

The Insolvency Act 1986

Administrator's progress report**R2.38**

Pursuant to Rule 2.38 of the Insolvency (Scotland) Rules 1986

Name of Company

Livingston No 1 Limited

Company number

SC312841

(a) Insert full
name(s) and

We (a)

Matthew James

Robert James Harding

Neville Barry Kahn

Cowlshaw

Deloitte LLP

Deloitte LLP

Deloitte LLP

address(es) of
administrator(s)

Four Brindleyplace

Athene Place

Athene Place

Birmingham

66 Shoe Lane

66 Shoe Lane

B1 2HZ

London

London

EC4A 3BQ

EC4A 3BQ

administrators of the above company attach a progress report for the period

from

to

(b) Insert date(s)

(b) 2 September 2013

(b) 1 March 2014

Signed

Joint Administrator

Dated

01/04/2014

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

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WEDNESDAY



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02/04/2014

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COMPANIES HOUSE

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**LIVINGSTON NO 1 LIMITED (FORMERLY MILLER ALBA LIMITED)
(IN ADMINISTRATION)
("the Company")**

Court No. P195 of 2012

**PROGRESS REPORT TO CREDITORS
FOR THE PERIOD TO 1 MARCH 2014
PURSUANT TO RULE 2.38 OF THE INSOLVENCY (SCOTLAND) RULES 1986 (AS
AMENDED) AND THE INSOLVENCY (SCOTLAND) AMENDMENT RULES 2010**

1 April 2014

This report has been prepared for the sole purpose of updating the Creditors for information purposes. The report may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by Creditors for any purpose other than updating them for information purposes, or by any other person for any purpose whatsoever.

Matthew James Cowlshaw, Robert James Harding and Neville Barry Kahn were appointed as Joint Administrators of Livingston No 1 Limited on 2 March 2012. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company only and contract without personal liability.

All licensed Insolvency Practitioners of Deloitte LLP are licensed in the UK to act as Insolvency Practitioners.

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ABBREVIATIONS

For the purpose of this report the following abbreviations shall be used:

"the Act"	Insolvency Act 1986 (as amended)
"the Administrators"	Matthew James Cowlshaw, Robert James Harding and Neville Barry Kahn of Deloitte LLP
"the Bank" or "Secured Creditor"	Bank of Scotland PLC
"BLP"	Berwin Leighton Paisner LLP
"the Campus"	Office developments known as Alba Centre, Integration House, Systems House, and Alba Business Pavilions, plus 20 acres of land, all located at Alba Business Park, Livingston, West Lothian, Scotland
"the Company"	Livingston No 1 Limited (in Administration)
"the Court"	The Court of Session in Edinburgh
"Deloitte"	Deloitte LLP
"the Directors"	William Borland, Euan Haggerty, Philip Miller, David Milloy, Andrew Sutherland
"EOS"	Estimated Outcome Statement
"GVA"	GVA Grimley Limited
"James Barr"	James Barr & Son Limited
"JLL"	Jones Lang LaSalle
"Miller"	Miller Developments Limited
"MMS"	Maclay Murray & Spens LLP
"PP"	The Prescribed Part of the Company's net property subject to Section 176A of the Insolvency Act 1986 (as amended).
"QFCH"	Qualifying Floating Charge Holder
"the Rules"	Insolvency (Scotland) Rules 1986 (as amended) and the Insolvency (Scotland) Amendment Rules 2010
"S&W"	Shepherd & Wedderburn LLP
"SIP2 (Scotland)"	Statement of Insolvency Practice 2 (Scotland) – Investigations by Office Holders in Administrations and Insolvent Liquidations
"SIP7 (Scotland)"	Statement of Insolvency Practice 7 (Scotland) – Presentation of Financial Information in Insolvency Proceedings
"SIP9 (Scotland)"	Statement of Insolvency Practice 9 (Scotland) – Remuneration of Insolvency Office Holders

"SIP13 (Scotland)"

Statement of Insolvency Practice 13 (Scotland) –
Acquisition of Assets of Insolvent Companies by
Directors

"SoA"

Statement of Affairs

"SWIP"

Scottish Widows Investment Partnership

1. INTRODUCTION

1.1 Introduction

This report has been prepared in accordance with Rule 2.38 of the Rules to provide creditors with an update on the progress of the Administration of the Company since our last report to creditors dated 26 September 2013.

Given the information previously provided in our earlier reports, we have not included detailed background information in respect of the Company and have focussed on progress of the Administration subsequent to those reports.

The Administrators' Proposals as deemed approved following the issue of a notice under Paragraph 52(1) of Schedule B1 of the Act on 24 April 2012 and the expiry of eight business days thereafter are detailed in section 2.1 below.

On the basis that there remained outstanding matters in the Administration which would not be concluded before 1 March 2014, the date on which the Administration was due to end, the Administrators submitted an application to the Court seeking to extend the period of the Administration by 12 months, in terms of Paragraph 76(2)(a) of Schedule B1 of the Act. This is discussed further at section 5.1 below.

A schedule of statutory information in respect of the Company is attached at Appendix 1.

1.2 Details of the appointment of the Administrators

Matthew James Cowlshaw, Robert James Harding and Neville Barry Kahn of Deloitte were appointed as Joint Administrators of the Company by the Bank of Scotland PLC, The Mound, Edinburgh, EH1 1YZ, as QFCH on 2 March 2012, following the filing of a Notice of Appointment of Administrators.

The Court having conduct of the proceedings is the Court of Session in Edinburgh (case number P195 of 2012).

For the purposes of Paragraph 100(2) of Schedule B1 of the Act, the Administrators confirm that they are authorised to carry out all functions, duties and powers by either of them jointly and severally.

2. JOINT ADMINISTRATORS' PROPOSALS

2.1 Introduction

As previously reported, the Company had significant secured debts and as a restructuring of the Company was not possible, the Administrators concluded that the objective to rescue the Company as a going concern, could not be achieved.

The Administrators undertook a pro-active asset management strategy over a period of time to enhance the value of the Campus prior to sale. However, as the value of the secured debt is in excess of the potential realisable value of the Campus, the Administrators have performed their functions in relation to the Company with the objective set out in Paragraph 3(c) of Schedule B1 of the Act, which is to realise property in order to make a distribution to secured and/or Preferential Creditors if applicable.

The Administrators' proposals in order to achieve this objective which, as noted above, were deemed approved following the issue of a notice under Paragraph 52(1) of Schedule B1 of the Act on 24 April 2012 and the expiry of eight business days thereafter are as follows:

1. the Administrators continue to manage the affairs and any remaining assets of the Company and the settlement of all Administration expenses;
2. the Administrators continue with their enquiries into the conduct of the Directors of the Company and continue to assist any regulatory authorities with their investigation into the affairs of the Company;
3. the Administrators be authorised to agree the claims of the secured, preferential and Unsecured Creditors against the Company unless the Administrators conclude, in their reasonable opinion, that the Company will have no assets available for distribution;
4. the Administrators be authorised to distribute funds to the secured and Preferential Creditors as and when claims are agreed and funds permit and, in relation to distributions to Unsecured Creditors, if the Court gives permission following an appropriate application;
5. that, in the event the creditors of the Company so determine, at a meeting of creditors, a Creditors' Committee be appointed in respect of the Company comprising of not more than five and not less than three creditors of the Company;
6. that, if a Creditors' Committee is not appointed, the Secured Creditors and Preferential Creditors (if applicable) of the Company shall be asked to fix the basis of the Administrators' remuneration, in accordance with Rule 2.39(9) of the Rules, to be fixed by reference to the time properly given by the Administrators and their staff in attending to matters arising in the Administration, calculated at the prevailing standard hourly charge out rates used by Deloitte at the time when the work is performed, plus VAT, and asked to agree the Administrators' expenses. In addition those creditors shall also be asked to agree the Administrators' expenses for mileage be calculated by reference to mileage properly incurred by the Administrators and their staff in attending to matters arising in the Administration, at the prevailing standard mileage rate used by Deloitte at the time when the mileage is incurred, plus VAT where applicable;
7. that, the Administrators' Pre Administration Costs as detailed in Appendix 3 of the Administrators' Proposals be approved. And that the Administrators be authorised to draw their costs, plus VAT, from the Administration estate;
8. that, following the realisation of assets and resolution of all matters in the Administration, and as quickly and efficiently as is reasonably practicable, the Administrators implement the most cost effective steps to formally conclude the Administration. This may include the distribution of funds to Unsecured Creditors (provided Court permission is obtained) and then the

dissolution of the Company or alternatively, seeking to put the Company into Creditors' Voluntary Liquidation ("CVL") or Compulsory Liquidation, depending on which option will result in a better realisation for creditors;

9. that, if the Company were to be placed into CVL, the Administrators propose to be appointed Liquidators and any Creditors' Committee appointed will become the Liquidation Committee pursuant to Rule 2.47(3) of the Rules. As per Paragraph 83(7) of Schedule B1 of the Act and Rule 2.47(3) of the Rules, the creditors may nominate a different person to be Liquidator provided the nomination is made before the proposals are approved by creditors. For the purposes of Section 231 of the Act the Liquidators will each be authorised to carry out all functions, duties and powers either jointly or severally.
10. in the absence of a Creditors' Committee, the Secured Creditor(s) of the Company agree that the Administrators be discharged from liability per Paragraphs 98 and 99 of Schedule B1 of the Act immediately upon the Administrators filing their final report to creditors and vacating office.

2.2 Amendments to proposals

There were no amendments to the proposals.

2.3 Progress on and achievement of the approved proposals

We have summarised below the progress and current status in respect of each of the approved proposals:

Proposal	Current status
1	Ongoing.
2	Complete. A confidential report was submitted to the Insolvency Service on 25 July 2012.
3	Ongoing. There are no Preferential Creditors and there will be no funds available for distribution to Unsecured Creditors other than by way of the PP.
4	Ongoing. The Court has given permission for the Administrators to make a PP distribution to Unsecured Creditors.
5	N/A. There was no meeting of creditors.
6	Complete. A resolution was approved by the Secured Creditor on 9 May 2012.
7	Complete. A resolution was approved by the Secured Creditor on 9 May 2012.
8	It is anticipated that the Company will move to dissolution following distribution of the PP to Unsecured Creditors.
9	CVL is not anticipated.
10	Complete. A resolution was approved by the Secured Creditor on 9 May 2012.

Further information in respect of the realisation of assets, the status of liabilities and the estimated outcome for creditors is contained in the following sections of this report.

3. JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT AND ESTIMATED OUTCOME STATEMENT

3.1 Introduction

Attached at Appendix 2 is a Receipts and Payments account covering the period from 2 March 2012 to 1 March 2014, together with details of the transactions in the interim period 2 September 2013 to 1 March 2014, in accordance with SIP7 (Scotland).

In this section, we have summarised the main asset realisations during the period covered by this report and an estimation of those assets yet to be realised.

3.2 Asset realisations

On 13 December 2013, a sale of the Campus completed for a consideration of £2,000,000.

Property related income received includes rental income of £268,265 and dilapidations income of £450. A cash in hand balance of £13 was recovered from James Barr, relating to historic pre-appointment rent related income held at the date of our appointment.

Bank interest of £2,630 has been received in the period covered by this report.

3.3 Estimated future realisations

As part of the sale agreement in relation to the Campus, the purchaser is required to collect and remit to the Company any rent arrears relating to the period prior to the date of sale. The majority of these arrears have now been collected and we do not expect any further realisations in this regard.

4. DISTRIBUTIONS TO CREDITORS

4.1 Secured Creditors

The Company's Bank debt at the date of the appointment of the Administrators totals £15.45m in respect of a term loan facility. The Bank holds a Standard Security dated 26 January 2007 in respect of the Campus and a Floating Charge dated 19 January 2007 in respect of general assets of the Company.

A distribution of £1,800,000 was made to the Bank under its Standard Security, following the sale of the Campus. Asset realisations will not be sufficient to repay the Bank in full.

4.2 Preferential Creditors

The Company employed no staff as at the date of the Administrators' appointment. It is therefore anticipated that there will be no preferential claims against the Company.

4.3 Prescribed Part

The PP (section 176A of the Insolvency Act 1986 (Prescribed Part) Order 2003) applies where there are floating charge realisations, net of costs to be set aside for Unsecured Creditors. This equates to:

- 50% of net property up to £10,000;
- Plus, 20% of net property in excess of £10,000.
- Subject to a maximum of £600,000.

The sale of the Campus will be captured by the Bank's Standard Security. Floating charge realisations, being the net rental income less attributable costs of the Administration, will lead to a PP being available to the Company's Unsecured Creditors. At present, the value of the PP fund is estimated to be c.£89,000. We are currently in the process of finalising the attributable costs and therefore the estimated value of the PP is subject to change.

4.4 Unsecured Creditors

The total Unsecured Creditors' balance as at 2 March 2012 per the Directors' SoA (excluding any shortfall to Floating Charge Holders) is £498,166. To the date of this report Unsecured Creditor claims in the sum of £46,169 have been received. Claims received to date are lower than previously reported due to creditors, who have previously submitted a claim, confirming that they now have no claim and duplicated claims.

As noted above, funds will be available to pay a dividend to the Unsecured Creditors of the Company by way of a distribution under the PP.

4.5 Claims process

As the Administrators expect to make a distribution to Unsecured Creditors under the PP you are requested to submit claims, marked for the attention of Lien Ngo, to Deloitte LLP, Lomond House, 9 George Square, Glasgow G2 1QQ (if you have not previously submitted a claim).

A Statement of Claim by Creditor form is attached at Appendix 4.

5. OTHER MATTERS AND INFORMATION TO ASSIST CREDITORS

5.1 Extensions to the initial appointment period

As previously reported, all administrations automatically come to an end after a period of one year, unless an extension is granted by consent of the creditors or by order of the Court.

On the basis that a sale of the Campus was not anticipated to be concluded before 2 March 2013, the one year anniversary of the Administration, the Administrators submitted a request to the Court for an extension to the Administration for a 12 month period to 1 March 2014. The Court granted an order to this effect on 26 February 2013.

On the basis that there remained outstanding matters in the Administration which would not be concluded before 1 March 2014, the date on which the Administration was due to end, the Administrators submitted an application to the Court seeking to extend the period of the Administration for a further 12 month period to 1 March 2015. The Court granted an order to this effect on 27 February 2014.

The extension was required to allow sufficient time to finalise the trading and service charge accounts, complete VAT and Tax matters, finalise distributions to the Bank, and make a distribution by way of the PP to the Unsecured Creditors.

Please be advised that, although it is considered unlikely, the Administrators may seek to extend the Administration for a further period of up to 12 months from 2 March 2015. Should this be required, it would be to allow sufficient time for the conclusion of any other outstanding Administration matters such as Corporation Tax and VAT matters.

Prior to seeking an extension from the Court pursuant to Paragraph 76(2)(a) of Schedule B1 of the Act the Administrators are required to notify the Company's creditors of their intention to seek an extension of the Administration.

Any creditor who wishes to object to the possible further extension of the Administration should provide written notice of their objection(s) and the reason(s) therefore to the Administrators at the address on the front of this report within **21 days** of the date of this report.

It is the Administrators' intention to apply to the Court for the extension to be granted following the lapse of the given time period, if required. However, due consideration will be given by the Administrators to any objections received within that time period and details thereof will be provided to the Court as part of the extension application.

5.2 Investigations into the Directors Conduct

As part of the Administrators' statutory duties, an investigation into the conduct of the Directors was completed. In this regard, a confidential report was submitted to the Insolvency Service on 25 July 2012.

5.3 SIP2 (Scotland) – Initial Assessment of Potential Recoveries

As part of our duties as Administrators, we are obliged shortly after our appointment to review all of the information available to us and conduct an initial assessment of whether there are any matters that might lead to a recovery for the benefit of creditors. This initial assessment included enquiries into any potential claims that may be brought against parties either connected to or who have had past dealings with the Company.

Having completed this review, we identified the assets and actions as detailed in section 3.2 of this report.

5.4 Exit

Based on current information, as funds will be available for a distribution to Unsecured Creditors under the PP, the Administrators have applied to the Court for permission to make a distribution to Unsecured Creditors (under the PP). The requisite steps will then be taken to dissolve the Company.

5.5 SIP13 (Scotland) – Transactions with connected parties

As noted in section 7.4, the Administrators reached agreement with Miller to continue to provide property management services to the Company for an interim period.

In accordance with the guidance given in SIP13 (Scotland), details of the Company's transactions with connected parties during the period of this report are provided below. We are not aware of any connected party transactions during the two years prior to our appointment.

As indicated in section 7.4, an employee of Miller provided property management services to the Company in the post-appointment period, which has common directors with the Company.

Date	Net payment (£)
06/09/13	4,350.00
12/09/13	7,950.00
25/09/13	2,583.00
18/11/13	4,004.60
21/11/13	4,175.00
13/12/13	10,769.67
10/01/14	1,300.00
Total this period	35,132.27
Transactions in a prior reporting period	78,340.17
Total transactions	113,472.44

5.6 EC Regulations

As stated in the Administration Order in respect of the Company, Council Regulation (EU) No 1346/2000 applies and these are the main proceedings as defined in Article 3(1) of that regulation.

6. PRE-ADMINISTRATION COSTS

Included within the Administrators' Report and Proposals dated 24 April 2012 was a Statement of Pre-Administration Costs, in accordance with Rule 2.25(1)(ka) of the Rules. The table is therefore not reproduced here.

The Secured Creditor has provided a resolution approving the Administrators' Pre-Administration costs totalling £14,455.50, which are currently unpaid. We will seek further specific approval from the Secured Creditor if a decision is made to pay the Pre-Administration Costs.

7. JOINT ADMINISTRATORS' REMUNERATION AND EXPENSES

7.1 Joint Administrators' Remuneration

There will be no funds available to the Unsecured Creditors other than by virtue of Section 176A(2)(a) of the Act; therefore, fixing of the Administrators' remuneration will be approved in accordance with Rule 2.39(9) of the Rules, which is outlined as follows:

- Where the Administrators have made a statement under Paragraph 52(1)(b) of Schedule B1 of the Act the Administrators' remuneration may be fixed by the approval of:
 - each Secured Creditor; or
 - if the Administrators intend to make a distribution to Preferential Creditors, with the approval of each Secured Creditor and 50% of Preferential Creditors who respond to an invitation to consider approval.

Given there are no Preferential Creditors, the Secured Creditor has been requested to approve the Administrators' fees. On 9 May 2012 the Secured Creditor provided a resolution to fix the basis of the Administrators' fees by reference to the time properly given by the Administrators and their staff in attending to matters arising in the Administration.

Total time costs incurred to 1 March 2014 are £528,594, which represents 1,024.8 hours at an average hourly rate of £515.80; this time is charged in six minute increments. The Administrators' fees drawn to date are shown in the Receipts and Payments account at Appendix 2. The Administrators' time costs to 1 March 2014 are shown at Appendix 3.

Fees of £166,000 have been drawn to date, which includes fees of £66,000 drawn in the period covered by this report. Further specific approval will be sought from the Secured Creditor to draw further fees at a future date. Fees will be drawn at a lower level than the time costs incurred.

The work has been categorised into the following task headings and sub categories:

- **Administration and planning** includes case planning, case set-up, notification of appointment, maintenance of our case files and insolvency case record, statutory reporting, compliance, cashing and accounting.
- **Investigations** includes investigating the Company's affairs and in particular any antecedent transactions and also reporting on the conduct of its directors.
- **Realisation of Assets** includes identifying, securing and insuring assets, sale of the Campus, transition of contracts, property issues, collection of debts, realisation of other fixed assets and VAT and taxation matters.
- **Trading** includes planning, identifying strategy, preparation of trading forecasts, monitoring of performance against the forecasts, managing operations, dealing with supplier and tenant issues to ensure continuity of operations and accounting.
- **Creditors** includes set-up of creditor records, creditor communications, unsecured claims and secured claims.
- **Case specific matters** include completion and submission of corporation tax returns and VAT returns.

7.2 Expenses

The Administrators' direct expenses incurred to date, which have been drawn in a prior reporting period, are as follows:

Nature of expenses	Total to 01/03/2014 (£)
Mileage	66.66
Other travel costs	288.50
Accommodation	144.50
Subsistence	116.67
Total	616.33

Mileage is calculated at the prevailing standard mileage rate of presently up to 45p used by Deloitte at the time when the mileage is incurred.

7.3 Charge out rates

The range of charge out rates for the separate categories of staff is based on our 2012-2014 charge out rates as summarised below. Manager rates include all grades of assistant manager:

Grade	£ 2012-2014 (Sept 2012 - 2014)	£ 2012 (Jan-Aug)
Partners/Directors	605 to 950	585 to 920
Managers	305 to 720	295 to 700
Assistants and Support Staff	155 to 305	150 to 295

The above bands are specific to the Restructuring Services department partners and staff. In certain circumstances the use of specialists from other Deloitte departments such as Tax/VAT, Corporate Finance or Real Estate may be required on the case. These departments may charge rates that fall outside the Restructuring Services department bands quoted above so, where such specialists have performed work on the case, average rates may also fall outside the Restructuring Services department bands.

All partners and technical staff (including cashiers) assigned to the case recorded their time spent working on the case on a computerised time recording system. Time spent by secretarial staff working on the assignment has not been recorded or recovered. The appropriate staff have been assigned to work on each aspect of the case based upon their seniority and experience, having regard to the complexity of the relevant work, the financial value of the assets being realised and/or claims agreed.

Charge out rates have not changed since those advised as at 1 September 2012. These will be subject to review from 1 September 2014.

7.4 Other professional costs

As previously reported, to advise on appropriate legal matters and to prepare required legal documentation the Administrators instructed MMS, a firm of lawyers with the appropriate expertise and experience in dealing with these types of Administrations. The Company's previous lawyers, S&W, were also instructed to advise on certain discrete matters where their prior involvement with property transactions leads to it being more expeditious to do so. MMS

and S&W legal fees are based upon their recorded time costs incurred at discounted charge out rates.

BLP, a firm of lawyers, were engaged for the discrete task of preparing an Asset Management Agreement (the agreement between the Company and SWIP, the Asset Manager). The Bank has previously developed a pro forma document for such appointments which is cost effective for the Company to utilise. A fixed fee has been agreed with BLP for this work.

The Administrators reached agreement with Miller to retain the services of a Miller employee, Alistair Mackenzie, who managed the Campus prior to the appointment of the Administrators. Fees for this service are based on time costs plus expenses at a fixed hourly rate as detailed at Section 5.5.

James Barr, a firm of property management agents, were instructed by the Administrators to continue with their property management services at the Campus. GVA, letting agents, were instructed to continue in their role. James Barr's fees are predominantly payable from service charges levied on tenants and GVA are paid on a commission basis from lettings achieved.

Montagu Evans LLP was requested to update their pre-appointment valuation of the Campus for a fixed fee.

SWIP have been appointed as Asset Manager and their fees comprise a fixed management fee and a sale fee as a percentage of realisations. No fees have been paid to SWIP to date. As noted at section 3.3 above, JLL, a firm of property agents, have been instructed to market the Campus for sale and their fees are based on a percentage of realisations.

Consultant fees have been paid to WSP Environmental Limited and ACTS Partnership Limited in relation to environmental assessments and building condition surveys at the Campus. Fixed fees were paid.

The professional costs paid to date are summarised in the table below. All professional costs are reviewed and analysed before payment is approved.

	NET (£)	VAT (£)	TOTAL (£)
<u>Property Related Costs</u>			
Miller	113,472.44	23,098.56	136,571.00
GVA	30,015.08	6,003.02	36,018.10
Montagu Evans LLP	1,500.00	300.00	1,800.00
James Barr	7,187.50	1,437.50	8,625.00
JLL	17,000.00	3,400.00	20,400.00
WSP Environmental Ltd	1,925.00	385.00	2,310.00
ACTS Partnership Ltd	5,355.00	1,071.00	6,426.00
	176,455.02	35,695.08	212,150.10
<u>Legal Costs</u>			
S&W	950.00	190.00	1,140.00
BLP	10,031.65	2,006.33	12,037.98
MMS	67,401.16	13,360.43	80,761.59
	78,382.81	15,556.76	93,939.57
Total	254,837.83	51,251.84	306,089.67

LIVINGSTON NO 1 LIMITED (IN ADMINISTRATION)

STATUTORY INFORMATION

Company Name	Livingston No 1 Limited		
Previous Names	Miller Alba Limited		
Proceedings	In Administration		
Court	The Court of Session, Edinburgh		
Court Reference	P195 of 2012		
Date of Appointment	2 March 2012		
Joint Administrators	Matthew James Cowlshaw Deloitte LLP Four Brindleyplace Birmingham B1 2HZ	Robert James Harding Deloitte LLP Athene Place 66 Shoe Lane London EC4A 3BQ	Neville Barry Kahn Deloitte LLP Athene Place 66 Shoe Lane London EC4A 3BQ
Registered office Address	c/o Deloitte LLP Lomond House 9 George Square Glasgow G2 1QQ		
Company Number	SC312841		
Incorporation Date	30 November 2006		
Company Secretary	Pamela June Smyth		
Bankers	Bank of Scotland plc		
Auditors	KPMG LLP		
Appointment by	The QFCH – under paragraph 14 of Schedule B1 of the Insolvency Act 1986 (as amended)		
Directors at date of Appointment	Donald William Borland Euan James Edward Haggerty Phillip Hartley Miller David Thomas Milloy Andrew Sutherland		
Directors' Shareholdings	None		
Shareholders	Miller Developments Holdings Limited – 1 ordinary £1 share representing 100% of the issued share capital.		

Livingston No 1 Limited - In Administration
Joint Administrators' Receipts & Payments Account
As at 1 March 2014

	Notes	Statement of Affairs £	From 02/09/2013 To 01/03/2014 £	From 02/03/2012 To 01/03/2014 £
RECEIPTS				
Alba Campus		12,440,000	2,000,000.00	2,000,000.00
Rent		-	268,265.00	1,146,601.69
Other income		-	-	260.00
Book debts	1	106,268	-	32,933.44
Dilapidations		-	450.06	57,689.35
Cash in hand - James Barr	2	234,369	12.50	146,908.37
Cash in hand - Company	3	289,421	-	-
Bank interest gross		-	2,629.86	5,997.17
		<u>13,070,058</u>	<u>2,271,357.42</u>	<u>3,390,390.02</u>
PAYMENTS				
Insurance	4		10,065.75	(30,365.25)
Repairs and maintenance			(2,682.30)	(8,445.18)
Electricity and gas			(6,554.82)	(14,064.04)
Void service charges			(90,242.15)	(495,950.58)
Alistair Mackenzie mgmt charge and expenses			(35,132.27)	(113,472.44)
GVA fees and expenses			(7,360.00)	(30,015.08)
JLL fees			(17,000.00)	(17,000.00)
Specific Bond			-	(210.00)
Administrators' fees and expenses			(66,000.00)	(166,616.33)
Marketing costs			-	(4,530.00)
Agents' fees - James Barr and Montagu Evans LLP			-	(8,687.50)
Consultant fees			-	(7,280.00)
Legal fees and disbursements			(64,981.16)	(78,382.81)
Statutory advertising			-	(91.50)
Bank charges			(90.00)	(115.00)
Chargeholder			(1,800,000.00)	(1,800,000.00)
			<u>(2,079,976.95)</u>	<u>(2,775,225.71)</u>
			<u>191,380.47</u>	<u>615,164.31</u>
REPRESENTED BY				
Cash at Bank				596,461.23
VAT receivable				18,703.08
				<u>615,164.31</u>

Notes

In our previous report the SoA figures at 1 and 2 were combined to show a total book debts balance of £340,647. For ease of reference, we have split the SoA book debts balance into the SoA figures shown at 1 and 2.

1. The book debts balance in the Director's SoA represents rent and service charges not collected at the date of our appointment. The service charges collected are not an asset of the Company as they are a fund to maintain the property on behalf of the tenants.

2. The balance in the Directors' SoA represents cash held by James Barr in their separate rental and service charge accounts. It was confirmed with James Barr that cash totalling £191k was held in their rental account at the date of our appointment - £147k in relation to pre-appointment rents and £44k in relation to unapplied tenant cash (overpayments of rent / service charge) received during the pre appointment period. The unapplied tenant cash is not an asset of the Company. The balance of £43k relating to the service charge account is not an asset of the Company, being a fund to maintain the property on behalf of the tenants.

3. The cash at bank of £289k stated on the Directors' SoA was set-off by the Bank against their indebtedness.

4. This figure is net of insurance recharges made to tenants in respect of insurance. Recharges were received from tenants in this period however payments for insurance were recorded in prior periods.

Livingston No 1 Limited - In Administration Joint Administrators' time costs for the period 2 March 2012 to 1 March 2014

	Partners & Directors		Managers		Assistants & Support		TOTAL		Average Hourly Rate Cost (£)
	Hours	Cost (£)	Hours	Cost (£)	Hours	Cost (£)	Hours	Cost (£)	
Administration and Planning									
Cashiering and Statutory Filing	0.70	592.50	52.10	25,596.00	8.90	2,302.50	61.70	28,491.00	461.77
Case Supervision, Management and Closure	1.60	1,120.00	29.00	9,457.00	9.00	1,335.00	39.60	11,912.00	300.81
Initial Actions (e.g. Notification of Appointment, Securing Assets)	1.60	1,117.50	2.60	895.00	13.70	2,534.50	17.90	4,547.00	254.02
General Reporting	5.40	3,223.00	49.20	16,874.00	-	-	54.60	20,097.00	368.08
	9.30	6,053.00	132.90	52,822.00	31.60	6,172.00	173.80	65,047.00	374.26
Investigations									
Reports on Directors' Conduct	1.00	690.00	0.80	236.00	-	-	1.80	926.00	514.44
	1.00	690.00	0.80	236.00	-	-	1.80	926.00	514.44
Trading									
Day 1 Control of Trading	-	-	18.60	6,070.50	-	-	18.60	6,070.50	326.37
Ongoing Trading	31.40	18,423.00	73.70	24,294.50	6.20	1,147.00	111.30	43,864.50	394.11
Monitoring Trading	-	-	136.10	48,718.50	0.70	129.50	136.80	48,848.00	357.08
Closure of Trade	-	-	20.30	6,239.00	-	-	20.30	6,239.00	307.34
	31.40	18,423.00	248.70	85,322.50	6.90	1,276.50	287.00	105,022.00	365.93
Realisation of Assets									
Book Debts	-	-	0.70	213.50	-	-	0.70	213.50	305.00
Other Assets (e.g. Stock)	-	-	0.40	122.00	-	-	0.40	122.00	305.00
Property - Freehold and Leasehold	201.20	132,056.50	262.00	182,378.00	-	-	463.20	314,434.50	678.83
	201.20	132,056.50	263.10	182,713.50	-	-	464.30	314,770.00	677.95
Creditors									
Secured	35.40	22,125.00	7.20	2,196.00	-	-	42.60	24,321.00	570.92
Unsecured	-	-	3.30	1,044.00	5.50	1,078.00	8.80	2,122.00	241.14
	35.40	22,125.00	10.50	3,240.00	5.50	1,078.00	51.40	26,443.00	514.46
Other Matters Include:									
Tax and VAT	0.30	301.50	34.30	13,966.00	11.90	2,118.50	46.50	16,386.00	352.39
	0.30	301.50	34.30	13,966.00	11.90	2,118.50	46.50	16,386.00	352.39
TOTAL HOURS & COST	278.60	179,649.00	690.30	338,300.00	55.90	10,645.00	1,024.80	528,594.00	515.80
TOTAL FEES DRAWN TO DATE									166,000.00

Rule 4.15 The Insolvency Act 1986

Form 4.7 (Scot)

Statement of Claim by Creditor

Pursuant to Rule 4.15(2)(a) of the Insolvency (Scotland) Rules 1986

WARNING

It is a criminal offence

- for a creditor to produce a statement of claim, account, voucher or other evidence which is false, unless he shows that he neither knew nor had reason to believe that it was false; or
 - for a director or other officer of the company who knows or becomes aware that it is false to fail to report it to the liquidator within one month of acquiring such knowledge.
- On conviction either the creditor or such director or other officer of the company may be liable to a fine and/or imprisonment.

Notes

(a) Insert name of company

(a) Livingston No 1 Limited

(b) Insert name and address of creditor

(b) _____

(c) Insert name and address, if applicable, of authorised person acting on behalf of the creditor

(c) _____

(d) Insert total amount as at the due date (see note (e) below) claimed in respect of all the debts, the particulars of which are set out overleaf.

I submit a claim of (d) £ _____ in the liquidation of the above company and certify that the particulars of the debt or debts making up that claim, which are set out overleaf, are true, complete and accurate, to the best of my knowledge and belief.

(e) The due date in the case of a company

(i) which is subject to a voluntary arrangement is the date of a creditors' meeting in the voluntary arrangement;

(ii) which is in administration is the date on which the company entered administration;

(iii) which is in receivership is the date of appointment of the receiver; and

(iv) which is in liquidation is the commencement of the winding up.

Signed _____
Creditor/person acting on behalf
of creditor

Date _____

The date of commencement of the winding up is

(i) in a voluntary winding up the date of the resolution by the company for winding up (section 86 or 98); and

(ii) in a winding up by the court, the date of the presentation of the petition for winding up unless it is preceded by a resolution for voluntary winding up (section 129).

Rule 4.15

Form 4.7 (Scot) (contd)

PARTICULARS OF EACH DEBT

Notes

A separate set of particulars should be made out in respect of each debt.

1. Describe briefly the debt, giving details of its nature, the date when it was incurred and when payment became due.

Attach any documentary evidence of the debt, if available.

2. Insert total amount of the debt, showing separately the amount of principal and any interest which is due on the debt as at the due date (see note (e)). Interest may only be claimed if the creditor is entitled to it. Show separately the VAT on the debt and indicate whether the VAT is being claimed back from HM Customs and Excise.

3. Insert the nature and amount of any preference under Schedule 6 to the Act claimed in respect of the debt.

4. Specify and give details of the nature of any security held in respect of the debt including—

(a) the subjects covered and the date when it was given;

(b) the value of the security.

Security is defined in section 248(b) of the Insolvency Act 1986 as meaning "any security (whether heritable or moveable), any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set off)". For claims in administration procedure security also includes a hire purchase agreement, agreement for the hire of goods for more than three months and a conditional sale agreement (see Rule 2.33).

In liquidation only the creditor should state whether he is surrendering or undertakes to surrender his security; the liquidator may at any time after 12 weeks from the date of commencement of the winding up (note (e)) require a creditor to discharge a security or to convey or assign it to him on payment of the value specified by the creditor.

5. In calculating the total amount of his claim in a liquidation, a creditor shall deduct the value of any security as estimated by him unless he surrenders it (see note 4).

6. In the case of a member State liquidator creditor, specify and give details of underlying claims in respect of which he is claiming as creditor.

1. Particulars of debt

2. Amount of debt

3. Preference claimed for debt

4. Security for debt

5. Total amount of the debt

6. Underlying claims