

Liquidator's Progress

S.192

Report

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

To the Registrar of Companies

Company Number

06648867

Name of Company

Culverhay Builders Ltd

I

Laurence Russell
Mary Street House
Mary Street
Taunton
Somerset
TA1 3NW



the liquidator of the company attach a copy of my Progress Report
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 18/10/2012 to 17/10/2013

Signed

Date 17 December 2013

Albert Goodman LLP
Mary Street House
Mary Street
Taunton
Somerset
TA1 3NW

Ref 190242/LR/CH/ST

Email steve.tucker@albertgoodman.co.uk

Our Ref LR/ST/190242/PF7

Your Ref

When telephoning, please call Steve Tucker on 01823 250795

17 December 2013



PRIVATE AND CONFIDENTIAL

ALL MEMBERS AND CREDITORS

Dear Sir/Madam

CULVERHAY BUILDERS LIMITED – IN LIQUIDATION

Company number. 06648867

Previously trading from. Appley Croft Barn, Appley, Stawley, Wellington, Somerset TA21 0HJ

Registered office address. Mary Street House, Mary Street, Taunton, Somerset TA1 3NW

I refer to my appointment as liquidator of the above company on 18 October 2011 and am pleased to report to creditors on my acts and dealings and the conduct of the winding up to 17 October 2013. This report should be read in conjunction with my previous report dated 17 December 2012, as it will only deal in detail with the conduct of the liquidation for the year since the last anniversary date.

I attach my receipts and payments account to 17 October 2013 incorporating an estimated outcome statement and would comment further as follows -

1. Realisation of assets

1.1 Mitsubishi motor vehicle (estimated to realise £2,500)

This was previously sold by my agents for £2,450 at auction. There was finance outstanding on the vehicle of £241, which resulted in the net amount of £2,209 before costs being realised for the liquidation.

1.2 Plant and machinery (estimated to realise £5,000)

This was previously recovered and sold by my agents at auction for £7,980.

1.3 Fixtures, fittings and equipment (estimated to realise £nil)

It was not possible to ascertain the location of the company's tools and equipment.

However, an offer of £90 has previously been accepted for the company's computer from the director, Alun Thomas, but this has yet to be received.

1.4 Book debts (estimated to realise £uncertain)

The statement of affairs showed book debts with a book value of £37,168 and an uncertain estimated to realise value. I was not able to obtain a breakdown of the book debts shown on the statement of affairs from the company's records or the director.

However, I identified some outstanding invoices from the company's records. One of these was a book debt of £1,658, and I reached a settlement with the customer whereby they agreed to pay £858 due to rectification costs incurred and this amount was received in the period outside that covered by this report. There were also some other outstanding invoices identified, but these customers also have contra claims against the company in excess of the amounts due.

Mary Street House
Mary Street, Taunton
Somerset TA1 3NW

T: 01823 286096

F: 01823 337644

E: ag@albertgoodman.co.uk

www.albertgoodman.co.uk

www.albertgoodman.cfp.co.uk

Albert Goodman is the trading name of Albert Goodman LLP, a limited liability partnership registered in England No OC 353677.
Registered Office: Mary Street House, Mary Street, Taunton, TA1 3NW. A full list of members is available at this address.

Laurence Russell is authorised by the Institute of Chartered Accountants

in England and Wales to act as an Insolvency Practitioner.

Registered to carry on audit work in the UK and regulated for a range of investment business activities by the Institute of Chartered Accountants in England and Wales.



Additionally, there is one book debt of £9,955 which was already disputed prior to my appointment and I am continuing to deal with this debt

For the purposes of this report, I have not anticipated any book debt recoveries other than the one for £858 mentioned above

1 5 Overdrawn director's loan account (estimated to realise £uncertain)

The statement of affairs showed an overdrawn director's loan account of £121,155 with an uncertain estimated to realise value

The director disputes the amount due, but my solicitor has received an initial settlement offer of £25,000 and is currently endeavouring to obtain a higher offer

Creditors will be aware that I approached them in December 2012 with regards to funding the legal costs in attempting to recover the overdrawn director's loan account, but no offers of funding were received. The solicitors employed to pursue this matter are acting on a contingency basis

1 6 Other receipts

These are self explanatory, being shown in the attached receipts and payments account

2. Payments

These are self-explanatory, either being detailed in my previous report and/or are shown on the attached receipts and payments account

3 Professional advisors

The following professional advisors have been instructed in this case and acted during the period covered by this report -

<u>Advisor</u>	<u>Nature of work</u>	<u>Fee arrangement</u>
Stephens Scown LLP	Advising and assisting with the recovery of the overdrawn director's loan account	Contingency basis

The professionals have been appointed on the basis of their experience, ability and willingness to undertake the work necessary, bearing in mind the complexity and nature of the instruction and the required payment basis

4 Expenses incurred

In addition to the payments set out on the attached receipts and payments account, I will have incurred some legal expenses during the period which had not been paid at the anniversary date if funds are recovered in respect of the overdrawn director's loan account mentioned above, the amount of which will be subject to future agreement, if applicable

5. Liquidator's fees

I have not drawn any remuneration and had outstanding time costs of £11,626 at the anniversary date

Pursuant to Rule 4 49E(1) – (3) creditors may, within 21 days of receipt of this report, make a request in writing for further information about the remuneration and expenses set out in this report. Such a request may be made by either of the following -

- (a) a secured creditor, or
- (b) an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors including himself or with the permission of the Court

Pursuant to Rule 4 131 any secured or 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 Court for an order on the grounds that –

- (a) the remuneration charged by the liquidator, or
- (b) the basis fixed for the liquidator's remuneration under Rule 4 127, or
- (c) the 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

6. Report on director's conduct

Following investigations into the affairs and transactions of the company during the period prior to the liquidation, a report was submitted to the Department for Business Innovation & Skills under the Company Directors Disqualification Act 1986. My investigations are continuing.

7 Creditors' claims

7.1 Preferential creditors

I have received preferential claims totalling £2,478

Dividend prospects depend upon a settlement being reached in respect of the overdrawn director's loan account referred to above, and it is possible that preferential creditors will be paid in full.

7.2 Unsecured creditors

I have received 36 unsecured claims totalling £226,821. There remain 12 creditors with expected claims totalling £113,823 who have yet to submit a claim. Total unsecured claims are therefore anticipated to be £340,644.

As with preferential creditors, the dividend prospects for unsecured creditors depend upon sufficient funds being received in respect of the overdrawn director's loan account referred to above, but any dividend to unsecured creditors is likely to be small.

7.3 Section 176A fund for unsecured creditors

Where a company has granted a floating charge after 15 September 2003, and funds are available under that floating charge, section 176A of the Insolvency Act 1986 provides that the liquidator must make part of the company's net property available for the satisfaction of unsecured debts.

As there is no floating charge in this case, section 176A of the Insolvency Act 1986 does not apply.

I shall report again following the next anniversary of my appointment or as soon as I am in a position to conclude this case. Should you have any queries regarding this report, please do not hesitate to contact this office.

Yours faithfully
For and on behalf of
Culverhay Builders Ltd



LAURENCE RUSSELL
Liquidator

Appendix 1

CULVERHAY BUILDERS LIMITED - IN LIQUIDATION

RECEIPTS AND PAYMENTS ACCOUNT INCORPORATING ESTIMATED OUTCOME STATEMENT

AS AT 17 OCTOBER 2013

	As per statement of affairs £	As at 17/10/2012 £	In period 18/10/2012 to 17/10/2013 £	Total to 17/10/2013 £	Anticipated £	Total £
Receipts						
Assets specifically pledged						
Mitsubishi motor vehicle	2,500	2,450	-	2,450	-	2,450
Less amount due to finance company	-	(241)	-	(241)	-	(241)
Surplus	2,500	2,209	-	2,209	-	2,209
Uncharged assets						
Plant and machinery	5,000	7,980	-	7,980	-	7,980
Fixtures, fittings and equipment	-	-	-	-	90	90
Book debts	Uncertain	-	-	-	858	858
Overdrawn director's loan account	Uncertain	-	-	-	Uncertain	Uncertain
Telephone refund	-	64	-	64	-	64
Bank interest	-	3	3	6	-	6
	7,500	10,256	3	10,259	948	11,207
Payments						
Agents' fees	-	(2,335)	-	(2,335)	-	(2,335)
Legal fees	-	-	-	-	Uncertain	Uncertain
Pre-liquidation costs	-	(4,500)	-	(4,500)	-	(4,500)
Liquidator's fees	-	-	-	-	(3,655)	(3,655)
Statutory advertising	-	(50)	(47)	(97)	(55)	(152)
Insolvency bond	-	-	(260)	(260)	-	(260)
Company searches	-	-	(7)	(7)	-	(7)
Storage of books and records	-	-	(216)	(216)	-	(216)
Redirection of mail	-	-	(27)	(27)	-	(27)
Land Registry restriction fee	-	-	(50)	(50)	-	(50)
Land Registry search fee	-	-	(4)	(4)	-	(4)
Corporation tax	-	-	(1)	(1)	-	(1)
	7,500	3,371	(609)	2,762	(2,762)	-
Less preferential creditors	(2,678)	-	-	-	-	-
	4,822	3,371	(609)	2,762	(2,762)	-
Less unsecured creditors	(292,144)	-	-	-	-	-
	(287,322)	3,371	(609)	2,762	(2,762)	-
Estimated dividend re preferential creditors		0%	0%	0%	0%	0%
Estimated dividend re unsecured creditors		0%	0%	0%	0%	0%
Local interest bearing current account (L Russell re Culverhay Builders Ltd in liquidation)				2,648		
VAT				114		
				<u>2,762</u>		

Note 1

The figures on the receipts and payments account incorporating an estimated outcome statement are net of VAT

Appendix 2 (i)

APPENDIX REGARDING INSOLVENCY PRACTITIONER'S REMUNERATION

Case name	Culverhay Builders Limited
Court and number	N/A
Office holder	Laurence Russell
Firm	Albert Goodman
Address	Mary Street House Mary Street Taunton Somerset TA1 3NW
Telephone	01823 286096
Reference	LR/190242
Type of appointment	Liquidator
Date of appointment	18 October 2011

1 OVERVIEW OF THE CASE

This has been provided in the body of the report to which this appendix has been attached

I can advise that my fees were set on a time cost basis at the creditors meeting held on 18 October 2011

2 EXPLANATION OF INSOLVENCY PRACTITIONER'S CHARGING AND DISBURSEMENT RECOVERY POLICIES

I can advise that all staff who worked specifically on this assignment had their time costed and charged to it, including secretaries and cashiering time

CHARGEOUT RATES

The current charge out rates of the grades of staff likely to work on this assignment are as follows -

Insolvency Practitioner	£175 per hour
Manager	£107 per hour
Administrators	£60 to £82 per hour
Support Staff	£39 per hour

DISBURSEMENTS POLICY

Disbursements are split into two categories as follows

Category 1. These are specific costs met by this firm which relate to a particular insolvency case. Such items of expenditure include advertising, Companies House and Land Registry searches, external printing costs, external storage and fees for swearing legal documents. Approval is not required for category 1 disbursements.

Category 2: These are expenses which are paid or are payable to my firm or to any other party in which my firm or I have an interest, and primarily relate to the non-case specific recovery of overhead costs. Creditors' approval is required before a category 2 disbursement can be drawn by an Insolvency Practitioner. It is this firm's policy that the only disbursements

Appendix 2 (i)

recharged to an assignment relate to the simple reimbursement of actual payments made to third parties relating to a particular case, which are category 1, except for mileage. Mileage is charged at standard rates which comply with H M Revenue and Customs limits.

There are no disbursements levied in respect of the recovery of overhead costs.

3 NARRATIVE DESCRIPTION OF WORK CARRIED OUT

Appendix 2(ii) outlines the time costs incurred in relation to activities undertaken during the period, which can be summarised as follows. Staff of different levels were involved in the activities shown depending upon the experience required and, where significant, further information is provided in this respect.

Administration and planning

The following activities have been undertaken -

- Case planning
- Statutory filing and annual report to creditors
- Maintenance of records and bank accounts
- Progress reviews of case
- Dealing with liquidation tax matters

Realisation of assets

Please refer to the main body of the report but in summary the following activities have been undertaken -

- Identifying book debts and collecting them
- Liaising with solicitors and the director regarding the overdrawn director's loan account

Creditors

The following activities have been undertaken -

- Communication with creditors regarding funding issues
- Recording and maintaining list of creditors' claims
- Dealing with employee in respect of claim

4 TIME AND CHARGE OUT SUMMARY

A summary of the time spent on this assignment and the costs charged to it as a result is provided at appendix 2 (ii).

I can advise that I have not drawn any remuneration in respect of the above time costs. I had unbilled time costs totalling £11,626.10 at the anniversary date.

5 CATEGORY 2 DISBURSEMENTS

In accordance with the disbursements policy shown at 2 above, no category 2 disbursements have been charged to this assignment in respect of general overheads.

6 SUPPORTING DOCUMENTS

A receipts and payments account for this assignment is provided as part of the report to which this appendix is attached.

I also enclose a copy of the resolution passed dealing with the approval of my remuneration.

Appendix 2 (i)

7 INCREASES IN CHARGE OUT RATES

It is the policy of this firm to review staff charging rates periodically and increases have been implemented during the period of administration of this case. The following increases have been implemented -

Insolvency Practitioner	6%
Manager	5%
Other Senior Professionals	4 - 20%
Support Staff	5%

Resolutions

The meeting passed the following resolutions.-

- 1 That Frost Group Ltd should be remunerated in the sum of £4,500 plus VAT in settlement of their fees and disbursements for services rendered to the director in relation to the preparation of the statement of affairs and associated documentation and for convening the meetings of members and creditors, pursuant to rules 4.38 and 4.62 of the Insolvency Rules 1986. The payment of these fees is to be made from the realisation of the company's assets and is to be paid in due course
- 2 That liquidator's remuneration for dealing with matters arising in the liquidation should be calculated by reference to the time costs properly incurred by the liquidator and his staff, and authority is hereby given for the liquidator to draw his remuneration on this basis and to take his fees on account.
3. The liquidator be authorised to draw any disbursements as required for the case in accordance with the liquidator's disbursement policy

There being no further business, the meeting then terminated


Signed Alun Stephen Thomas
Chairman