The Insolvency Act 1986

### Administrator's progress report

2.24B

Name of Company	Company number
Duffs 93 Limited	06448138
In the	Court case number
High Court of Justice Chancery Division Bristol District Registry	742 of 2009

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

We (a) Andrew Sheridan and Simon Bower, Baker Tilly Restructuring and Recovery LLP, Hartwell House, 55-61 Victoria Street, Bristol BS1 6AD the Joint Administrators of the above company attach a progress report for the period

· · · · · · · · · · · · · · · · · · ·	from	to	•	
(b) Insert dates	(b) 25 March 2009	(b) 24 September 2009		
	·			1

Signed

A M Sheridan
Joint Administrator

Dated

15 October 2009

#### **Contact Details:**

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form. The contact information that you give will be visible to searchers of the public record

Baker Tilly Restructuring and R	ecovery LLP, H	artwell House	55-61 Victoria	Street,
Bristol BS1 6AD Tel: 0117 945 2000		<del></del>		•
DX Number: 78231	DX	Exchange: Bris	etol	

Vhen you have completed and signed this form please send it to the Registrar of Companies at:

\*AMW57E5N\*

\*AMW57E5N\* 16/10/2009 2 COMPANIES HOUSE

Companies House, Crown Way, Cardiff, CF14 3UZ

DX 33050 Cardiff

A30

## DUFFS 93 LIMITED & MINDTRACK LIMITED T/A JACKAL DISTRIBUTION BOTH IN ADMINISTRATION

#### JOINT ADMINISTRATORS' PROGRESS REPORT

#### **15 OCTOBER 2009**

#### PURPOSE OF REPORT

This report is prepared pursuant to Rule 2.47 of the Insolvency Rules 1986 (as amended). The purpose of the report is to provide creditors with information relating to the progress of the Administrations from 25 March 2009 to 24 September 2009. This report should be read in conjunction with our report dated 19 May 2009.

#### 2. JOINT ADMINISTRATORS' APPOINTMENT

Andrew Sheridan and Simon Bower of Baker Tilly Restructuring and Recovery LLP, Hartwell House, 55-61 Victoria Street, Bristol BS1 6AD were appointed Joint Administrators of Duffs 93 Limited ('Duffs') and Mindtrack Limited ('Mindtrack') ('the Companies') on 25 March 2009 by the directors.

The notices of appointment was filed in the High Court of Justice Chancery Division Bristol District Registry under reference number 742 of 2009 and 741 of 2009 respectively.

The Joint Administrators' appointment specified that they would have power to act jointly and severally. The Administrators have exercised and will continue to exercise all of their functions jointly and severally as stated in the notice of appointment.

#### 3. COMPANY DETAILS

The Companies registered numbers are as follows:

- Duffs 93 Limited 06448138
- Mindtrack Limited 03553675

The Registered Offices of the Companies are Baker Tilly Restructuring and Recovery LLP, Hartwell House, 55-61 Victoria Street, Bristol BS1 6AD.

#### 4. RECEIPTS AND PAYMENTS SUMMARY

We attach at Appendix A and B, Receipts and Payments summaries for both Companies for the period from 25 March 2009 to 24 September 2009.

Since our last report, we have continued to receive book debt realisations from the collection of both ledgers.

All funds are held in interest bearing accounts; we continue to monitor the level of interest that is received.

#### 4.1 Prescribed Part

There have been no payments to unsecured creditors in relation to the Prescribed Part (Section 176A of the Insolvency Act 1986 (as amended) in respect of both Companies.

#### 5. DIVIDEND PROSPECTS FOR CREDITORS

#### 5.1 Secured Creditors

#### The Royal Bank of Scotland ('the Bank')

As at the date of our appointment, the Bank was owed £1,625,370 in respect of both Companies; of this sum £1,612,882 is owed by Duffs and £12,488 by Mindtrack. The Bank's debt is secured by fixed and floating charge debentures over both Companies.

To date, a total of £60,000 has been distributed to the Bank under the terms of their security in respect of the fixed charge realisations in relation to Duffs. There will be a further distribution to the Bank in respect of the floating charge realisations of Duffs of c. £20,000 which will be made shortly.

There will be a distribution to the Bank under its floating charge, although the timing and quantum is uncertain at present as the distribution will be subject to further book debt realisations.

#### RBS Invoice Finance Limited ('RBSIF')

RBSIF were paid in full from book debt realisations subject to their Confidential Invoice Discounting agreements prior to our appointment in respect of both ledgers.

#### 5.2 Preferential Creditors

The following preferential claims have been received and agreed in respect of Mindtrack:

			£
Arrears of Pay			8,384.00
Holiday Pay	٠	,	4,230.82
			12,614.82

We confirm that the preferential creditor have received a 100 pence in the pound dividend which was paid on 5 October 2009.

There were no employee claims in respect of Duffs and as a result there are no preferential claims.

#### 5.3 Unsecured Creditors

#### Duffs 93 Limited

We have received unsecured creditors claims of £132,319 to date.

Based on estimated realisations, there will be a Prescribed Part distribution to unsecured creditors. This is a statutory amount of the floating charge realisations that are set aside for the benefit of the unsecured creditors. We will be writing to the unsecured creditors of Duffs under separate cover with regards to the Prescribed Part distribution.

#### Mindtrack Limited

We do not anticipate there will be any surplus funds available in respect of Mindtrack to enable a distribution to unsecured creditors.

#### 6. CONDUCT OF THE ADMINISTRATION

#### 6.1 Sale of the Business and Assets

As mentioned in our previous report, the business and assets of both Companies were sold as a 'pre-packaged sale' to Duffs Brands Limited on 25 March 2009. Alex Hall and Rolf Munding, directors of the insolvent Companies, are also the directors of the purchasing company.

The sale price of £103,000 for the purchase of the business and assets of both Companies was paid in full on completion on 25 March 2009.

Please see the Administrators' proposals for full details of the SIP 16 disclosures with regards to the 'pre-pack'.

#### 6.2 Book Debts

The Companies sales ledgers were subject to a Confidential Invoice Discounting agreement with RBSIF. RBSIF have been paid in full including interest and termination charges. The credit balances held by RBSIF of £22,267.96 in respect of Duffs and £15,233.85 in respect of Mindtrack have been transferred to the Administrators account.

Following the reassignment of the outstanding invoices, the remaining balances are being pursued by the Administrators and debt collection agents LPL Commercial Services Limited 'LPL'. The Administrators have agreed a collect-out fee with LPL of 10% based on gross debtor realisations that LPL collect.

To date, we have received a further amount of £1,995.97 in respect of Duffs and £16,367.45 in respect of Mindtrack. The collection of the remaining ledgers is ongoing and we will update creditors in our next progress report.

#### 7. ASSETS REMAINING TO BE REALISED

As mentioned above in Section 6, the collection of the remaining ledgers is ongoing.

There are no other assets to be realised.

#### 8. JOINT ADMINISTRATORS' PROPOSALS

The Joint Administrators' proposals were approved in accordance with Rule 2.33(5) as the Administrators have made a statement under paragraph 49 and no meeting has been requisitioned under paragraph 52(2) within the period set out in Rule 2.37.

#### 9. EXTENSION OF THE ADMINISTRATION

There have been no extensions of the Administrations.

### 10. JOINT ADMINISTRATORS' REMUNERATION AND DISBURSEMENTS

10.1 The Administrators made a statement under Paragraph 52(1) (b) of the Insolvency Act 1986 (as amended) that there will be no distribution to the unsecured creditors in respect of both Companies. As a result no creditors meetings were held.

## 10. JOINT ADMINISTRATORS' REMUNERATION AND DISBURSEMENTS (cont.)

As a result, under Rule 2.106(5A) of the Insolvency Act 1986 (as amended), the Administrators' remuneration must be agreed by the secured creditors and the preferential creditors (if applicable), whose debts amount to more than 50% of the total preferential debts.

#### 10.2 Time costs and fees drawn to date

#### Duffs 93 Limited

The basis of the Joint Administrators' remuneration in regards to Duffs was approved by the secured creditor, The Royal Bank of Scotland on 29 September 2009, under Rule 2.106(5A) of the Insolvency Rules 1986 (as amended) when the following resolution was passed:

"The Joint Administrators shall be authorised to draw their remuneration based upon their time costs, by reference to the time properly given by the Joint Administrators and their staff, in attending to matters arising in the administration at Baker Tilly Restructuring and Recovery LLP and fixed at £22,500 plus VAT, to be paid out of the assets of the Company and which may be drawn on account as and when funds permit".

We have drawn £22,500.00 plus VAT in respect of our agreed fee.

#### 10.3 Time costs and fees approval

#### Mindtrack Limited

The basis of the Joint Administrators' remuneration in regards to Duffs was approved by the secured creditor, The Royal Bank of Scotland on 29 September 2009, under Rule 2.106(5A) of the Insolvency Rules 1986 (as amended) when the following resolution was passed:

"The Joint Administrators shall be authorised to draw their remuneration based upon their time costs, by reference to the time properly given by the Joint Administrators and their staff, in attending to matters arising in the administration at Baker Tilly Restructuring and Recovery LLP and fixed at £10,000 plus VAT, to be paid out of the assets of the Company and which may be drawn on account as and when funds permit".

We await the approval of the Redundancy Payments Service, being the only preferential creditors whose debts amount to more than 50% of the preferential creditors of the company.

#### 10.3 Time costs and fees approval (cont.)

#### Mindtrack Limited (cont.)

The Joint Administrators' have not drawn any remuneration, to date, in respect of Mindtrack and await the confirmation of the Redundancy Payments Service before doing so.

Attached are the following:

• Appendix C & D: Time and charge out summaries;

• Appendix E: Charge out bands and disbursement rates;

• Appendix F: Baker Tilly Restructuring and Recovery LLP

charging, expenses and disbursements policy

statement;

• Appendix G: Rates of 'Category 2' Disbursements for the

Bristol Office; and

Appendix H & I: Summaries of payments to Joint Administrators

and associated parties.

As at 24 September 2009, a total of 202.3 hours have been spent by our staff in the administration of Duffs 93 from the date of appointment to date, representing time costs of £29,268.00 at an average hourly charge out rate of £144.68. A total of 178.7 hours have been spent by our staff in the administration of Mindtrack from the date of appointment to date, representing time costs of £24,007.70 at an average hourly charge out rate of £134.34.

#### 10.4 Analysis of time spent in administration of the estates

Our staff have carried out the following tasks:

#### a) Administration and Planning

This includes dealing with the commencement of the Administrations, statutory filing of appointment documents with Companies' House, requesting the submission of the Statement of Affairs and filing it at Companies' House, together with day-to-day administration duties. These include but are not limited to: handling receipts and payments; VAT and corporation tax issues such as the monthly VAT returns; and general correspondence.

#### b) Investigations

In accordance with our statutory obligations under the Company Directors' Disqualification Act 1986, we have filed the appropriate documentation on the conduct of the directors with the Department of Business, Innovation and Skills.

#### c) Realisation of Assets

Our staff have been employed on various matters, including: book debt realisations. Asset realisation is considered to be a key aspect of the Administration.

#### d) Creditors

Queries from and correspondence with creditors and employees have been necessary aspects of the Administration process. The preparation of the Joint Administrators' proposals has been undertaken. A report on the on the first six months of the administration period have both been prepared. We have agreed the preferential creditors' claims.

#### 10.5 Joint Administrators' disbursements

The basis of the Joint Administrators' drawing disbursements in regards to Duffs was approved by the Royal Bank of Scotland on 29 September 2009, when the following resolution was passed:

"The Joint Administrators shall be authorised to draw their disbursements and other expenses incurred by them in the administration, to be paid out of the assets of the Companies, such disbursements to include "Category 2 disbursements" at the rates disclosed in the Joint Administrators' proposals dated 19 May 2009."

As per section 10.2 the Joint Administrators have received approval from the Bank and await approval from the Redundancy Payments Service prior to any disbursements being drawn in respect of Mindtrack.

Disbursements drawn from the Companies assets, in accordance with the resolutions, are detailed on Appendix H & I.

A M Sheridan and S Bower

Baker Tilly Restructuring and Recovery LLP

Joint Administrators

Andrew Sheridan is licensed to act as an Insolvency Practitioner by the Insolvency Practitioners Association
Simon Bower is licensed to act as an Insolvency Practitioner by the Institute of Chartered Accountants in England and Wales

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

#### Appendix A

# DUFFS 93 LIMITED IN ADMINISTRATION JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT TO 24 SEPTEMBER 2009

RECEIPTS	19 May 2009 to 24 September 2009	25 March 2009 to 24 September 2009
Intellectual Property	0.00	65,000.00
Chattels	0.00	1.00
Computer Software	0.00	0.50
Goodwill	0.00	0.50
Stock & Work In Progress	0.00	34,996.50
Sales Information	0.00	0.50
Contracts	0.00	0.50
Rights of Action	0.00	0.50
Book Debts	24,263.93	24,263.93
Bank Interest	49.59	49.59
	24,313.52	124,313.52
	·	
PAYMENTS	•	
Joint Administrators' Fees	22,500.00	22,500.00
Joint Administrators' Disbursements	189.49	189.49
Fixed Charge Distribution - The Royal Bank of Scotland plc	0.00	60,000.00
Advertisement	0.00	170.14
Agents Fees	1,320.50	1,320.50
Legal Fees	10,118.30	10,118.30
Debt Collection Fees	165.15	165.15
Photocopying	124.50	124.50
	3	
	34,417.94	94,588.08
Balance in hand		29,725.44
Made up as follows:		The second secon
Floating charge account		24,537.23
VAT receiverable		5,188.21
	• •	
•	•	

#### Appendix B

# MINDTRACK LIMITED IN ADMINISTRATION JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT TO 24 SEPTEMBER 2009

RECEIPTS	19 May 24 Septemb	2009 to er 2009	25 March 2009 to 24 September 2009
			•
Chattels	-	0.00	1,000.00
Computer Software		0.00	0.50
Goodwill		0.00	` 0.50
Stock & Work In Progress	•	0.00	1,997.50
Sales Information		0.00	0.50
Contracts	,	0.00	0.50
Rights of Action		0.00	0.50
Book Debts	28	3,315.64	31,325.52
Utility Refunds	•	0.00	42.32
Bank Interest		9.13	9.13
	•		<b>-</b>
	28	3,324.77	34,376.97
			• •
PAYMENTS			
Accounting Fees		0.00	110.00
Agents Fees	· 1	,570.50	1,570.50
Advertisement		0.00	170.14
Bank Charges		6.00	6.00
Debt Collection Fees		752.61	752.61
Storage Costs		796.42	796.42
		•	
	3	3,125.53	3,405.67
Balance in hand		<del></del>	30,971.30
:: '			······································
Made up as follows:	•	d .	,
Floating charge account		•	30,461.34
VAT receiverable	,		509.96
	4		303.50
	•		30,971.30

Duffs 93 Limited & Mindtrack Limited t/a Jackal Distribution Both in Administration

DUFFS 93 LIMITED IN ADMINISTRATION JOINT ADMINISTRATORS' TIME COST ANALYSIS AS AT 24 SEPTEMBER 2009

Appendix C

	PARTNER	DIRECTOR	MANAGER	ADMINISTRATOR	ASSISTANTS	TOTAL HOURS	TIME COSTS (£)
ADMINISTRATION & PLANNING			;				
Appointment	1.5	0.5	2.5	.10.3		14.8	2,198.50
Case Management	2.5	0.8	15.1	16.7		35.1	5,644.00
Post- Appointment - General			14.0	2.8		16.8	2,759.50
Post-Appointment Taxation	3.0		0.2	4.6		7.8	1,485.50
Receipts and Payments				3.0	2.0	5.0	447.00
Legal Matters		0.3	1.6	1.3		3.2	536.50
INVESTIGATIONS			-			-	
Investigations/CDDA			6.4	9.6	-	16.0	2,155.00
REALISATION OF ASSETS							
Book debts		**	10.3	17.9		28.2	3,554.50
CREDITORS			5		:		
Reporting		1.5	4.5	25.6	2.1	33.7	4,094.50
Secured Creditors	1.0		14.5	0.9	0.4	21.9	3,781.00
Unsecured Creditors			8.6	11.2		19.8	2,612.00
TOTAL HOURS	8.0	3.1	.77.7	109.0	4.5	202.3	
TIME COSTS (£)	2.945.00	930.00	14,696.00	10,347.50	349.50	:	29,268.00

Duffs 93 Limited & Mindtrack Limited t/a Jackal Distribution Both in Administration

# Appendix D

# MINDTRACK LIMITED IN ADMINISTRATION JOINT ADMINISTRATORS' TIME COST ANALYSIS AS AT 24 SEPTEMBER 2009

			:		٠	
	PARTNER	MANAGER	ADMINISTRATOR	ASSISTANTS	TOTAL HOURS	TIME COSTS (£)
ADMINISTRATION & PLANNING			` `			•
Appointment	1.0	1.7	80 80		11.5	1,574.50
Case Management	2.0	9.2	16.0		27.2	4,003.00
Post- Appointment - General		11.6	5.3	0.3	17.2	2,600.50
Post-Appointment Taxation	1.7	0.4	5.2	-	7.3	1,143.00
Receipts and Payments		0.1	7.0	3.2	10.3	942.20
Legal Matters	· · · · · · · · · · · · · · · · · · ·	1.2	1.2		2.4	400.00
INVESTIGATIONS						
Investigations/CDDA		5.5	L'L		13.2	1,812.50
REALISATION OF ASSETS						•
Book debts	-	4.4	6.81		23.3	2,587.50
CREDITORS						
Reporting		5.5	5'91	3.5	25.5	3,135.00
Secured Creditors	0.5	8.2	4.0		12.7	2,162.50
Preferential Creditors		4.7	5.3		10.0	1,498.50
Unsecured Creditors		4.8	13.3		18.1	2,148.50
TOTAL HOURS	5.2	57.3	109.2	7.0	178.7	-
TIME COSTS (£)	1,890.50	11,090.00	10,474.00	535.20		24,007.70
		•				•

Appendix E

## BAKER TILLY RESTRUCTURING AND RECOVERY LLP JOINT ADMINISTRATORS' CHARGE OUT AND DISBURSEMENT RATES

1	Charge out band as at commencement of Administration	Charge out band as at date of current report
Partner	£350	£375
Director	£300	£300
Manager	£165-£225	£180-£250
Administrator	£90-£95	£95
Support staff	£75-£81	£75-£81

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.

Baker Tilly Restructuring and Recovery LLP's charge out rates are reviewed periodically.

Appendix F

#### BAKER TILLY RESTRUCTURING AND RECOVERY 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.
- The current charge rates for Baker Tilly Restructuring and Recovery LLP Bristol are attached
- Time billed is subject to Value Added Tax at the applicable rate.

#### 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 creditors, but do not require creditors' approval 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) require the approval of creditors prior to be being drawn from the insolvency estate. These are known as "Category 2" disbursements.
- A resolution to consider approving "Category 2" disbursements at the attached rates applicable to Baker Tilly Restructuring and Recovery LLP Bristol will be proposed to creditors' in general meeting
- 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 creditors.
- Where applicable, expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate.

Appendix G

## BAKER TILLY RESTRUCTURING AND RECOVERY LLP DISBURSEMENTS CHARGING POLICY

#### RATES OF 'CATEGORY 2' DISBURSEMENTS FOR THE BRISTOL OFFICE AS AT FEBRUARY 2009

#### Circular Costs

Paper:	Headed Continuation Plain	£38 per 1000 sheets £38 per 1000 sheets £2.38 per 500 sheets	per sheet = £0.038 per sheet = £0.038 per sheet = £0.005
Envelopes:	BT C4 window	£111 per 1000	per envelope = £0.111
:-	BT C4 non-window	£110 per 1000	per envelope = $£0.11$
· -	BT C5 window	£96 per 1000	per envelope = $£0.096$
· ·	BT C5 non-window	£95 per 1000	per envelope = $£0.095$

Postage: At cos

Photocopying: Internal (2p per sheet), External (at cost).

#### Stationery Costs (net)

•.	Lever arch files	£28.65 per 10	per file = £2.87
•	Chequebook boxes		per box = £1.32
•	A-Z dividers		per set = £0.89
•	1-31 dividers		per set = £1.79
•	Coloured dividers (5 part)	. •	per set = £0.28
. • .	Coloured dividers (10 part)		per set = £0.49
•	Storage boxes	£24.85 per 10	per box = £2.49

#### Travel

- Motor travel 38p per mile (net)
- Travel at cost
- Taxi fares at cost
- Car parking at cost

#### Subsistence

• At cost or at firm's prevailing overnight flat rate allowance of £23

#### Telephone

Conference and international calls charged at cost

#### **Company Searches**

At cost

#### **Bank Charges**

At cost

All of the above costs are subject to amendment by the firm at any time, and if amended, will be notified annually.

Appendix H

#### **DUFFS 93 LIMITED IN ADMINISTRATION**

## SUMMARY OF PAYMENTS TO JOINT ADMINISTRATORS AND ASSOCIATED PARTIES

AMOUNTS PAID OR PAYABLE TO THE JOINT ADMINISTRATORS' FIRM	
TYPE AND PURPOSE	£
Joint Administrators' Fees	22,500.00
Joint Administrators Disbursements (Category 1 – Bond £54.00, Company Search Fee £7.00. Category 2 – Mileage £29.64,	189.49
Photocopying £6.04, Postage £81.58, Stationery & Books £11.23)	
Total	22,689.49

AMOUNTS PAID OR PAYABLE TO ASSOCIATED PARTIES OF JOINT ADMINISTRATORS								
TYPE ANI	D PURPOSE					•	•	£
							•	
Total		د_	· · · · · · · · · · · · · · · · · · ·	~				, .

AMOUNTS PAID OR PAYABLE TO THE JOINT ADMINISTRATORS' SOLICITOR				
TYPE AND PURPOSE		£		
Jones Day - Legal Fees & Disbursements		10,118.30		
Total		10,118.30		

TYPE AND PURPOSE		£
GoIndustry Dovebid – valuati	on Fee & disbursements	1,320.50
LPL Commercial Services Lir		165.15

Appendix I

# MINDTRACK LIMITED IN ADMINISTRATION SUMMARY OF PAYMENTS TO JOINT ADMINISTRATORS AND ASSOCIATED PARTIES

AMOUNTSTALDO	KIAIABLE IC	THE JOINT ADMIN	ISTRATO	ALS FIRM
TYPE AND PURPOSE				£
	:	<del>_</del>	. •	
			- :	
Total				

		T T
TYPE AND PURPOSE	 	££
	 · · · · · · · · · · · · · · · · · · ·	

1 1
•

AMOUNTS PAID OR PAYABLE TO THE JOINT ADMINISTRATORS	S' AGENT	
TYPE AND PURPOSE	£	
GoIndustry Dovebid – valuation fee & disbursements	1,320.50	
LPL Commercial Services Limited - Debt Collection Fees	752.61	
Edward Symmons & Partners – valuation fee	250.00	
Total	2,323.11	