

2.12B

The Insolvency (Northern Ireland) Order 1989

Notice of administrator's appointment

Name of Company

Greengates Property Development Limited

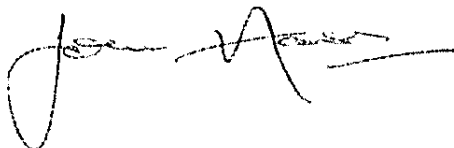
Company number

SC330324In the High Court of Justice in Northern Ireland
Chancery Division (Company Insolvency)Court case number
12/067303(a) Insert full
name(s) and
address(es)**I/We (a)**
John Hansen
KPMG
Stokes House
17-25 College Square East
Belfast
BT1 6DH

give notice that I was appointed as administrator of the above company on:

(b) Insert date

(b) 29 June 2012



Dated

3 July 2012Joint/ Administrator(s) IP No(s) GBNI 040**Contact Details:**

You do not have to give any contact information in the box opposite but if you do, it will help Companies Registry 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

KPMG
Stokes House
17-25 College Square East
Belfast
BT1 6DH

DX Number

MONDAY

SCT 26/11/2012 #300
COMPANIES HOUSE
DX Exchange

When you have completed and signed this form, please send it to the Registrar of Companies at the Companies Registry for Northern Ireland



**IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (COMPANIES)**

BEFORE THE HONOURABLE MR JUSTICE DEENY

on FRIDAY THE 29TH DAY OF JUNE 2012

**IN THE MATTER OF
GREENGATES PROPERTY DEVELOPMENT LIMITED
Company No. SC330324
AND IN THE MATTER OF
THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989**

Upon the application of BANK OF IRELAND (UK) PLC
Address: 1 Donegall Square South, Belfast BT1 5LR

Presented to the Court on 20th June 2012

In respect of **GREENGATES PROPERTY DEVELOPMENT LIMITED**
registered office at C/O Semple Fraser LLP, 123 St Vincent Street, Glasgow G2 5EA

And Upon Hearing Counsel for the Applicant

And upon reading the evidence

IT IS ORDERED that during the period for which this order is in force the affairs, business and property of the company be managed by the administrators

AND it is ordered that **JOHN HANSEN** of KPMG of Stokes House, 17-25 College Square East, Belfast BT1 6DH

be appointed Administrator of the Company

AND the Court being satisfied on the evidence before it that the EC Regulation does apply and that these proceedings are MAIN proceedings as defined in Article 3 of the EC Regulation.

AND it is ordered that the costs of the said application be deemed an expense in the administration

This Appointment shall take effect from [12.00 hours] on the 29th day of June 2012.

Filed Date 3 July 2012

COMADO

2.17B

The Insolvency (Northern Ireland) Order 1989

Statement of administrator's proposals

Name of Company

Greengates Property Development Limited

Company number

SC 330324

In the High Court of Justice in Northern Ireland
Chancery Division (Company Insolvency)Court case number
2012/067303(a) Insert full
name(s) and
address(es) of
administrator(s)

I/~~We~~
John Hansen
KPMG
Stokes House
17-25 College Square East
Belfast
BT1 6DH

*Delete as
applicableattach a copy of *my/~~our~~ proposals in respect of the administration of the above company.

A copy of these proposals was sent to all known creditors on

(b) 22 August 2012

Signed

Administrator

Dated

22 August 2012**Contact Details:**

You do not have to give any contact
information in the box opposite but if
you do, it will help Companies Registry
To contact you if there is a query on the
form.

The contact information that you give
Will be visible to researchers of the
public record

DX Number

DX Exchange

When you have completed and signed this form, please send it to the Registrar of Companies at the Companies Registry for
Northern Ireland

MONDAY



S1MIXD8Z

SCT

26/11/2012

#299

COMPANIES HOUSE



**Greengates Property Development
Limited (In Administration)**

**Progress Report to Creditors
Pursuant to Paragraph 50 of
Schedule B1 of the Insolvency
(Northern Ireland) Order 1989**

August 2012
This report contains 21 pages
Progress Report



Notice: About this Statement of Proposals

This statement has been prepared by John Hansen, the Administrator of Greengates Property Development Limited, solely to comply with his statutory duty to report to creditors under the Insolvency Rules (Northern Ireland) 1991 and paragraph 50 of Schedule B1 of the Insolvency Order (Northern Ireland) 1989 on the progress of the administration, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This statement has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in Greengates Property Development Limited.

Any estimated outcomes for creditors included in this statement are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

Any person that chooses to rely on this Report for any purpose or in any context other than under the Insolvency Rules (Northern Ireland) 1991 and paragraph 50 of Schedule B1 of the Insolvency Order (Northern Ireland) 1989 does so at its own risk. To the fullest extent permitted by law, the Administrator does not assume any responsibility and will not accept any liability in respect of this Report to any such person.

John Hansen is authorised to act as an insolvency practitioner by Chartered Accountants Ireland.

The Administrator acts as an agent for Greengates Property Development Limited and contracts without personal liability. The appointment of the Administrator is personal to them and, to the fullest extent permitted by law, KPMG does not assume any responsibility and will not accept any liability to any person in respect of this statement or the conduct of the administration.

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Glossary

Administrator	John Hansen of KPMG
Bank/Secured creditor / Chargeholder	Bank of Ireland (UK) Limited
Company	Greengates Property Development Limited
Directors	Michael Mole Philip Johnston
Property	Berrywell House, Duns, Scotland, TD11 3HR
QFCH	Qualifying Floating Charge Holder

The references in this Statement of Proposals to Articles, Paragraphs or Rules are to the Insolvency (Northern Ireland) Order 1989, Schedule B1 of the Insolvency (Northern Ireland) Order 1989 and the Insolvency Rules (Northern Ireland) 1991 (all as amended) respectively.



1 Introduction

Greengates Property Development Ltd was incorporated on 4 September 2007 and is a property holding company for a 6 bed dilapidated house, with a gate lodge, outbuildings and 2.5 acres of land known as Berrywell House, located at Duns, Scotland. Greengates Property Development Ltd is owned by Michael Mole (50%) and Philip Johnston (50%)

On the application of the Chargeholder, a hearing was fixed for 29 June 2012 at which John Hansen of KPMG was appointed Administrator by an Order granted by the High Court of Justice, Chancery Division. Although this is a Scottish registered Company its centre of main interest is in Northern Ireland and it is therefore treated as a Northern Ireland insolvency.

John Hansen is authorised to act as an insolvency practitioner by Chartered Accountants Ireland.

In accordance with Paragraph 50 of Schedule B1 of the Insolvency (Northern Ireland) Order 1989, the Administrator sets out his proposals for achieving the purpose of the Administration and for the conduct of the Administration which are in Section 8 of this report.

The Report also includes certain information required to be provided to creditors in accordance with Rule 2.034 of the Insolvency (Amendment) Rules (Northern Ireland) 2006.

The appropriate statutory information is set out in Appendix 1.



2 Background and events leading to the Administration Order

The Company owns a dilapidated residential property located at Berrywell House, Duns, Scotland.

The Property is subject to a fixed charge held by the Chargeholder. The Company failed to meet the requirements of the Chargeholder in relation to the repayment of monies advanced to fund the Company. Further to the written demand for all monies due, the Chargeholder sought to protect its position and enforce its security. John Hansen of KPMG was appointed as Administrator on 29 June 2012.

3 Purpose, Initial Strategy and Progress of the Administration

3.1 Purpose of the administration

Paragraph 4(1) of Schedule B1 of the Insolvency (Northern Ireland) Order 1989 states that the Administrator of a company must perform his functions with the objective of:

- (a) rescuing the Company as a going concern; *or*
- (b) achieving a better result for the Company's creditors as a whole than would be likely if the company was wound up (without first being in administration); *or*
- (c) realising property in order to make a distribution to one or more secured or preferential creditors.

The objective as set out in Paragraph 4(1) (a) rescuing the Company (legal entity) as a going concern will not be achieved in this instance. The Company has significant secured creditor liabilities and therefore the successful restructuring of the debt would have been required to meet objective (a). Due to the Company's financial position on entering administration, the Administrator concluded that it was not possible to achieve objective (a).

The objective as set out in Paragraph 4(1) (b) achieving a better result for the Company's creditors as a whole than would be likely if the company was wound up may be achieved.

The objective as set out in Paragraph 4(1) (c) realising property in order to make a distribution to one or more secured or preferential creditors will be achieved if (b) is not achieved.

The administration will automatically end on 20 June 2013. However, if the administration has not been completed by this date the Administrator will consider extending the period of the administration pursuant to Paragraph 77(2).

It is currently expected there will not be any distributable assets remaining on completion of the administration. Therefore, the Administrator currently envisages that it will be appropriate to move the Company from administration to dissolution in accordance with Paragraph 85.

In addition, the Administrator will seek discharge from liability for any act of his as Administrator from the Secured creditor in accordance with Paragraph 99(3).



3.2 Initial Strategy

On appointment, the initial strategy was to ascertain as much background information on the Company and its assets from the directors. The Company's directors confirmed the Company's assets comprised of the Property.

The Administrator promptly assumed control of all the Property.

The company had no employees.

3.3 Progress of the Administration

To date, the Administrator has progressed the following matters in respect of the Company:

3.3.1 Correspondence with Property Agent

Upon appointment the Administrator contacted the agent who was marketing the property for sale. The agent confirmed that the property was currently being marketed for sale with a guide price of £550,000. The Administrator will continue to progress this matter with the agent and the Chargeholder in the coming months.

3.3.2 Sale of Property

The Administrator has retained the incumbent property agent and has sought an updated opinion on the most appropriate disposal strategy for the Property. The Administrator is also liaising with the Chargeholder in this regard. The property is subject to a fixed charge and there is currently no expectation of any surplus arising. The Administrator will continue to progress this matter in the coming months.



4 Realisations

To date the Administrator has made no realisations

4.1 Investigations

The Administrator has a duty to investigate whether potential causes of action exist against third parties which would increase recoveries for creditors. If creditors wish to bring any matters they believe to be relevant to the attention of the Administrator, they are invited to do so in writing to the Administrator at KPMG, Stokes House, 17-25 College Square East, Belfast BT1 6DH.

5 Cost of Realisations

To date the Administrator has incurred no costs in respect of realisations.

5.1 Administrators Remuneration

The statutory provisions relating to remuneration are set out in Rule 2.107 and a creditors guide to Administrators' fees, which provides further information and guidance can be found at Appendix 5.

In this case and in accordance with Rule 2.107, since the Administrator has made a statement under Paragraph 53(1)(b), that on the basis that there will be no funds available to unsecured creditors other than by virtue of Article 150A(2)(a) there will be no meeting of creditors convened (see Section 8 below), and there are no preferential creditors, it is for the Secured creditor to fix the basis of the Administrators' remuneration.

The Administrator intends to propose to the bank that his remuneration be fixed on the basis of time properly given by him and his staff in dealing with matters arising in the administration at their normal hourly rate of charging.

Attached as Appendix 3 is a detailed analysis of time spent, and charge out rates, for each grade of staff for the various areas of work carried out to 17 August 2012. In the period to 17 August 2012, the Administrator has incurred time costs of £3,950.00 representing 32.6 hours at an average hourly rate of £121.17. This includes work undertaken in respect of tax, VAT, employee, pensions and health and safety advice from KPMG in-house specialists.

5.2 Legal costs

The Administrator has engaged Tughans Solicitors as his legal advisers. No legal costs have been paid at this stage of the administration.

6 Estimated outcome for creditors

6.1 Secured Creditor

The Bank holds a Mortgage Debenture creating a fixed charge over the Property of the Company. As at the date of the Administrators' appointment, the Bank was owed £915,381.06.

The Administrators legal advisors have carried out a security review which indicates that the security referred to above is valid.

6.2 Preferential creditors

Based on information to date, the Administrator are not aware of any preferential creditors of the Company.

6.3 Unsecured Creditors

According to the Director's sworn Statement of Affairs (see Appendix 5) there are no unsecured creditors. However, the Administrator has received information post appointment to suggest that there are unsecured creditors amounting to £1,846.37.

The availability of a dividend to non-preferential, unsecured creditors via a Prescribed Part distribution is dependent on the availability of floating charge realisations in respect of security created after March 2006. The banks security post dates March 2006.

Upon the initial review of the Property, its secured lend and current market value, it is not believed that there will be any dividend available to unsecured creditors.

6.4 Prescribed part

Article 150A(2)(a) of the Order entitles unsecured creditors to a percentage share of realisations ('Prescribed part') from floating charge asset realisations after deduction of the costs of realisation ('net property'). The percentage is calculated on a sliding scale up to a maximum of £600,000 as follows:

- 50% of net property up to £10,000 plus
- 20% of net property in excess of £10,000.

There are no floating charge assets within the Company, hence there will be no distribution to unsecured creditors via a Prescribed part.

7 Creditors meeting

In accordance with Paragraph 53(1)(b), a meeting of creditors will not be held as it appears that there will not be a dividend to unsecured creditors.

Any creditor has the right to request an initial creditors' meeting in accordance with Paragraph 53(2) of Schedule B1 of the Insolvency (Northern Ireland) Order 1989. The Administrator will summon an initial creditors' meeting if requested by creditors of the Company whose debts amount to at least 10% of the total debts of the Company, provided the correct procedures are followed. Pursuant to Rule 2.038(1) of the Rules, any request for an initial creditors' meeting must be made within 12 days of the date on which the Administrators report is sent out and shall include:

- a) a list of the creditors concurring with the requests, showing the amounts of their respective debts in the administration;
- b) from each creditor concurring, written confirmation of his concurrence; and
- c) a statement of the purpose of the proposed meeting.

In addition, the expenses of summoning and holding a meeting at the request of a creditor shall be paid by that person who is required to deposit security for such expenses with the Administrator. It should be noted that, if a meeting is requested by more than 10% in value of creditors, the Administrator will present the contents of this report to the meeting.

The Directors are not obliged to attend such a meeting, and this report will effectively constitute the business of the meeting. It should be noted that individual creditor issues would not be discussed in an open forum and if any creditor has a specific query, they should contact the Administrator directly.

Upon expiry of the 12 days without any request for an initial creditors' meeting, the Administrators' proposals (see Appendix 2) will be deemed to have been approved by creditors under Rule 2.034 (5) of the Rules.

A further report will be sent to creditors in January 2013.

8 Summary of Proposals

It is proposed that the Administrator will continue to manage the affairs, business and property of the Company in order to achieve the purpose of the Administration. This will include:

- To continue the Administration, including disposal of the company's assets;
- To conduct the statutory investigations into the conduct of the Directors and Management of the Company and reporting to the Department of Enterprise, Trade and Investment pursuant to the Company Directors Disqualification (Northern Ireland) Order 2002;
- To seek an extension to the administration period if deemed necessary by the Administrator;
- To pay any realisations to the Bank;
- To seek their discharge from liability in respect of any action of his as Administrator pursuant to Paragraph 99(1) from the Bank; To deal with statutory reporting and compliance obligations; and
- To do all things necessary to satisfactorily conclude the Administration and achieve the statutory purpose of the Administration.

8.1 End of administration

The administration will automatically end on 28 June 2013. However, if the administration has not been completed by this date the Administrator will consider extending the period of the administration pursuant to Paragraph 77(2).

It is currently expected there will not be any distributable assets remaining on completion of the administration. Therefore, the Administrator currently envisages that it will be appropriate to move the Company from administration to dissolution in accordance with Paragraph 85.

In addition, the Administrator will seek discharge from liability for any act of their as Administrator from the Secured creditor in accordance with Paragraph 99(3).



9 **Statement concerning the EC Regulations**

The EC Council Regulations on Insolvency Proceedings apply to this Administration and the proceedings are main proceedings. This means that this Administration is conducted according to UK insolvency legislation and is not governed by the insolvency law of any other European Union Member State.

A handwritten signature in black ink, appearing to read 'John Hansen', with a horizontal line extending from the end of the signature.

John Hansen
Administrator



Appendix 1 – Statutory Information

Company Name	Greengates Property Development Limited
Date of Incorporation	4 September 2007
Company number	SC330324
Previous registered offices	C/O Semple Fraser LLP, 123 St. Vincent Street, Glasgow, G2 5EA
Present registered office	KPMG Stokes House 17-25 College Square East Belfast BT1 6DH
Former Trading address	C/O Semple Fraser LLP, 123 St. Vincent Street, Glasgow, G2 5EA
Authorised share capital	2 Ordinary Shares of £1 each
Called up share capital	2 Ordinary Shares of £1 each
Shareholders	Michael Mole (50%) Philip Johnston (50%)
Directors	Michael Mole Philip Johnston
Company secretary	Diane Angus
Employees	None
Previous names	N/A



Appendix 2 - Administrator proposals

The Administrator propose the following resolutions:

RESOLUTION (1):

- to continue to do all such things reasonably expedient and generally exercise all their powers as Administrator as they, in their discretion, consider desirable in order to maximise realisations from the assets of the Company;
- to investigate and, if appropriate, pursue any claims that the Company may have;
- to seek an extension to the Administration period if deemed necessary by the Administrator;
- when it is anticipated that no better realisations will be made in the Administration than would be available in a winding up, to take the necessary steps to put the Company into either Creditors' Voluntary Liquidation or Compulsory Liquidation or Company Voluntary Arrangement as deemed appropriate by the Administrator; in the event the Administrator deem that liquidation is not appropriate because, for example, no dividend will become available to creditors and there are no other outstanding matters that require to be dealt with in a liquidation, then the Administrator shall file the appropriate notices at Companies House and the Company will subsequently be dissolved;
- in the event that Creditors' Voluntary Liquidation is deemed appropriate, the Administrator be permitted to seek the appointment of John Hansen of KPMG as Liquidator of Greengates Property Development Limited, without any further recourse to creditors. In accordance with paragraph 84(6) and Rule 2.118(3), creditors may nominate a different person as the proposed liquidator, provided that the nomination is made after the receipt of the proposals and before the proposals are approved; and
- upon the appointment of a Liquidator or Supervisor or the filing of an appropriate notice at Companies House, the Administrator will cease to act and the Administrator will be discharged of all liabilities at that point as detailed in Paragraph 100 of Schedule B1 of the Insolvency (Northern Ireland) Order 1989.

RESOLUTION (2):

- the Administrator be authorised to draw fees on account from the assets of Greengates Property Development Limited from time to time during the period of the Administration based on time properly spent at KPMG charge out rates that reflect the complexity of the assignment. Also, that the Administrator be authorised to draw disbursements from time to time to include category two disbursements;
- that any costs incurred by KPMG prior to appointment, but for the sole purpose of assisting and advising the Company in respect of the appointment process, be authorised on the same basis as above; and

that any costs of KPMG in respect of Tax, VAT, Pensions, Health & Safety and Forensic advice provided to the Administrator be based upon time costs and shall be paid out of the assets of Greengates Property Development Limited.

Appendix 3 – Administrator's Time Costs and Expenses to 17 August 2012

Company Name	Greengates Property Development Limited - In Administration
Office Holder	<i>John Hansen</i>
Firm	<i>KPMG</i>
Address	<i>Stokes House 17-25 College Square East BELFAST BT1 6DH</i>
Telephone	<i>(028) 9024 3377</i>
Type of Appointment	<i>Administration</i>
Date of Appointment	<i>29-Jun-2012</i>

TIME AND CHARGEOUT SUMMARY AS AT 17 August 2012

Classification of work function	Partner	Associate Director	Senior	Assistant / Other	Total Hours	Time Cost £	Average Rate/Hr £
Administration and Planning	0.50	2.50	3.50	12.70	19.20	2,144.00	111.67
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.00	5.75	3.00	1.90	10.65	1,558.50	146.34
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	2.75	2.75	247.50	90.00
Employees	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	0.50	8.25	6.50	17.35	32.60	3,950.00	121.17
Total Time Cost	165.00	1,534.50	689.00	1,561.50	2,388.50		
Fees taken to date						0.00	
WIP outstanding						3,950.00	

Significant aspects affecting time spent	Statutory Appointment Work Realisation of Assets
--	---

Expenses incurred directly by KPMG

£	
25.00	<i>Travel and bonding</i>
25.00	

All staff who have worked on this assignment including cashiers and secretarial staff, have charged time directly to the assignment and are included in the analysis of time. The cost of staff employed in central administration functions is not charged directly to the assignment.

Appendix 4 – A creditors' guide to Administrators' fees – Northern Ireland

1 Introduction

- 1.1** When a company goes into Administration the costs of the proceedings are paid out of its assets. The creditors, who hope eventually to recover some of their debts out of the assets, therefore have a direct interest in the level of costs, and in particular the remuneration of the insolvency practitioner appointed to act as Administrator. The insolvency legislation recognises this interest by providing mechanisms for creditors to determine the basis of the Administrator's fees. This guide is intended to help creditors be aware of their rights under the legislation to approve and monitor fees and explains the basis on which fees are fixed.

2 The nature of Administration

- 2.1** Administration is a procedure which places a company under the control of an insolvency practitioner and the protection of the court with the following objective:
- rescuing the company as a going concern, or
 - achieving a better result for the creditors as a whole than would be likely if the company were wound up without first being in Administration, or, if the Administrator thinks neither of these objectives is reasonably practicable
 - realising property in order to make a distribution to secured or preferential creditors.

3 The creditors' committee

- 3.1** The creditors have the right to appoint a committee with a minimum of 3 and a maximum of 5 members. One of the functions of the committee is to determine the basis of the Administrator's remuneration. The committee is normally established at the meeting of creditors which the Administrator is required to hold within a maximum of 10 weeks from the beginning of the Administration to consider his proposals. The Administrator must call the first meeting of the committee within 6 weeks of its establishment, and subsequent meetings must be held either at specified dates agreed by the committee, or when a member of the committee asks for one, or when the Administrator decides he needs to hold one. The committee has power to summon the Administrator to attend before it and provide information about the exercise of his functions.

4 Fixing the Administrator's fees

- 4.1** The basis for fixing the Administrator's remuneration is set out in Rule 2.51 of the Insolvency Rules (Northern Ireland) 1991, which states that it shall be fixed either:
- as a percentage of the value of the property which the Administrator has to deal with, or
 - by reference to the time properly given by the Administrator and his staff in attending to matters arising in the Administration.

It is for the creditors' committee (if there is one) to determine on which of these bases the remuneration is to be fixed and, if it is fixed as a percentage fix the percentage to be applied. Rule 2.51 says that in arriving at its decision the committee shall have regard to the following matters:

- the complexity (or otherwise) of the case;
 - any responsibility of an exceptional kind or degree which falls on the Administrator;
 - the effectiveness with which the Administrator appears to be carrying out, or to have carried out, his duties;
 - the value and nature of the property which the Administrator has to deal with.
- 4.2** If there is no creditors' committee, or the committee does not make the requisite determination, the Administrator's remuneration may be fixed by a resolution of a meeting of creditors having regard to the same matters as the committee would. If the remuneration is not fixed in any of these ways, it will be fixed by the court on application by the Administrator.
- 4.3** There are special rules about creditors' resolutions in cases where the Administrator has stated in his proposals that the company has insufficient property to enable a distribution to be made to unsecured creditors except out

of the reserved fund which may have to be set aside out of floating charge assets. In this case a resolution of the creditors shall be taken as passed if, and only if, passed with the approval of:

- each secured creditor of the company; or
- if the Administrator has made or intends to make a distribution to preferential creditors –
 - each secured creditor of the company; and
 - preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval.

Note that there is no requirement to hold a creditors' meeting in such cases unless a meeting is requisitioned by creditors whose debts amount to at least 10 per cent of the total debts of the company.

4.4 A resolution of creditors may be obtained by correspondence.

5 What information should be provided by the Administrator?

5.1 When seeking fee approval

5.1.1 When seeking agreement to his fees the Administrator should provide sufficient supporting information to enable the committee or the creditors to form a judgment as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on:

- the nature of the approval being sought;
- the stage during the Administration of the case at which it is being sought; and
- the size and complexity of the case.

5.1.2 Where, at any creditors' or committee meeting, the Administrator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff, including principals, which are likely to be involved on the case.

5.1.3 Where the Administrator seeks agreement to his fees during the course of the Administration, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the Administrator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case, together with, where appropriate, such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the Administrator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the Administrator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the Administrator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case, but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent:

- Administration and planning
- Investigations
- Realisation of assets
- Trading
- Creditors
- Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff:

- Partner
- Manager
- Other senior professionals
- Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the Administrator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain:

- Any significant aspects of the case, particularly those that affect the amount of time spent.

- The reasons for subsequent changes in strategy.
- Any comments on any figures in the summary of time spent accompanying the request the Administrator wishes to make.
- The steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the assignment, budgeting, time recording, fee drawing or fee agreement.
- Any existing agreement about fees.
- Details of how other professionals, including sub-contractors, were chosen, how they were contracted to be paid, and what steps have been taken to review their fees.

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases.

5.1.4 Where the fee is charged on a percentage basis the Administrator should provide details of any work which has been or is intended to be sub-contracted out which would normally be undertaken directly by an Administrator or his staff.

5.2 After fee approval

Where a resolution fixing the basis of fees is passed at any creditors' meeting held before he has substantially completed his functions, the Administrator should notify the creditors of the details of the resolution in his next report or circular to them. In all subsequent reports to creditors the Administrator should specify the amount of remuneration he has drawn in accordance with the resolution. Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 5.1.3. Where the fee is charged on a percentage basis the Administrator should provide the details set out in paragraph 5.1.4 above regarding work which has been sub-contracted out.

5.3 Expenses and disbursements

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements. However, professional guidance issued to insolvency practitioners requires that, where the Administrator proposes to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs (such as room hire, document storage or communication facilities provided by the Administrator's own firm), they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

6 What if a creditor is dissatisfied?

- 6.1** If a creditor believes that the Administrator's remuneration is too high he may, if at least 25 per cent in value of the creditors (including himself) agree, apply to the court for an order that it be reduced. If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the Administrator a copy of the application and supporting evidence at least 14 days before the hearing. Unless the court orders otherwise, the costs must be paid by the applicant and not as an expense of the Administration.

7 What if the Administrator is dissatisfied?

- 7.1** If the Administrator considers that the remuneration fixed by the creditors' committee is insufficient he may request that it be increased by resolution of the creditors. If he considers that the remuneration fixed by the committee or the creditors is insufficient, he may apply to the court for it to be increased. If he decides to apply to the court he must give at least 14 days' notice to the members of the creditors' committee and the committee may nominate one or more of its members to appear or be represented on the application. If there is no committee, the Administrator's notice of his application must be sent to such of the company's creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid as an expense of the Administration.

8 Other matters relating to fees

- 8.1** Where there are Administrator it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute arising between them may be referred to the court, the creditors' committee or a meeting of creditors.
- 8.2** If the Administrator is a solicitor and employs his own firm to act on behalf of the company, profit costs may not be paid unless authorised by the creditors' committee, the creditors or the court.



Appendix 5 – Statement of Affairs

Statement of affairs – Administration

Name of Company Greengates Property Development Limited	Company number SC330324
In the High Court of Justice in Northern Ireland Chancery Division (Company Insolvency)	Court case number 12/067303

(a) Insert name and address of registered office of the company

Statement of affairs of (a) Greengates Property Development Limited whose registered address is 123 St Vincent Street, Glasgow, G2 5BA

(b) Insert date

On the (b) 29 June 2012, the date that the company entered administration.

Affidavit

This Affidavit must be sworn or affirmed before a Solicitor or Commissioner of Oaths when you have completed the rest of this form

(a) Insert name and occupation

I (a) Philip Felttonston
Estate Agent

(b) Insert full address

of (b) 14c Kings Rd BT56 JF

Make oath and say that the several pages exhibited hereto and marked A, B, C1-C2 are to the best of my knowledge and belief a full, true and complete statement as to the affairs of the above-named company as at 20 June 2012 the date that the company entered administration.

Sworn at 396 Upper Newtownards Road, Belfast
Date 31/7/12
Signature(s) Philip Felttonston
Before me N. George

A Solicitor or Commissioner of Oaths

Before swearing the affidavit the Solicitor or Commissioner is particularly requested to make sure that the full name, address and description of the Deponent are stated, and to initial any crossings-out or other alternations in the printed form. A deficiency in the affidavit in any of the above respects will mean that it is refused by the court, and will need to be re-sworn.

B - Summary of Liabilities

		Estimated to Re-use £
Estimated total assets available for preferential creditors (carried from Page A)	£	
Liabilities		
Preferential creditors:	£	
Employee arrears of wages	—	
Employee Holiday pay		
Estimated surplus/(deficiency) as regards preferential creditors	£	
Estimated prescribed part of net property where applicable (to carry forward) Dependent upon date of charge	£	
Estimated total assets available for floating charge holders	£	
Debt secured by floating charges	—	
Estimated surplus/(deficiency) of assets after floating charges	£	
Estimated prescribed part of net property where applicable (brought down)	—	
Total assets available to unsecured creditors	£	
Unsecured non-preferential claims (excluding any shortfall to floating charge holders)		
Estimated surplus/(deficiency) as regards non-preferential creditors (excluding any shortfall to floating charge holders)	£	
Shortfall to floating charge holders (brought down)		
Estimated surplus/(deficiency) as regards creditors	£	
Issued and called up capital		
Estimated total surplus/(deficiency) as regards members	£	

A - Summary of assets

Assets	Book Value £	Estimated to Realise £
Assets subject to a fixed charge: BERRYWELL HOUSE } BERRYWELL COTTAGE } Guide Price as per Agent E. Thompson.	550,000.	
Assets subject to a floating charge:		
Assets not specifically pledged:		
Estimated total assets available for preferential creditors	£ 550,000.	

6

Note You must identify creditors under hire-purchase, chattel leasing or conditional sale agreements and customers claiming amounts paid in advance of the supply of goods or services and creditors claiming retention of title over property in the company's possession.

[illegible]

10

Name of Shareholder	Address (with postcode)	No. of Shares held	Nominal Value £	Details of Shares Held
PHILIP JOHNSTON	350 UPPER N'ARDS 374 36X LA	1	1	ORDINARY
MICHAEL MOLE	8 SWINTON HILL BERKSHIRE TD11 3JN	1	1	ORDINARY
	TOTALS	2	2	