

The Insolvency Act 1986

**Administrator's progress report****2.24B**

Name of Company Winterhill Largo Property Limited	Company number 04594996
In the High Court of Justice	Court case number 1093 of 2016

(a) Insert full name(s) and  
address(es) of administrator(s)

We (a) Lindsey Cooper, Christopher Ratten and Graham Bushby, RSM Restructuring Advisory LLP, 3 Hardman Street, Manchester M3 3HF the Joint Administrators of the above company attach a progress report for the period

from

to

(b) 26 February 2016

(b) 25 August 2016

(b) Insert dates

Signed

  
Christopher Ratten  
Joint Administrator

Dated

08 September 2016

SATURDAY



\*A5FP3574\*

A16

17/09/2016

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COMPANIES HOUSE

**In the matter of**

**Winterhill Largo Property Limited In Administration  
(‘the Company’)**

**In the High Court of Justice, Chancery Division, Manchester District Registry**

**No 1093 of 2016**

**Joint Administrators’ progress report**

**06 September 2016**

**Lindsey Cooper, Christopher Ratten and Graham Bushby  
Joint Administrators**

**RSM Restructuring Advisory LLP  
3 Hardman Street  
Manchester M3 3HF**

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## **1 Purpose of report**

This report has been prepared in accordance with insolvency legislation to provide creditors with information relating to the progress of the administration in the period from 26 February 2016 to 25 August 2016

This report has been prepared solely to comply with the statutory requirements of Rule 2.47 of the Insolvency Rules 1986 (as amended). It has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the Company. Any estimated outcomes for creditors are illustrative and may be subject to significant change.

Neither the Administrators nor RSM Restructuring Advisory LLP accept any liability whatsoever arising as a result of any decision or action taken or refrained from as a result of information contained in this report.

## **2 Progress of the administration in the previous six months**

### **Realisation of assets / sale of business**

#### **2.1 Property Disposals**

Following appointment we instructed Richard Parkinson of property agents, Landwood Group, to assist us with all Property matters. A number of clients have withdrawn instructions from the Company following the Administration.

However, one property deal was achieved with the Joint Administrators receiving commission in the sum of £21,687.50.

As all other instructions have been withdrawn it is not anticipated there will be any further realisations in this regard.

#### **2.2 Debtors**

According to the information extracted from SAGE, the Company's debtors have a net book value (inclusive of VAT) of £51,581. However, on investigation of the ledger a number of the outstanding balances had been received prior to appointment.

To date, the Joint Administrators have received book debts in the sum of £4,232. Any future realisations in this regard are expected to be minimal.

#### **2.3 Potential claim for compensation for mis-selling of interest rate hedging products**

We are aware that a number of banks are in the process of developing a methodology to implement the terms of the settlement reached with the FCA in respect of the sale of these products. Our understanding is that this process will take several months to refine and finalise and, until such time, our own investigations cannot be completed. However, it should be noted that there has not, as yet, been any clarification as to how any such compensation would be treated and thus which creditors would have priority. The Joint Administrators are therefore at present unable to ascertain whether any such funds would therefore be available for creditors.

#### **2.4 Investigations**

In accordance with our statutory obligations, we have filed the appropriate documentation with the Department for Business, Innovation and Skills in relation to the conduct of the directors.

## **3 Matters preventing closure**

### **3.1 Assets remaining to be realised**

The remaining assets to be realised as detailed above are any recoveries that may be achieved from investigations conducted by the Joint Administrators.

#### **4 Creditors' claims and dividend prospects**

Dividend prospects and projected returns to creditors, where known, are detailed in Appendix A, including any amount under the prescribed part. Please note that these are indicative only and should not be used as the sole or principal basis for any bad debt provision or other purposes. They may be subject to revision and additional costs.

The agreement of creditors' claims by the Joint Administrators (or any subsequently appointed Supervisor or Liquidator) is a separate matter and will be dealt with as appropriate in due course, initially by reference to the proofs of debt lodged in the proceedings by creditors themselves.

#### **5 Receipts and payments summary**

We attach as Appendix B a summary of our receipts and payments for the period from 26 February 2016 to 25 August 2016.

##### **VAT basis**

Receipts and payments are shown net of VAT, with any amount due to or from HM Revenue and Customs shown separately.

#### **6 Costs and Joint Administrators' remuneration**

The firm's charging, expenses and disbursements policy was provided with the Joint Administrators' proposals. A further copy can be provided on request.

##### **6.1 Pre-administration costs**

The Joint Administrators' proposals dated 21/04/2016 detailed un-paid pre-administration costs totalling £3,946. However to date, these fees have not been approved by secured creditors and therefore remain outstanding.

##### **6.2 Joint Administrators' remuneration and disbursements**

As it remains uncertain as to whether there will be any return to unsecured creditors we will, in accordance with legislation, agree our fees and disbursements with the secured creditors ('the specified creditors'), as appropriate.

Please note, to date no fees approval has been obtained from the secured creditors, therefore no fees have been drawn by the Joint Administrators to date.

Category 2 disbursements incurred in the period are detailed in Appendix E.

##### **6.3 Remuneration and expenses (including disbursements) incurred in the period from 26 February 2016 to 25 August 2016**

In accordance with insolvency legislation I am required to report remuneration 'charged'. This reflects the time charged to the case.

As detailed above, no fee approval has been sought from the secured creditors to date. It is anticipated that the Joint Administrators will seek to obtain fee approval in line with the original budget of £45,172, within the next 6 months.

The Joint Administrators will report further on this matter in their next progress report.

###### **6.3.1 Expenses and disbursements**

A statement of the expenses incurred during the period is attached at Appendix F. This includes all expenses incurred by the Joint Administrators in the period of the report irrespective of whether they have been paid or not and may include estimated amounts where actual invoices have not been received.

###### **6.3.2 Category 2 disbursements**

Category 2 disbursement rates are shown in Appendix D. Category 2 disbursements incurred in the period are detailed in Appendix E.

##### **6.4 Other professional costs**

Eversheds LLP, solicitors, have been retained as legal advisors in view of their general experience and expertise in these matters. They have advised me on a number of investigation matters. I have agreed their remuneration on the basis of their standard hourly charge-out rates, plus VAT and disbursements.

Landwood Group were retained, to assist us with all Property matters. I have agreed that they be remunerated on the basis of their standard commission rates, plus disbursements and VAT. They have submitted invoices totalling £5,000 plus VAT which have been paid.

Appendix F includes details of other professional costs that have been incurred. All such costs are subject to review before being paid and any payments made in the period are disclosed in the receipts and payments account at Appendix B.

#### **6.5 Total remuneration incurred and paid to date since appointment**

I have incurred time costs of £ 28,359.60 in respect of work done in the current period. However, to date no fees have been drawn. A summary of time costs is provided at Appendix G.

On present information, and on the assumption that the remaining matters that I have to deal with as Joint Administrator do not turn out to be onerous and that no new issues which require my attention come to light, I do not anticipate that the estimate will be exceeded. Should the position change, those assumptions may prove to be invalid and I may then have to seek the approval of the secured creditors for an increase in my fees.

#### **7 Creditors' right to information and ability to challenge remuneration and expenses**

In accordance with the provisions of Rules 2.48A and 2.109 of the Insolvency Rules 1986 creditors have a right to request further information about remuneration or expenses (other than pre-administration costs) and to challenge such remuneration or expenses.

A request for further information must be made in writing within 21 days of receipt of this report.

Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to court that the remuneration charged, the basis fixed or expenses incurred by the Administrator are in all the circumstances excessive.

Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of remuneration or incurring of the expenses in question.

A Guide to Administrators Fees, which provides information for creditors in relation to the remuneration of an Administrator, can be accessed at <http://rsm-insolvencypoint.com> under 'general information for creditors'. A hard copy can be requested from my office by telephone, email or in writing.

Should you have any further queries please do not hesitate to contact me.



**Christopher Ratten**  
**RSM Restructuring Advisory LLP**  
**Joint Administrator**

Christopher Ratten is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales.  
Lindsey Cooper is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales.  
Graham Bushby is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales.  
Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

**The affairs, business and property of the Company are being managed by the Joint Administrators who act as agents of the Company and without personal liability.**

## Appendix A

### Statutory, dividend and other information

Company name	Winterhill Largo Property Limited
Joint Administrators	Lindsey Cooper, Christopher Ratten and Graham Bushby
Date of appointment	26 February 2016
Functions	The Joint Administrators' appointment specified that they would have power to act jointly and severally. The Joint Administrators' have exercised, and will continue to exercise, all of their functions jointly and severally as stated in the notice of appointment.
Previous company names	David Curry Limited
Company number	04594996
Date of incorporation	15 May 2013
Trading name	Winterhill Largo Property Limited
Trading address	6 Anchor Court, Commercial Road, Blackburn Lancashire BB3 0DB Cardinal House, 20 St Mary's, Parsonage, Manchester M3 2LY West One, 114 Wellington Street, Leeds LS1 1BA 23 Hanover Square, London, W15 1J
Principal activity	Property Agents
Registered office	RSM Restructuring Advisory LLP 3 Hardman Street Manchester M3 3HF
Appointor	Metro Bank Plc
Details of any extension	None
Proposed exit route	Dissolution

Dividend prospects	Owed	Paid to date	Estimated future prospects
Secured creditor (1) Metro Bank PLC	£652,000	Nil	Nil
Secured creditor (2) Moygannon Limited	£1,300,000	Nil	Nil
Preferential creditors	£4,570	Nil	Nil
Unsecured creditors	£171,705	Nil	Nil
Estimated net property	Nil		
Estimated prescribed part available for unsecured creditors	Nil		
Whether and why the Administrators intend to apply to court under S176(A)(5) IA86	N/A		

**Receipts and Payments Abstract: 1079602 - Winterhill Largo Property Limited In Administration**

Bank, Cash and Cash Investment Accounts: From: 26/02/2016 To: 25/08/2016

SOA Value £	26/02/2016 to 25/08/2016		Total to 25/08/2016	
	£	£	£	£
<b>ASSET REALISATIONS</b>				
0 00	Bank Interest Gross	0 02	0 02	
2,048 00	Cash at bank	0 00	0 00	
0 00	Commision	21,687 50	21,687 50	
0 00	Trade Debtors	<u>4,232 00</u>	<u>4,232 00</u>	
		25,919 52		25,919 52
<b>COST OF REALISATIONS</b>				
0 00	Commissions	<u>(5,000 00)</u>	<u>(5,000 00)</u>	
		(5,000 00)		(5,000 00)
<b>PREFERENTIAL CREDITORS</b>				
(2,170 00)	Holiday Pay	0 00	0 00	
(2,400 00)	Wages	<u>0 00</u>	<u>0 00</u>	
		0 00		0 00
<b>FLOATING CHARGE CREDITORS</b>				
(1,952,000 00)	Floating Charge Claims	<u>0 00</u>	<u>0 00</u>	
		0 00		0 00
<b>UNSECURED CREDITORS</b>				
(1,954,522 00)	Deficiency In Security	0 00	0 00	
(22,894 19)	Employees	0 00	0 00	
(120,231 00)	Trade and Expense Creditors	0 00	0 00	
(28,579 69)	Unsecured Creditors	<u>0 00</u>	<u>0 00</u>	
		0 00		0 00
<b>EQUITY</b>				
(1 00)	Ordinary Shares	<u>0 00</u>	<u>0 00</u>	
		0 00		0 00
<u>(4,080,749 88)</u>		<u>20,919 52</u>	<u>20,919 52</u>	
<b>REPRESENTED BY</b>				
	RBS Admin Account		25,257 02	
	VAT Receivable (Payable)		<u>(4,337 50)</u>	
				20,919 52
				<u>20,919 52</u>

**Notes:**

Notes

1

2



## **Appendix C**

### **RSM Restructuring Advisory LLP**

#### **Charging, expenses and disbursements policy statement**

##### **Charging policy**

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an hourly charge out rate which is reviewed from time to time
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate
- Time is recorded in 6-minute units at the rates prevailing at the time the work is done
- The current charge rates for RSM Restructuring Advisory LLP Manchester are attached
- Time billed is subject to Value Added Tax at the applicable rate, where appropriate
- It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it
- RSM Restructuring Advisory LLP's charge out rates are reviewed periodically

##### **Expenses and disbursements policy**

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not require approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 1' disbursements
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) or payments to outside parties that the firm or any associate has an interest, require the approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 2' disbursements
- A resolution to consider approving category 2 disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP Manchester will be proposed to the relevant approving party in accordance with the legislative requirements
- General office overheads are not re-charged to the insolvency estate as a disbursement
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of the relevant approving party
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate

## Appendix D

### RSM Restructuring Advisory LLP

#### Joint Administrators' current charge out and disbursement rates

Hourly charge out rates		
	Rates at commencement £	Current rates From April 2016 £
Partner	395	435
Directors / Associate Directors	300 to 350	330 to 385
Manager	260	286 to 315
Assistant Managers	190	209
Administrators	155 to 185	143 to 204
Support staff	130	143 to 173
Category 2 disbursement rates		
Internal room hire	£165	
Subsistence	£25 per night (from 3 <sup>rd</sup> September 2013) £23 per night (up to 2 <sup>nd</sup> September 2013)	
Travel (car)	38p per mile (up to and including 31 March 2010) 40p per mile (from 1 April 2010) 42 5p per mile (from 1 April 2011)	
'Tracker' searches	£10 per case	

## Appendix E

### Joint Administrators' category 2 disbursements table

Amounts paid or payable to the Office Holder's firm or to any party in which the office holder or his firm or any associate has an interest			
Recipient, type and purpose	Incurred £	Paid £	Unpaid £
Mileage	68 00	-	68 00
<b>Total</b>	<b>68.00</b>	<b>-</b>	<b>68.00</b>

## Appendix F

### Statement of expenses incurred by the Joint Administrators in the period from 26 February 2016 to 25 August 2016

Type and Purpose	Original estimate	Incurred in period
	£	£
Bond	127 50	127 50
Statutory Advertising	81 13	-
Storage Agent (collection/storage of records)	190 00	85 56
Chattel Asset Agent Valuation	10,000 00	8,000 00
Legal Fees	10,000 00	5,000 00
Redirection of Mail	240 00	560 00
<b>Total</b>	<b>20,638.63</b>	<b>13,773.06</b>

## **Appendix G**

**Joint Administrators' time cost analysis for the period from 26 February 2016 to 25 August 2016**

# SIP9 Summary Level 2

Winterhill Largo Property Limited  
1079602 / 700 - Post Appointment Administration

For the period 27/02/2016 to 26/08/2016

Period	Hours Spent	Partners	Directors / Associate Directors	Managers	Assistant Managers	Administrators	Assistant & Support Staff	Total Hours	Total Time Costs	Average Rates
From Jan 2003	<b>Administration and Planning</b>									
	Appointment	0.0	0.0	0.0	0.0	2.1	0.7	2.8	£ 446.50	159.46
	Background information	0.0	0.0	0.2	0.0	0.0	0.0	0.2	£ 52.00	260.00
	Case Management	6.7	5.5	0.5	7.8	1.8	0.4	22.7	£ 6,572.90	289.56
	Director(s)/debtor/bankrupt	0.0	0.0	0.0	0.0	2.2	0.0	2.2	£ 423.70	192.59
	Post-appointment - general	0.1	1.0	0.0	1.5	0.8	0.0	3.4	£ 748.50	220.15
	Pre-appointment matters	0.0	0.0	0.0	0.0	1.9	0.0	1.9	£ 351.50	185.00
	Receipts and Payments	0.0	0.0	0.0	0.0	4.3	1.0	5.3	£ 755.30	142.51
	Statement of Affairs	0.0	0.2	0.0	0.0	0.0	0.0	0.2	£ 60.00	300.00
	Tax Matters	0.0	0.0	0.0	0.0	0.5	0.2	0.7	£ 116.60	166.57
	Total	6.8	6.7	0.7	9.3	13.6	2.3	39.4	£ 9,527.00	241.80
	<b>Investigations</b>									
	Investigations/CDDA	2.8	0.0	0.0	11.3	1.0	0.0	15.1	£ 3,660.70	242.43
	Total	2.8	0.0	0.0	11.3	1.0	0.0	15.1	£ 3,660.70	242.43
	<b>Realisation of Assets</b>									
	Assets - general/other	0.0	0.0	1.0	7.1	1.1	0.0	9.2	£ 1,938.30	210.68
	Debtors & sales finance	0.0	7.0	0.0	0.0	1.0	0.0	8.0	£ 2,290.00	286.25
	Land and Property	0.9	1.0	2.0	2.1	0.9	0.0	6.9	£ 1,828.45	264.99
	Stock and WIP	1.0	0.0	0.0	0.0	0.0	0.0	1.0	£ 395.00	395.00
	Total	1.9	8.0	3.0	9.2	3.0	0.0	25.1	£ 6,451.75	257.04
	<b>Creditors</b>									
	1st creditors/shareholders meetings and reports	0.0	0.8	0.0	8.0	0.7	0.2	9.7	£ 2,068.15	213.21
	Employees	0.0	0.0	1.2	6.1	0.2	0.1	7.6	£ 1,556.80	204.84
	Other Creditor Meetings and Reports	1.5	0.0	0.0	0.0	1.1	0.4	3.0	£ 943.65	314.55
	Preferential Creditors	0.0	0.0	0.3	0.0	0.0	0.0	0.3	£ 78.00	260.00
	Secured Creditors	1.0	7.0	0.0	0.0	0.0	0.0	8.0	£ 2,544.75	318.09
	Unsecured Creditors	0.5	0.5	1.0	0.0	3.4	1.6	7.0	£ 1,528.80	218.40
	Total	3.0	8.3	2.5	14.1	5.4	2.3	35.6	£ 8,720.15	244.95
	<b>Totals</b>									
	Total Hours (From Jan 2003)	14.5	23.0	6.2	43.9	23.0	4.6	115.2	£ 28,359.60	246.18
	Total Time Cost (From Jan 2003)	£ 6,004.00	£ 7,059.00	£ 1,627.60	£ 8,853.15	£ 4,184.80	£ 631.05	£ 28,359.60		
	Total Hours	14.5	23.0	6.2	43.9	23.0	4.6	115.2	£ 28,359.60	246.18
	Total Time Cost	£ 6,004.00	£ 7,059.00	£ 1,627.60	£ 8,853.15	£ 4,184.80	£ 631.05	£ 28,359.60		
	Average Rates	414.07	306.91	262.52	201.67	181.95	137.18	246.18		

## **Notes to Appendix G**

### **Joint Administrators' time cost analysis**

#### **a) Administration and planning**

This includes dealing with the commencement of the case administration, together with day-to-day case administration duties, maintenance of records and ongoing statutory obligations. These include but are not limited to handling receipts and payments, VAT and Income tax issues, pension queries and general correspondence. Other matters which are required to be dealt with as part of the appointment and which will fall under this heading include case planning and strategy, case reviews, bonding, maintenance and obtaining books and records, general meetings / correspondence, statutory and other advertising, insurance, re-directed mail, and statutory reports.

#### **b) Investigations**

Where appropriate this will include such matters as investigation of pre-appointment transactions in accordance with the relevant Statement of Insolvency Practice (SIP 2), and the investigation of any potential antecedent transactions such as transactions at under value and preferences which may result in legal action resulting in a recoverable asset.

#### **c) Realisation of assets**

This includes dealing with all aspects of the realisation of assets including identifying, securing and insuring assets, and (where applicable), property, business and asset sales, retention of title claims and debt collection. Other matters dealt with during the case administration which will relate to asset realisation may commonly include effecting disclaimers, dealing with landlords, liaising with agents, undertaking inventories, meetings with purchasers / directors, arranging collection of leased assets, obtaining insurance, pursuing antecedent claims identified as part of the investigation work set out above. Details of the specific asset realisation work undertaken on this case are set out in the main body of the report. Asset realisation is considered to be a key aspect of the case administration.

#### **d) Trading**

Where the business of the debtor has been traded (by the trustee) following the appointment our staff will have had to set up accounts with suppliers in order to trade on an ongoing basis. Payments to suppliers and general correspondence with these have been undertaken. Where trading has ceased, accounts will have been closed and final bills paid. Other matters will also have been dealt with in accordance with the usual trading obligations such as dealing with employees and payroll.

#### **e) Creditors**

Queries from and correspondence with creditors and employees have been necessary aspects of the case administration process. Reports to creditors are also an important part of ongoing matters relating to this aspect of the case.

#### **f) Case specific matters**

Any case specific matters will generally be set out in the body of the report but will commonly include meetings, correspondence and telephone calls relating to specific issues in the case which do not fall into any of the categories set out above and are specific to the case in question. This may include work done in relation to litigation, general advice or other major issues.

# Appendix H

Rule 2 38

## Proof of Debt – General Form

Winterhill Largo Property Limited In Administration	
Date of Administration 26 February 2016	
1 Name of creditor (If a company please also give company registration number)	
2 Address of creditor for correspondence	
3 Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the date the Company went into Administration	
4 Details of any documents by reference to which the debt can be substantiated (Note There is no need to attach them now but the Administrator may call for any document or evidence to substantiate the claim at his discretion as may the chairman or convenor of any meeting)	
5 If amount in 3 above includes outstanding uncapitalised interest please state amount	£
6 Particulars of how and when debt incurred (If you need more space append a continuation sheet to this form)	
7 Particulars of any security held, the value of the security, and the date it was given	
8 Particulars of any reservation of title claimed in respect of goods supplied to which the claim relates	
9 Signature of creditor or person authorised to act on his behalf _____	
Name in BLOCK LETTERS _____	
Position with or in relation to creditor _____ Address of person signing (if different from 2 above) _____	
Admitted to vote for (for Administrator's use only)	Admitted for dividend for (for Administrator's use only)
£	£
Date	Date
Joint Administrator	Joint Administrator