

Liquidator's Progress  
Report

S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

273919

Name of Company

ABF Limited

I / We

David James Costley-Wood  
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Manchester  
M2 6DS

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LS1 4DQ

the Joint Liquidators of the company attach a copy of my/our Progress Report  
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 18/01/2012 to 17/01/2013

Signed

Date

KPMG LLP  
8 Princes Parade  
Liverpool  
L3 1QH

Ref ABC0853445/SPC/APC/CF/AJH/LS

THURSDAY



A34 \*A236SE7F\* 28/02/2013 #238  
COMPANIES HOUSE

**ABF Limited**  
**(In Liquidation)**  
**Liquidators' Abstract of Receipts & Payments**

Statement of Affairs	From 18/01/2012 To 17/01/2013
<b>ASSET REALISATIONS</b>	
Freehold property	150,000 00
Interest earned on funds	43 79
Book debts	451,738 03
Rent	90,000 00
Funds from Administrators	12,611,703 94
	<u>13,303,485 76</u>
<b>OTHER REALISATIONS</b>	
Bank interest, gross	31,845 52
Sundry refunds	84,303 72
VAT from Administrators	525,114 71
	<u>641,263 95</u>
<b>COST OF REALISATIONS</b>	
Administrators' fees	237,995 00
Liquidator's fees	118,588 00
VAT payable from Administrators	235,794 31
Agents'/Valuers' fees	4,400 00
Agents' disbursements	326 27
Legal fees	107,654 76
Legal disbursements	703 30
Sub contractors	1,750 00
Storage costs	2,007 93
Statutory advertising	63 50
Rent	90,000 00
Insurance of assets	1,762 42
Bank charges	170 54
	<u>(801,216 03)</u>
<b>UNSECURED CREDITORS</b>	
Trade & expense	299,259 96
Connected companies	136,340 98
Pension scheme	4,800,000 00
	<u>(5,235,600 94)</u>
	<u><u>7,907,932.74</u></u>
<b>REPRESENTED BY</b>	
VAT receivable	30 09
Floating Current account	7,881,184 94
Floating ch VAT control	26,717 71
	<u>7,907,932.74</u>



**ABF Ltd (in liquidation)**

**Progress Report**  
**For the period 18 January 2012**  
**to 17 January 2013**

**KPMG LLP**

**25 February 2013**

*This report contains 8 pages*

*Appendices contain 12 pages*

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*KPMG LLP*  
*25 February 2013*

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*KPMG LLP*  
*25 February 2013*

## 1 **Executive Summary**

- This progress report covers the first 12 month period of the liquidation of ABF Ltd ("the Company") as required pursuant to Section 104A and Rule 4.49C of the Insolvency Act and Rules 1986 ("IA86")
- Funds of £12,611,704 plus £289,321 of net VAT were transferred to the liquidation from the previous administration, and since then there have been additional realisations of £717,931
- An interim dividend of 5 pence in the pound was paid on 20 March 2012 with £5,235,601 distributed to unsecured creditors with agreed claims totalling £104,990,333
- A second dividend will be paid to unsecured creditors but the exact amount and timing are not yet known.
- Full details of the Joint Liquidators' Progress Report are attached together with all the relevant statutory information included by way of Appendices

David Costley-Wood  
***Joint Liquidator***

## **1.1 Office Holders**

Joint Liquidator - David Costley-Wood

Joint Liquidator – Brian Green

Joint Liquidator – Mark Granville Firmin

## **1.2 About this report**

- This Report has been prepared by David Costley-Wood, Brian Green and Mark Granville Firmin, the Joint Liquidators of the Company, solely to comply with their statutory duty to report to members and creditors under Rule 4 49C and Section 104A IA86, and to provide an account of their acts and dealings and of the conduct of the liquidation, 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 Report 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 the Company
- Any estimated outcomes for creditors included in this Report 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 Section 104A and Rule 4 49C of IA86, does so at their own risk. To the fullest extent permitted by law, the Joint Liquidators do not assume any responsibility and will not accept any liability in respect of this Report to any such person
- David Costley-Wood, Brian Green and Mark Granville Firmin are authorised to act as insolvency practitioners by the Institute of Chartered Accountants of England and Wales
- The appointments of the Joint Liquidators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the liquidation

## **2 Previous appointments**

The Joint Liquidators were previously appointed as Joint Administrators of the Company on 7 May 2011 and, following the filing of Form 2 34B (notice of move from administration to creditors' voluntary liquidation) at Companies House, were subsequently appointed as Joint Liquidators on 18 January 2012

## **3 Progress of the liquidation**

### **3.1 Strategy**

The Company was previously in administration and was placed into liquidation to allow distributions to be made to unsecured creditors

An interim dividend of 5 pence in the pound was paid to unsecured creditors on 20 March 2012. A further dividend will be paid to unsecured creditors. As the Pension Protection Fund ("PPF") have yet to submit their final claim and the value of their claim will have a significant impact on the level of dividend paid, the timing and quantum of this second dividend is not yet known. We are hopeful that the trustees of the scheme and the PPF will not take much longer to submit a claim so that unsecured creditors can receive the dividend due to them

Other outstanding matters include the settlement of costs (including the Joint Liquidators' remuneration) and the convening of final meetings of members and creditors to bring the liquidation to a formal conclusion

### **3.2 Communication**

The Joint Liquidators wrote to all known creditors on 24 January 2012 advising them of their appointment

Following changes to the provisions governing the conduct of insolvency proceedings, which came into effect on 6 April 2010, the requirement for annual meetings is abolished and replaced with a requirement to send a progress report to members and creditors. This report fulfils that requirement

### **3.3 Assets**

#### **3.3.1 Freehold land**

The Company owned a piece of land in Barnoldswick near to the Silentnight Group head office which was used as a staff car park

Edward Symmons were instructed by the previous Joint Administrators to market the land for sale. After receiving 3 offers, the land was sold to Conurbia Limited on 20 April 2012 for a consideration of £150,000



### **3.3.2 Book debts**

With the assistance of RMUK, KPMG's internal debt collection team have continued to collect the Company's book debts in the liquidation and a total of £451,738 has been collected in the period. The Joint Liquidators will continue to pursue outstanding balances whilst it remains cost effective to do so.

### **3.3.3 Funds from administrators**

At the end of the previous administration, cash of £12,611,704 was transferred to the liquidation, along with a net balance of £289,321 VAT which had been reclaimed from HM Revenue & Customs during the administration, and for which a refund was due.

## **3.4 Liabilities**

### **3.4.1 Secured creditor**

At the date of the previous Joint Administrators' appointment, Grace Bay II Holdings S.a R.L. ("Grace Bay") was owed approximately £12,700,000 by the Company. This was secured by a fixed and floating charge debenture over the Company's assets and dated 12 February 2011.

As part of the sale of a group company's business, Grace Bay transferred their debt to H.I.G. Snooze Newco Limited ("HIG") and was therefore effectively paid in full.

### **3.4.2 Preferential creditors**

As all employees transferred over to HIG, there have been no claims in respect of arrears of wages or holiday pay.

### **3.4.3 Prescribed part**

The Insolvency Act 1986 (Prescribed Part) Order 2003 applies in this case as the security held by Grace Bay was created after 15 September 2003.

However, as the secured creditor has been paid in full and there are no preferential creditors, all funds, net of costs, are available to unsecured creditors.

### **3.4.4 Unsecured creditors**

In their Statement of Affairs, the directors estimated that the Company had unsecured liabilities totalling £124,115,000, estimating the PPF's pension claim to be £100,000,000.

To date claims totalling £167,275,719 have been received from 383 unsecured creditors. This includes claims in the sum of £62,307,227 which have not yet been agreed. As referred to above we have yet to receive confirmation of the PPF's final claim in respect of the Group pension scheme.

A dividend of 5 pence in the pound was declared on 20 March 2012 on agreed claims of £104,990,333 resulting in a total distribution of £5,235,601.

A second dividend will be declared once the PPF has produced final figures to support the shortfall on the Company's pension scheme. In the meantime, any creditor who wishes to submit a claim but has yet to do so is advised to complete and return the proof of debt form, attached at Appendix 6, as soon as possible.

### **3.5 Expenses for the period**

- The receipts and payments for the period are set out in the attached Receipts and Payments Account at Appendix 2.
- The office holders' time costs for the period of this report are also attached at Appendix 3.
- The basis for calculating the Joint Liquidators' fees is time/costs which was approved on 7 July 2011 by unsecured creditors and carried forward from the previous administration.
- Expenses for this period total £751,075 including amounts incurred but not yet paid (see Appendix 4 for details).

Additional information about the expenses charged for the period is available from the office holder upon request by any secured creditor, and any other creditor or creditors owed 5% or more in value of the unsecured liabilities listed. Full details of the process to obtain more information under Rule 4.49E of IA86 and to challenge the liquidators' remuneration and expenses under Rule 4.131 IR8 are included in Appendix 5 should creditors wish to do so.

Further information regarding the major expenses incurred during the period are detailed in paragraph 4.4 below.

## **4 Statutory investigations**

The Joint Liquidators have a duty to investigate the affairs of the Company prior to the liquidation and submit a report to the Department for Business, Innovation & Skills ("BIS") on the conduct of those persons who were a director or shadow director in the three years prior to liquidation. I confirm that the Joint Liquidators have submitted their report to BIS although I am not at liberty to disclose the nature or content of the report.

No matters or potential claims were identified which would lead to additional realisations in the liquidation.

## **5 Comments on the Appendices**

### **5.1 Appendix 1: Statutory information**

Information regarding the Company and details of the appointment of the Joint Liquidators can be found at Appendix 1.

## **5.2 Appendix 2: Receipts & payments account for the period**

A receipts and payments for the period can be found at Appendix 2

## **5.3 Appendix 3: Analysis of office holders' time costs**

To date liquidation time costs have amounted to 606 hours at a total cost of £158,447 at an average hourly rate of £262. A detailed analysis of these costs, prepared pursuant to Statement of Insolvency Practice 9, is attached to this report at Appendix 3

Following changes to the provisions governing the conduct of insolvency proceedings, which came into effect on 6 April 2010, where a liquidation follows on directly from an administration in which the liquidators had acted as administrator, the basis of remuneration fixed in the administration continues to apply in the liquidation (subject to the right of recourse to the Court noted below)

The statutory provisions relating to administrators' remuneration are set out in Rule 1.106 IA86

At a meeting of creditors held on 7 July 2011, during the previous administration, a resolution was passed that the remuneration of the Joint Administrators (and therefore the Joint Liquidators) be fixed by reference to time properly given in attending to matters arising in the administration, subject to "the Administrators of this Company not receiving remuneration in excess of £1,000,000 without the consent of creditors in a general meeting"

To date, the sum of £797,876 has been drawn comprising of £679,288 of Joint Administrators' fees (of which £441,293 was drawn during the previous administration) and £118,588 of Joint Liquidators' fees

Further remuneration will be drawn in due course and will be detailed in my next report

A creditors' guide to fees can be found at

[http://www.r3.org.uk/media/documents/publications/professional/Guide\\_to\\_Liquidators\\_Fees\\_Nov2011.pdf](http://www.r3.org.uk/media/documents/publications/professional/Guide_to_Liquidators_Fees_Nov2011.pdf)

However, if you are unable to access this guide and would like a copy, please contact Carolyn Foden on 0151 473 5132

Further information regarding the major time incurred during the period is detailed below

### **5.3.1 Appointment and related formalities**

Following the appointment of the Joint Liquidators, time costs of £6,808, representing, 24 hours have been incurred notifying all relevant parties of the appointment, instructing agents and solicitors and dealing with all other matters arising which were relevant to the set up of the liquidation

#### **5.3 2 Strategy documents**

Time costs of £3,997, representing 16 hours, have been incurred in preparing strategy documents

#### **5 3 3 Checklists and reviews**

Time costs of £4,890, representing 18 hours, have been incurred in reviewing files and ensuring all statutory obligations are being complied with

#### **5.3 4 General cashiering**

Time costs of £7,002, representing 41 hours, have been incurred by the cashiers in preparing payments to various parties, including dividend cheques to 323 creditors, allocating and banking receipts and in dealing with general bank account and cash related queries

#### **5 3.5 Post appointment VAT**

The Joint Liquidators have prepared post-appointment VAT returns for the Company with the assistance of in-house VAT specialists

Time costs of £8,931, representing 35 hours, have been incurred in relation to this matter

#### **5.3 6 Post appointment corporation tax**

The Joint Liquidators have prepared post-appointment corporation tax returns for the Company with the assistance of in-house tax specialists

Time costs of £5,025 representing 15 hours have been incurred in relation to this matter

#### **5 3.7 Correspondence re investigations**

Time costs of £7,438, representing 18 hours, have been incurred in relation to communications with the PFF regarding the sale of the business and assets in the Administration and the progress of the liquidation

#### **5 3.8 Freehold land**

As detailed in paragraph 3 3 1 above, the Joint Liquidators' have incurred time costs of £4,032, representing 17 hours in relation to the sale of the freehold property

#### **5 3.9 Leasehold property**

The Joint Liquidators have incurred time costs of £10,954, representing 47 hours in relation to the disposal of six leasehold properties at Aspartia, Barnoldswick, Batley, Dublin, Mallusk and Salterforth

#### **5.3 10 Debtors**

As detailed in paragraph 3 3 2 above, the Joint Liquidators have incurred time costs of £23,023, representing 67 hours, in relation to the collection of book debts

**5.3.11 General creditor correspondence**

The Company has approximately 673 potential creditors and time costs of £11,908, representing 45 hours, have been incurred in relation to dealing with general creditor correspondence. This includes replying to both written and verbal queries.

**5.3.12 Agreement of unsecured claims**

Time costs of £36,737, representing 171 hours, have been incurred in relation to agreeing the unsecured creditors' claims.

**5.3.13 Payment of dividends**

Time costs of £3,750, representing 14 hours, have been incurred in calculating and distributing the interim dividend to unsecured creditors.

**5.4 Appendix 4: Expenses for the period**

Expenses for the period are summarised in Appendix 4 which include costs which have been incurred during the period but not yet paid.

Information regarding major expenses incurred during the period are detailed below.

**5.4.1 Office holders' remuneration**

Information regarding office holders' remuneration is detailed in paragraph 5.3 above.

**5.4.2 Legal fees**

Squire Sanders Solicitors were instructed to advise and assist in relation to the sale of the freehold land, the disposal of six leasehold properties, including advice on continuing licences to occupy following the move from administration to liquidation, advice regarding some of the more complex creditor claims and general insolvency advice. Their charges total £103,029.

RMUK were instructed to advise and assist in relation to the collection of some of the book debts referred to in paragraph 3.3.2. Their charges were based on 10% of realisations plus additional costs in relation to personal visits to debtors. Their charges total £4,625.

**5.5 Appendix 5: Extract from the Insolvency rules 1986**

Additional information about the expenses charged for the period is available from the office holders upon request by any secured creditors, and any unsecured creditor or creditors owed 5% or more in value of the unsecured liabilities listed. Full details of the process to obtain more information under Rule 4.49E of IA86 and to the challenge the Joint Liquidators' remuneration and expenses under Rule 4.131 are included in Appendix 5 should creditors wish to do so.



*ABF Ltd (in liquidation)*  
*Progress Report*  
*KPMG LLP*  
*25 February 2013*

## **5 6 Appendix 6: Proof of debt**

Please complete the proof of debt only if you have not yet submitted a claim but wish to do so

## 6 Appendix 1: Statutory information

### **Appointment**

Company name & trading style	ABF Limited
Liquidation	The Company was placed into creditors' voluntary liquidation following submission of Form 2 34B at Companies House on 18 January 2012
Date of appointment	18 January 2012
Office holders details	<p>David Costley-Wood was appointed on 18 January 2012 and is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants of England and Wales</p> <p>Brian Green was appointed on 18 January 2012 and is authorised to act as an insolvency practitioner by Institute of Chartered Accountants of England and Wales</p> <p>Mark Granville Firmin was appointed on 18 January 2012 and is authorised to act as an insolvency practitioner by Institute of Chartered Accountants of England and Wales</p>
Application of EC regulations	EC regulations apply and these proceedings will be the Main Proceedings as defined in Article 3 of the EC regulations

### **Company Information**

Company registration number	273919
Previous registered office	PO Box 100, Long Ing Lane, Barnoldswick, Lancashire BB18 6WT
Present registered office	c/o KPMG LLP, St James' Square, Manchester M2 6DS

## 7 Appendix 2: Office holders' receipts and payments account

ABF Limited (In Liquidation) Liquidators' Abstract of Receipts & Payments			
Statement of Affairs	From 18/01/2012 To 17/01/2013	From 18/01/2012 To 17/01/2013	
ASSET REALISATIONS			
Freehold property	150,000 00	150,000 00	
Interest earned on funds	43 79	43 79	
Book debts	451,738 03	451,738 03	
Funds from Administrators	12,611,703 94	12,611,703 94	
	13,213,485 76	13,213,485 76	
OTHER REALISATIONS			
Bank interest, gross	31,845 52	31,845 52	
Sundry refunds	84,303 72	84,303 72	
VAT from Administrators	525,114 71	525,114 71	
	641,263 95	641,263 95	
COST OF REALISATIONS			
Administrators' fees	237,995 00	237,995 00	
Liquidator's fees	118,588 00	118,588 00	
VAT payable from Administrators	235,794 31	235,794 31	
Agents'/Valuers' fees	4,400 00	4,400 00	
Agents' disbursements	326 27	326 27	
Legal fees	107,654 76	107,654 76	
Legal disbursements	703 30	703 30	
Sub contractors	1,750 00	1,750 00	
Storage costs	2,007 93	2,007 93	
Statutory advertising	63 50	63 50	
Rent	90,000 00	90,000 00	
Insurance of assets	1,762.42	1,762 42	
Bank charges	170 54	170 54	
	(711,216 03)	(711,216 03)	





*ABF Ltd (in liquidation)*  
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ABF Limited (In Liquidation) Liquidators' Abstract of Receipts & Payments		
Statement of Affairs	From 18/01/2012 To 17/01/2013	From 18/01/2012 To 17/01/2013
UNSECURED CREDITORS		
Trade & expense	299,259 96	299,259 96
Connected companies	136,340 98	136,340 98
Pension scheme	4,800,000 00	4,800,000 00
	(5,235,600 94)	(5,235,600 94)
	<u>7,907,932.74</u>	<u>7,907,932 74</u>
REPRESENTED BY		
VAT receivable		30 09
Floating Current account		7,881,184 94
Floating ch VAT control		26,717 71
		<u>7,907,932 74</u>

## 8 Appendix 3: Analysis of office holders' time costs

### 8.1 Summary of time incurred for the period 18 January 2012 to 17 January 2013

Consolidated time spent by grade	Partner/ director	Management	Administrator	Support	Total hours	Total cost £	Average rate £
<b>Activity</b>							
<b>Administration &amp; planning</b>							
Pre appointment checks	0 50	0 00	0 00	0 00	0 50	230 00	460 00
Appointment related formalities	0 00	10 00	13 50	0 00	23 50	6,807 50	289 68
Bonding & bordereau	0 00	0 00	1 75	0 50	2 25	361 25	160 56
Strategy documents	0 50	2 50	12 55	0 00	15 55	3,996 75	257 03
Closure & related formalities	0 00	7 00	0 00	0 00	7 00	2,975 00	425 00
Checklists and reviews	0 00	4 80	12 85	0 00	17 65	4,890 25	277 07
Dissenting shareholders	0 00	0 50	1 10	0 00	1 60	476 50	297 81
Fees & WIP	0 00	1 00	5 10	0 50	6 60	1,698 50	257 35
Books and records	0 00	0 00	3 00	0 00	3 00	699 00	233 00
General cashing	0 00	0 00	36 70	4 10	40 80	7,002 00	171 62
Reconciliations	0 00	0 00	1 20	0 00	1 20	286 50	238 75
Initial CT & VAT reviews	0 00	2 25	4 70	0 00	6 95	1,598 75	230 04
Post appointment VAT	0 10	11 80	23 30	0 00	35 20	8,930 50	253 71
Post appointment CT	1 00	8 70	5 70	0 00	15 40	5,025 00	326 30
	2 10	48 55	121 45	5 10	177 20	44,977 50	253 82
<b>Investigation</b>							
D Form drafting/submission	0 20	0 00	2 80	0 00	3 00	779 00	259 67
Correspondence re investigations	0 00	17 50	0 00	0 00	17 50	7,437 50	425 00
	0 20	17 50	2 80	0 00	20 50	8,216 50	400 80
<b>Realisation of assets</b>							
Freehold property	0 00	0 00	16 80	0 00	16 80	4,032 00	240 00
Leasehold property	0 20	0 00	47 10	0 00	47 30	10,953 50	231 58
Debtors	1 00	63 50	2 40	0 00	66 90	23,022 50	344 13
Cash & investments	3 00	0 00	0 00	0 00	3 00	1,605 00	535 00
Goodwill	0 00	0 00	3 00	0 00	3 00	720 00	240 00
Rent	0 00	0 00	4 00	0 00	4 00	960 00	240 00
Other assets	3 00	0 00	11 20	0 00	14 20	4,293 00	302 32
Health & Safety	0 00	0 00	1 30	0 00	1 30	312 00	240 00
Open cover ins	0 00	0 00	1 60	0 00	1 60	384 00	240 00
	7 20	63 50	87 40	0 00	158 10	46,282 00	292 74
<b>Creditors</b>							
Notification of appointment	0 00	0 00	3 25	0 00	3 25	568 75	175 00
Creditor correspondence	3 50	4 50	36 50	0 00	44 50	11,908 00	267 60
Reports to creditors	0 00	4 50	4 50	0 00	9 00	3,105 00	345 00
Payment of dividends	0 50	4 00	5 50	4 40	14 40	3,749 50	260 38
Pre appointment VAT/PAYE/CT	0 00	0 00	0 80	0 00	0 80	140 00	175 00
Agree unsecured claims	0 00	16 90	154 10	0 00	171 00	36,737 00	214 84
Retention of title claims	0 00	0 00	0 90	0 00	0 90	225 00	250 00
Pension funds	3 50	0 00	0 00	0 00	3 50	1,887 50	539 29
Pension reviews	0 00	0 30	2 20	0 00	2 50	650 50	260 20
	7 50	30 20	207 75	4 40	249 85	58,971 25	236 03
<b>Total hours/cost</b>	<b>17 00</b>	<b>159 75</b>	<b>419 40</b>	<b>9 50</b>	<b>605 65</b>	<b>158,447 25</b>	<b>261 62</b>
<b>Fees drawn</b>							
B/f			0 00		0 00	0 00	0 00
In the period			356,583 00		605 65	158,447 25	261 62
C/f			356,583 00		605 65	158,447 25	261 62

## 8.2 Summary of hourly rates

Rate ID	Start Date	End Date	Grade	FSR
CRS	01/10/2010	30/09/2012	Equity partner	535
CRS	01/10/2010	30/09/2012	Associate partner	460
CRS	01/10/2010	30/09/2012	Director	460
CRS	01/10/2010	30/09/2012	Senior Manager	425
CRS	01/10/2010	30/09/2012	Manager	345
CRS	01/10/2010	30/09/2012	Assistant Manager	240
CRS	01/10/2010	30/09/2012	Associate	175
CRS	01/10/2010	30/09/2012	Support	110
CRS	01/10/2010	30/09/2012	Senior support	110
CRS	01/10/2010	30/09/2012	EWS	40
CRS	01/10/2012	30/09/2013	Equity partner	565
CRS	01/10/2012	30/09/2013	Associate partner	485
CRS	01/10/2012	30/09/2013	Director	485
CRS	01/10/2012	30/09/2013	Senior Manager	450
CRS	01/10/2012	30/09/2013	Manager	365
CRS	01/10/2012	30/09/2013	Assistant Manager	250
CRS	01/10/2012	30/09/2013	Associate	185
CRS	01/10/2012	30/09/2013	Support	115
CRS	01/10/2012	30/09/2013	Senior support	115
CRS	01/10/2012	30/09/2013	EWS	45

Discipline	Business Unit	Grade	2012 Min	2012 Max	2013 Min	2013 Max
Admun	Restructuring	EA Support Staff	110	110		
T&R	Restructuring	B1 Senior Manager	425	450	450	450
T&R	Restructuring	C1 Manager	345	345		
T&R	Restructuring	D1 Assistant Manager	240	250	250	250
T&R	Restructuring	D3 Assistant Manager	240	240		
T&R	Restructuring	DA Support Staff	110	110		
T&R	Restructuring	E1 Associate	175	175		
T&R	Restructuring	E3 Senior Associate	175	185	185	185
T&R	Restructuring	EA Support Staff	110	110		
T&R	Restructuring	P0 Associate Partner	460	460		
T&R	Restructuring	P1 Equity Partner	535	565	565	565
T&R	Restructuring	P2 Equity Partner	535	535		
TAX	Indirect Tax	C1 Manager	345	365	365	365
TAX	Indirect Tax	C2 Manager	365	365		
TAX	Indirect Tax	E2 Associate	175	175		
TAX	Indirect Tax	E3 Senior Associate	175	185	185	185
TAX	Pensions	C2 Manager			365	365
TAX	Pensions	D2 Assistant Manager	240	240	250	250
TAX	UK TAX North	A Director	460	460		
TAX	UK TAX North	C1 Manager	345	365		
TAX	UK TAX North	C2 Manager	365	365	365	365
TAX	UK TAX North	D3 Assistant Manager	240	240		

9 **Appendix 4: Schedule of expenses for the period  
18 January 2012 to 17 January 2013**

Section	Account	Accrued	Paid	Total
Cost of realisations	Joint Administrators' fees	-	237,995 00	237,995 00
	Joint Liquidators' fees	39,859 25	118,588 00	158,447 25
	VAT payable from Administrators	-	235,794 31	235,794 31
	Agents'/Valuers' fees	-	4,400 00	4,400 00
	Agents' disbursements	-	326 27	326 27
	Legal fees	-	107,654 76	107,654 76
	Legal disbursements	-	703 30	703 30
	Sub contractors	-	1,750 00	1,750 00
	Storage costs	-	2,007 93	2,007 93
	Statutory advertising	-	63 50	63 50
	Insurance of assets	-	1,762 42	1,762 42
	Bank charges	-	170 54	170 54
<b>TOTAL</b>		<b>39,859.25</b>	<b>711,216.03</b>	<b>751,075.28</b>

## 10 Appendix 5: Extract from the Insolvency Rules 1986

### Rule 4 49E

#### Creditors' and members' request for further information

(1) If—

(a) within the period mentioned in paragraph (2) –

(i) a secured creditor, or

(ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or

(iii) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at a general meeting of the company, or

(b) with the permission of the court upon an application made within the period mentioned in paragraph (2)—

(i) any unsecured creditor, or

(ii) any member of the company in a members' voluntary winding up,

makes a request in writing to the liquidator for further information about the remuneration or expenses set out in a progress report in accordance with Rule 4 49B(1)(e) or (f) (including by virtue of Rule 4 49C(5)) or in a draft report under Rule 4 49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of a matter in a draft report under Rule 4 49D or a progress report required by Rule 4 108 which (in either case) was previously included in a progress report not required by Rule 4 108

(2) The period referred to in paragraph (1)(a) and (b) is—

(a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4 108, and

(b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft report in any other case

(3) The liquidator complies with this paragraph by either—

(a) providing all of the information asked for, or

(b) so far as the liquidator considers that—

(i) the time or cost of preparation of the information would be excessive, or

(ii) disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or

(iii) the liquidator is subject to an obligation of confidentiality in respect of the information,

giving reasons for not providing all of the information

(4) Any creditor and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within *21 days* of—

(a) the giving by the liquidator of reasons for not providing all of the information asked for, or

(b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just

(5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of *8 weeks* or, as the case may be, *4 weeks* provided for in Rule 4 131(1B) or 4 148C(2) by such further period as the court thinks just

(6) This Rule does not apply where the liquidator is the official receiver

Rule 4 131

Creditors' claim that remuneration is or other expenses are excessive

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

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

(a) the remuneration charged by the liquidator,

(b) the basis fixed for the liquidator's remuneration under Rule 4 127,

(c) expenses incurred by the liquidator,

is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate

(1B) The application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or, in a case falling within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report, or the draft report under Rule 4 49D, which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had an opportunity to attend the court for an a hearing, of which he has been given at least 5 business days' notice but which is without notice to any other party

If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly

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

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



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- (a) an order reducing the amount of remuneration which the liquidator was entitled to charge,
  - (b) an order fixing the basis of remuneration at a reduced rate or amount,
  - (c) an order changing the basis of remuneration,
  - (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the liquidation,
  - (e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,
- and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report
- (5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the liquidation





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## 11 **Appendix 6: Proof of debt form**

# Proof of debt - general form

**In the matter of ABF Limited**

**and**

**In the matter of the Insolvency Act 1986**

**Date of commencement of administration 7 May 2011**

**Date of commencement of creditors' voluntary liquidation 18 January 2012**

1	Name of creditor	
2	Address of creditor	
3	Total amount of claim, including any VAT and outstanding uncapitalised interest as at the date of the company went into liquidation (see note on page 2)	£
4	Details of any documents by reference to which the debt can be substantiated (Note the liquidator may call for any document or evidence to substantiate the claim at his discretion)	
5	If the total amount shown above includes outstanding uncapitalised interest please state amount	£
6	Give details of whether the whole or any part of the debt falls within any (and if so which) of the categories of preferential debts under s 386 of, and schedule 6 to, the Insolvency Act 1986 (as read with schedule 3 to the Social Security Pensions Act 1975)	Category  Amount(s) claimed as preferential £
7	Particulars of how and when debt incurred	
8	Particulars of any security held, the value of the security, and the date it was given	
9	Particulars of any reservation of title claimed, including details of goods supplied, their value and when supplied	
10	Signature of creditor or person authorised to act on his behalf	
	Name in BLOCK LETTERS	
	Position with or relation to creditor	