

LIQ03

Notice of progress report in voluntary winding up



Companies House

FRIDAY



ABUM94AB

A07

06/01/2023

#151

COMPANIES HOUSE

1 Company details

Company number 1 0 6 4 4 6 8 8

Company name in full S J Dunphy Construction Ltd

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Thomas Edward

Surname Guthrie

3 Liquidator's address

Building name/number 2nd Floor, Elm House

Street Woodlands Business Park

Post town Linford Wood West

County/Region Milton Keynes

Postcode M K 1 4 6 F G

Country

4 Liquidator's name

Full forename(s) Lauren Louise

Surname Auburn

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address

Building name/number 2nd Floor, Elm House

Street Woodlands Business Park, Linford Wood West

Post town Milton Keynes

County/Region

Postcode M K 1 4 6 F G

Country

② 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	^d 1	^d 8	^m 1	^m 1	^y 2	^y 0	^y 2	^y 1
To date	^d 1	^d 7	^m 1	^m 1	^y 2	^y 0	^y 2	^y 2

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 0	^d 4	^m 0	^m 1	^y 2	^y 0	^y 2	^y 3
----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------

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.

Contact name **Jenny Hina**

Company name **BRI Business Recovery and
Insolvency**

Address **2nd Floor, Elm House
Woodlands Business Park**

Post town **Linford Wood West**

County/Region **Milton Keynes**

Postcode

M	K	1	4		6	F	G
---	---	---	---	--	---	---	---

Country

DX

Telephone **01908 317387**



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

S J DUNPHY CONSTRUCTION LTD
(IN CREDITORS' VOLUNTARY LIQUIDATION)
JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS
FOR THE YEAR ENDING 17 NOVEMBER 2022

CONTENTS

- 1 Statutory and general information**
- 2 Joint liquidators' actions since appointment**
- 3 Unrealised assets**
- 4 Investigation into the affairs of the Company**
- 5 Dividend prospects**
- 6 Pre-appointment remuneration**
- 7 Joint liquidators' remuneration**
- 8 Joint liquidators' expenses**
- 9 Further information**
- 10 Conclusion**

APPENDICES

- 1 Joint liquidators' receipts and payments account**
- 2 Summary of joint liquidators' time costs**
- 3 BRI guide to fees and expenses to 31 March 2022**
- 4 BRI guide to fees and expenses from 1 April 2022**

S J DUNPHY CONSTRUCTION LTD
(IN CREDITORS' VOLUNTARY LIQUIDATION)
JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS
FOR THE YEAR ENDING 17 NOVEMBER 2022

1 Statutory and general information

Company number: 10644688

Joint liquidators Thomas Edward Guthrie and Lauren Louise Auburn of BRI Business Recovery and Insolvency, 2nd Floor, Elm House, Woodlands Business Park, Linford Wood West, Milton Keynes, MK14 6FG.

Date of appointment: 18 November 2021

Change of office-holder On 17 July 2022 following the making of a block transfer order, Sukhvinder Kaur Bains was removed as office holder and replaced by Lauren Louise Auburn.

Creditors wishing to contact the joint liquidators, should contact Jenny Hina on telephone number 01908 317387 in the first instance.

2 Joint liquidators' actions since appointment

2.1 This report should be read in conjunction with my receipts and payments account which is attached as Appendix 1; please note that the figures are shown net of VAT.

2.2 As noted in my receipts and payments account, realisations are broadly in line with the estimated statement of affairs amounts. Greater detail is provided below.

Plant and machinery

2.3 The Company held a flat bed trailer, which agents were instructed to collect and sell, this asset has now been realised.

Stock

2.4 A book value for stock was included within the Company's last set of filed accounts so was included within the statement of affairs, however, no stock remained as at the date of liquidation and therefore, no realisation in respect of this asset was possible.

Book debts

2.5 Following my appointment all of the Company debtors were written to with requests made for payments of outstanding balances. No realisations were anticipated due to the debts having been previously been disputed. Response were received from debtors that they would not be paying and following receipt of evidence of the counter claims/disputes being provided, I have written off these debts as I do not believe that any further pursuit will benefit the liquidation estate.

Cash at bank

2.6 The cash held in the Company's bank account has been realised, the figure is lower than the statement affairs figure, as advisory fees were paid prior to the Company entering into liquidation.

Director's loan account

2.7 At the date of liquidation, there was a director's loan account due to the Company, at the time the estimated to realise figure was uncertain as the Director had stated that there would be difficulties repaying the loan. The

figure outstanding as per the Company's accounts was £58,906.96. Discussions with the Director are ongoing but evidence received to date has indicated that director has insufficient funds to discharge the debt.

- 2.8 I am currently considering whether further action to pursue this debt would produce a benefit to the liquidation estate. My considerations will include the time and cost of further pursuit weighed against the potential return achievable to the estate in light of the directors asset position and other outstanding liabilities.

Bank interest

- 2.9 A total of 75p of bank interest has been accrued from the funds held in the liquidation account.

Other matters

- 2.10 In addition to dealing with the realisation of assets, I have to meet various legislative and best practice requirements and deadlines. These matters include filing of documents with the Registrar of Companies, ensuring that all receipts and payments are dealt with in a timely basis and proper accounting records are maintained, undertaking periodic case progression reviews, advising creditors of the liquidation and recording all claims received, together with other day to day matters that arise.
- 2.11 Following my appointment, a request to deregister the Company VAT number was sent to HMRC, there have been difficulties in contacting HMRC to establish that this has been actioned. My office continues to chase HMRC, until this has been confirmed we are unable to reclaim the VAT due to the Company. I would anticipate that this matter is concluded within this period.

3 Unrealised assets

- 3.1 As referred to above, discussions are ongoing with the Director regarding the outstanding directors' loan account due to the Company.

4 Investigation into the affairs of the Company

- 4.1 I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved.
- 4.2 There were no matters that justified further investigation in the circumstances of this appointment.
- 4.3 Within three months of appointment, any liquidator is required to report to the Secretary of State on any matters which have come to their attention during the course of their work which may indicate that the conduct of any past or present director would make them unfit to be concerned with the management of the Company. I have complied with these requirements. However, due to the confidential nature of any return or report, I am unable to make any further comments.

5 Dividend prospects

Preferential creditors - ordinary

- 5.1 Claims in this category of preferential creditors, being claims from employees for outstanding wages and holiday pay and the Redundancy Payments Service, have been recorded, however they have not been agreed as there is little likelihood of a dividend being paid to this class of creditor.

Preferential creditors - secondary

- 5.2 Claims in this category of preferential creditors, being claims from HM Revenue & Customs in respect of deductions from employees' wages and outstanding VAT, have been recorded, however they have not been agreed as there is no likelihood of a dividend being paid to this class of creditor.

Floating charge creditor and the prescribed part

- 5.3 The Company has given no floating charges and accordingly the prescribed part provisions do not apply.

Unsecured creditors

- 5.4 Whilst I have received various claims from unsecured creditors I have not incurred the costs of agreeing claims, as regrettably, on current information, there is little likelihood of any funds being available for this class of creditor.
- 5.5 To date claims received from creditors are broadly in line with the amounts detailed on the Company's statement of affairs.

6 Pre-appointment remuneration

- 6.1 The costs and expenses incurred by BRI Business Recovery and Insolvency in respect of the preparation of the statement of affairs and convening the meeting of creditors have, in accordance with the resolution passed at the meeting of creditors been paid out of the assets of the liquidation. The amounts are as follows:

Fees	£1,597 plus VAT
Expenses	Nil
Category 2 expenses	Nil

7 Joint liquidators' remuneration

- 7.1 Changes to charge out rates during the period of this report are detailed in appendices 3 and 4 with appendix 4 being the prevailing rates from 1 April 2022.
- 7.2 My remuneration, in the sum of £18,465.70 was approved by the creditors on 20 January 2022. My total time costs to 17 November 2022 amount to £10,943.75, which have been charged at an average charge out rate of £168.24. I have drawn £10,000 to date. A schedule of my time costs incurred to date is attached at Appendix 2.
- 7.3 Based on current information, the estimate of fees provided and approved is unlikely to be exceeded.
- 7.4 For the benefit of creditors, the Association of Business Recovery Professionals publish 'A Creditors' Guide to Liquidators' Fees'. This document is available by entering the following website address, www.briuk.co.uk then clicking on the 'Creditor information' option on the headings bar. A hard copy of this document can be obtained on request from any of our offices.

8 Joint liquidators' expenses

- 8.1 Details of the expenses that I have paid are shown on the attached receipts and payments account, and are largely self-explanatory. Furthermore, the expenses are in line with the estimate already provided to creditors, and are not likely to exceed this amount.
- 8.2 The payment described as accountancy fees were agreed with the Company's accountants for the work provided assisting in preparing the statement of affairs.
- 8.3 The payment described as agents fees and expenses were paid to PDS Valuers, a suitably qualified and indemnified valuing agent, who were instructed to uplift and sell the Company's tangible assets.
- 8.4 The following expenses have been incurred but have not yet been paid:

Type of expense	Amount of expense incurred/accrued to date	Amount still to be paid
Insolvency bond	£10	£10

- 8.5 My choice of professionals was based on my knowledge of their experience and ability to perform the type of work required. I have reviewed the fees charged and as they are in line with original estimates, I am satisfied that they are reasonable in the circumstances of this case.

9 Further information

- 9.1 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 joint liquidators' remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.
- 9.2 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 joint liquidators' 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.

10 Conclusion

- 10.1 The liquidation remains open to finalise and agreement in respect of the director's loan account and there are VAT matters which have not yet been finalised. I would anticipate that both these matters will be concluded in the current period.
- 10.2 Should you have any queries regarding this matter please contact Jenny Hina on 01908 317387.



Thomas Edward Guthrie
Joint Liquidator

S J Dunphy Construction Ltd
(In Liquidation)
Joint Liquidators' Summary of Receipts and Payments
To 17 November 2022

RECEIPTS	Statement of Affairs (£)	Total (£)
Plant and Machinery	2,000.00	1,620.00
Stock	NIL	NIL
Book Debts	NIL	NIL
Cash at Bank	18,262.11	14,807.31
Director's Loan Account	Uncertain	NIL
Bank Interest Gross		0.75
		<hr/>
		16,428.06
		<hr/>
PAYMENTS		
Insolvency Bond		64.80
Preparation of Statement of Affairs		1,597.00
Liquidators' Remuneration		10,000.00
Agent's and Valuer's Fees		463.00
Accountancy fees		77.87
Storage Costs		258.04
Statutory Advertising		170.00
Employees' Wage Arrears and Holiday Pay	(660.00)	NIL
HMRC	(7,429.89)	NIL
Trade Creditors	(53,421.78)	NIL
Employees	(2,400.00)	NIL
Crown Creditors	(28,977.09)	NIL
Ordinary Shareholders	(100.00)	NIL
		<hr/>
		12,630.71
		<hr/>
Net Receipts/(Payments)		3,797.35
		<hr/>

MADE UP AS FOLLOWS

Pre-appointment Bank Account	0.00
Interest Bearing Current Account	1,608.17
VAT Receivable / (Payable)	2,189.18
	<hr/>
	3,797.35
	<hr/>

BRI (UK) Limited**SIP 9 Summary of hours and costs***from 18/11/2021 to 17/11/2022***Client 7589MK S J Dunphy Construction Ltd**

Hours										
Classification of work function	Lead IP	Manager	Assistant manager	Senior administrator	Administrator	Junior Administrator	Assistants and support staff	Total	Time Cost £	Average hourly rate £
Admin & planning	1.00		1.50		30.80			33.30	£5,159.50	£154.94
Cashiering	1.30			0.40		0.25	4.20	6.15	£1,263.75	£205.49
Creditors	0.90		0.10		0.80	0.20		2.00	£538.00	£269.00
Investigations	0.40		2.10		14.60			17.10	£2,733.00	£159.82
Realisation of assets	0.10		2.50		3.80			6.40	£1,217.50	£190.23
Reporting	0.10							0.10	£32.00	£320.00
Posted time	3.80	0.00	6.20	0.40	50.00	0.45	4.20	65.05	£10,943.75	£168.24

*Unposted time**Total time*

Total time costs/grade	1,544.00		1,575.50	81.50	7,073.50	67.25	602.00	10,943.75
-------------------------------	----------	--	----------	-------	----------	-------	--------	-----------

04 January 2023

BRI BUSINESS RECOVERY AND INSOLVENCY

CREDITORS' GUIDE TO FEES

Charge-out rates

Grade	Charge-out rate (£ per hour, charged in 6 minute units)
Directors/Insolvency Practitioners	295-410
Managers and Assistant managers	250
Administrators	175-200
Secretaries & Support Staff	140

Rates are subject to a periodic review and are likely to increase each April. A copy of our previous rates can be found on our website at www.briuk.co.uk

Agent costs

These are charged at cost based upon the charge(s) made by the Agent instructed. The term "Agent" includes:

- Solicitors/legal fees.
- Auctioneers/valuers.
- Accountants.
- Quantity surveyors.
- Estate agents.
- Other specialist advisors

Other expenses

These are payments to those providing the service to which the expense relates who are not an associate of the office holder.

Category 1 expenses

Examples of category 1 expenses include agents costs as detailed above as well as items such as insurance, statutory advertising, external meeting room hire, external storage and specific bond.

Category 2 expenses

These are payments to associates or payments which have an element of shared costs.

Associates are defined as an entity with which the firm, office holder or staff member has a business or personal relationships with, perceived or actual.

In this case there are no category 2 expenses.

Subcontractors

In this case no subcontractors will be employed.

BRI BUSINESS RECOVERY AND INSOLVENCY

CREDITORS' GUIDE TO FEES

Charge-out rates

Grade	Charge-out rate (£ per hour, charged in 6 minute units)
Directors/Insolvency Practitioners	320-430
Managers and Assistant managers	265-320
Administrators	150-210
Secretaries & Support Staff	150

Rates are subject to a periodic review and are likely to increase each April. A copy of our previous rates can be found on our website at www.briuk.co.uk

Agent costs

These are charged at cost based upon the charge(s) made by the Agent instructed. The term "Agent" includes:

- Solicitors/legal fees.
- Auctioneers/valuers.
- Accountants.
- Quantity surveyors.
- Estate agents.
- Other specialist advisors

Other expenses

These are payments to those providing the service to which the expense relates who are not an associate of the office holder.

Category 1 expenses

Examples of category 1 expenses include agents costs as detailed above as well as items such as insurance, statutory advertising, external meeting room hire, external storage and specific bond.

Category 2 expenses

These are payments to associates or payments which have an element of shared costs.

Associates are defined as an entity with which the firm, office holder or staff member has a business or personal relationships with, perceived or actual. In the normal course of business, BRI do not charge Category 2 disbursements.

Subcontractors

In this case no subcontractors will be employed.