay Retail Limited in Creditors' Voluntary Liquidation**

Below are details of the Liquidator's expenses for the period under review and the total to date.

Expenses	Original expenses estimate £	Actual expenses incurred in the Review Period £	Actual expenses incurred to date £	Notes
Category 1 Expenses				
Statutory Advertising	293.22	Nil	244.35	Paid
Statutory Bonding	52.00	Nil	80.00	Paid
Legal fees	Nil	167.50	1170.50	Part Paid
Land Registry	6.00	Nil	89.00	Paid
Postage	100.00	8.27	51.63	Paid
Category 2 Expenses				
Mileage (own car usage)	Nil	Nil	3.80	Paid

ADDITIONAL INFORMATION IN RELATION TO LIQUIDATORS' FEES

1 Policy

Detailed below is Lameys policy in relation to:-
Staff allocation and the use of sub-contractors
Professional advisors
Disbursements

1.1 Staff allocation and the use of sub-contractors

Lameys 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, Manager, Senior and Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and on larger, more complex cases, several Seniors/Assistants may be allocated to meet the demands of the case.

It has been our policy as Joint Liquidators to delegate the routine administration of the Liquidation to junior staff in order to maximise the cost effectiveness of the work performed. These staff are supervised by the Liquidators. Any matter of particular complexity or significant that requires responsibility of exceptional kind will be dealt with by the Liquidators.

In common with all professional firms, the Joint Liquidators scale rates increase from time to time over the period of the administration of each Insolvency case. Lameys or any successor firm reserves the right to change the rates and grade structure.

Lameys does not utilise the services of any sub-contractors.

1.2 Professional advisors

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

Professional Advisor	Nature of Work	Basis of Fee Arrangement
Michelmores LLP	Legal advise	Time costs

The 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.

1.3 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. Lameys seeks to recover those expenses and costs that constitute Category 1 disbursements, if funds permit.

Category 2 disbursements do require approval from creditors. These disbursements can include costs incurred which relate to payments due to associated companies for the provision of services to the office holder. It is Lameys policy not to charge for Category 2 disbursements, other than business mileage at the published rate.

2 Creditors Guide to Fees

Creditors may obtain the guidance note 'A Creditors Guide to Liquidators Fees' at <http://tinyurl.com/y4veglhu> or upon request to myself.

3 Requests for further information/Rights to challenge remuneration and expenses

3.1 An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

3.2 An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expense or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.