



For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

### 1 Company details

Company number 0 6 9 0 6 1 1 9

Company name in full Marc (Bakery) Limited

#### → Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Administrator's name

Full forename(s) Graham

Surname Bushby

### 3 Administrator's address

Building name/number The Pinnacle

Street 170 Midsummer Boulevard

Post town Milton Keynes

County/Region

Postcode M K 9 1 B P

Country

### 4 Administrator's name ①

Full forename(s) Nick

Surname Edwards

#### ① Other administrator

Use this section to tell us about  
another administrator.

### 5 Administrator's address ②

Building name/number The Pinnacle

Street 170 Midsummer Boulevard

Post town Milton Keynes

County/Region

Postcode M K 9 1 B P

Country

#### ② Other administrator

Use this section to tell us about  
another administrator.

# AM10

## Notice of administrator's progress report

### 6 Period of progress report

From date	<sup>d</sup> 0	<sup>d</sup> 5	<sup>m</sup> 0	<sup>m</sup> 3	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0	
To date	<sup>d</sup> 0	<sup>d</sup> 4	<sup>m</sup> 0	<sup>m</sup> 9	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0	

### 7 Progress report

☒ I attach a copy of the progress report

### 8 Sign and date

Administrator's  
signature

Signature

X

*[Handwritten signature]*

X

Signature date

<sup>d</sup>2 <sup>d</sup>4 <sup>m</sup>0 <sup>m</sup>9 <sup>y</sup>2 <sup>y</sup>0 <sup>y</sup>2 <sup>y</sup>0

**Presenter information**

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

Contact name **Samantha Rogers**

Company name **RSM Restructuring Advisory LLP**

Address **St Philips Point**

**Temple Row**

Post town **Birmingham**

County/Region

Postcode 

B	2		5	A	F		
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Country

DX

Telephone **0121 214 3100**

**Checklist**

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.

**Important information**

**All information on this form will appear on the public record.**

**Where to send**

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.

**Further information**

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**

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# MARC (BAKERY) LIMITED IN ADMINISTRATION

JOINT ADMINISTRATORS' PROGRESS REPORT

FOR THE SIX MONTH PERIOD TO 04 SEPTEMBER 2020



# INTRODUCTION

**Contact details**

The key contacts at RSM in connection with this report are:

**Primary office holder**

Graham Bushby  
RSM Restructuring Advisory LLP  
The Pinnacle, 170 Midsummer Boulevard,  
Milton Keynes, MK9 1BP  
Tel: 0203 201 8000

**Case manager**

Samantha Rogers  
RSM Restructuring Advisory LLP  
St Philips Point, Temple Row  
Birmingham B2 5AF  
Tel: 0121 214 3230

**Basis of preparation**

This report has been prepared solely to comply with the statutory requirements of the relevant legislation to provide creditors with information relating to the progress of the Administration. It should be read in conjunction with any previous reports that have been issued, copies of which are available on request.

This report 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 revision and additional costs. They should not be used as the basis for any bad debt provision or any other purpose. Neither the Joint 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. The Joint Administrators act as agents of the Company and without personal liability.

**General guidance on the Administration process**

You may also wish to note that profession's trade body, R3, have also produced general guidance on the different insolvency processes, which can be located at their website

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## KEY ACTIONS AND DECISIONS REQUESTED FROM CREDITORS

### Decisions requested from creditors

The Joint Administrators are seeking a decision of the creditors on the following:

- to increase the amount of fees that can be drawn to £78,000 (plus VAT) in line with the attached revised fee estimate; and
- that a creditors' committee will not be appointed.

### Creditors' committee

#### Establishment and guidance

It is proposed that a creditors' committee will not be appointed. However we are required to invite creditors to decide whether to establish a committee because a decision is being sought. If you want a creditors' committee, sufficient creditors will need to both object to the decision process and consent to act as a representative on the committee. At least three creditors must consent to act before a committee can be formed; a maximum of five can be represented. If you do want a committee, please contact this office as soon as possible.

If a committee is formed, it would be their responsibility to approve the Joint Administrators' fees, costs, expenses and discharge from liability.

Guidance on acting as a committee member can be found at the R3 website, [www.R3.org.uk](http://www.R3.org.uk). A hard copy can be requested by telephone, email or in writing to this office.

### Key actions required by creditors

Formal notice of a Qualifying Decision Procedure to consider these decisions are attached, together with other relevant documentation and guidance.

If you wish to vote in respect of the decisions requested you will need to:

- complete, sign and return the **Proof of Debt** and return it with evidence of your claim (if you have not previously done so); and
- complete, sign and return the **Voting form**.

Please note that these documents must be returned on or before the decision date of 13 October 2020 for you to vote. Further, the Proof of Debt form must have been admitted for voting purposes.

Creditors whose debts are treated as a small debt in accordance with Rule 14.31(1) of the Insolvency (England and Wales) Rules 2016 must still deliver a proof of debt if they wish to vote. Rule 14.31(1) states that Office Holders may treat a debt, which is a small debt according to the accounting records or the statement of affairs of the company, as if it were proved for the purposes of paying a dividend. Small debts are defined in Rule 14.1(3) as a debt (being the total amount owed to a creditor) which does not exceed £1,000.

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## CONDUCT OF THE ADMINISTRATION

### Realisation of assets

#### Sale of business

As detailed in the Administrators' proposals, a pre-pack sale of all of the Company's assets (excluding book debts) was completed on 6 March 2020. Full details of the sale were given in the SIP16 statement issued to creditors shortly after our appointment. A summary of the transaction is provided below:

Date of transaction:	6 March 2020
Identity of purchaser:	Galeta Bakery Limited ('the purchaser')
Connection:	Unconnected third party
Purchaser independently advised:	Yes
Assets involved:	<p>Sold as a going concern to include goodwill, customer contracts, stock, intellectual property, records and the plant and machinery.</p> <p>In addition a licence to occupy has been granted for 3 months – the rent for which is to be paid in advance.</p>
Consideration:	<p>£45,000 to be apportioned as:</p> <p>Goodwill £1 – fixed charge asset</p> <p>Stock £999 – floating charge asset</p> <p>Plant and machinery £44,000 – floating charge asset</p>
Terms of payment:	Upon completion
Other consideration:	50% of any amount recovered in respect of the rent deposit.
Other matters:	The purchaser is to collect the book debts on behalf of the Administrators which should help to facilitate a higher recovery rate. The purchaser will retain 10% of the amount recover up to 80% of the ledger and 50% thereafter.

Following our appointment, time was spent liaising with our solicitors and the purchaser regarding the sale agreement and licence to occupy. A small amount of time was incurred liaising with the agents regarding the valuation. As a pre-pack sale was undertaken and a licence to occupy granted, we were required to have insurance in place, therefore time has been incurred arranging the insurance, providing information relating to the assets and sale and liaising with the insurers to provide updates.

No further work is anticipated in relation to the sale of the business, other than in connection with the licence to occupy detailed below and the former employees which is detailed in the creditor section.

#### Licence to occupy

As part of the pre-pack sale, a three-month licence to occupy was provided to the purchaser, to provide time for the purchaser to liaise with the landlord about assigning the lease or obtaining a new lease. The terms of the licence to occupy provided that the purchaser covered the cost of the rent and service charge.

Time was spent liaising with the landlord and the purchaser regarding a possible assignment of the lease, however at the end of the licence period an assignment had not been achieved and notice was served on the purchaser and the landlord that the licence to occupy had expired and that the purchaser was no longer in occupation under the licence or the authority of the Company and/or its Administrators.

It then became apparent that a sale of the property had taken place and therefore there was a change in landlord. Further correspondence has taken place between the purchaser, the Administrators and the new landlord regarding the possibility of an assignment of the lease. A significant amount of time has been incurred liaising with the purchaser, landlord and their solicitors.

We have also sought legal advice on our response to the landlord and their solicitors to ensure the Company's position is protected. The discussions have also involved the rent deposit detailed further below. Further time is expected to be incurred of c£1,500, however we are attempting to minimise time incurred by only getting involved in discussions when an agreement has been achieved between the purchaser and the landlord.

Unfortunately, this work is unavoidable as the lease is still in the name of the Company and if an assignment is achieved it will reduce the landlord's claim which is in the interests of the other creditors. Depending on the terms of the assignment this may also impact the recoverability of the deposit.

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### Book debts

As mentioned in the proposals, the pre-pack sale excluded the book debts which remain an asset of the administration. A schedule of debtors was provided dated 28 February 2020 indicating an outstanding balance of c£163,000.

As part of the pre-pack sale, it was agreed that the purchaser would assist in the collection of the book debts at a fixed fee of 10% of the amount collected, up to 80% of the ledger, and 50% thereafter. It was felt that this approach would increase the level of likely recovery from the debts as:-

- the existing staff were better placed to deal with any debtor disputes or queries;
- the purchaser would be continuing to supply the customers, eliminating any potential claims for disruption to the daily deliveries which customers may have attempted to off-set against the balance due.

Unfortunately, shortly after the date of appointment, the effects of Covid-19 began to take hold which resulted in many of the staff of the Bakery being made redundant, and a significant number of customers temporarily closing. This has impacted the collection process and meant that a smaller amount of debtors have been recovered to date, than would have been expected at this time.

To date the amount of £18,028.68 has been collected and the purchaser has deducted £1,438.64 in fees as per the agreement. Fees were not charged in relation to the funds received into the former account as detailed below.

It became apparent that some customers had paid into the old bank account post administration which was operated by a separate legal entity and not the Company. We wrote to the third party and we have received £3,642.23 in respect of the funds paid into the third-party account (included in the above-mentioned book debt figure). We have been seeking copies of the bank statements to ensure that there are no other funds held by this third party and we are currently in correspondence with their solicitors in this regard.

Future work anticipated involves continuing to liaise with the purchaser in relation to the debtor collection and obtaining updates, as well as further correspondence with the solicitors acting for the third party operating the old bank account. This is expected to cost c£1,000-£1,500 depending on how long it takes to obtain the bank statements. The time incurred is in relation to collection of the debtors which are an asset of the estate and therefore is for the financial benefit of the creditors.

If debtor receipts do not increase significantly we intend to take alternative steps to recover the book debts.

### Prepayments

The latest management accounts included pre-payments of c£25,000. During the period, time has been spent making enquiries as to what this amount relates to and whether it can be recovered. Unfortunately, we have still be unable to obtain copies of the Company's SAGE data to identify what the pre-payments relate to. It is likely that the pre-payment relates to deposits which are unlikely to be recovered, however this will be reported upon in our next report.

Future work is anticipated to identify what the pre-payments relate to and whether a recovery can be made, this is anticipated to incur c£1,000 however this depends on how long it takes to obtain access to the Company's SAGE data. If we are able to recover the pre-payments this will result in a financial benefit to creditors.

### Cash at bank

The Company was part of a Group and did not operate its own bank account. All transactions went through another company's account. We have been attempting to obtain copy bank statements and information from SAGE to establish the position of inter-company loans and whether company monies are held in this third-party account.

### Rent deposit

The former trading premises is leased under a lease dated 1 March 2013. A rent deposit of £67,773 including VAT is held by the landlord with a rent deposit deed registered as security at Companies House.

The sale agreement stated that if the purchaser was to recover the rent deposit then they are able to retain 50% of the amount recovered and the other 50% is payable to the Administration.

During the period, time was spent liaising with the purchaser and his solicitors regarding the deposit and the terms of the agreement. The Administrators sought legal advice on the position and the terms of the agreement in order to fully understand our position. As an assignment has not yet been achieved and the lease is still in place, we have been unable to recover the deposit.



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There are ongoing discussions between the landlord's solicitors and the purchaser's solicitors regarding a potential assignment of the lease. This may or may not result in a realisation of the deposit for the estate and further details will be provided in the next report to creditors.

#### **Group debts**

As detailed in the proposals, the management accounts included book debts owed from companies within the MARC Group of c£61,000. Given the financial position of the Group, it is unlikely that a recovery will be made in respect of the group debts. We have been attempting to obtain information from the Company's SAGE data in order to establish the exact amount owed to/from each company within the Group, however we have still not been able to obtain access to the Company's SAGE data. We have incurred time liaising with the director, his solicitor, a third party connected to the Group, the IT consultants and Liquidators of another company in the Group and these discussions are ongoing. We are hopeful that we will have access shortly to extract all the relevant information we require.

Future work is anticipated which involves discussions with the various parties mentioned above to obtain access, extracting the relevant information and reviewing the information. It is difficult to provide an estimate as we don't know how long it will take to access the information and how easy it will be to utilise the information as it is understood that all companies within the Group used the one SAGE account. The time could result in a realisation if debtor balances are identified and a dividend is paid from the relevant estate or potential antecedent transactions are identified which could result in a realisation for the estate. We are however required to investigate this regardless as part of our duties as Administrators.

The time costs incurred to date in respect of asset realisations are shown on the attached analysis of time costs.

#### **Investigations**

During the period time has been spent on the following:

- reviewing information received from the director and the management accounts;
- completing the CDDA internal checklist and completing the CDDA online report;
- liaising with the insolvency service;
- liaising with the Official Receiver in respect of their appointment as Liquidators of Marc Limited; and
- liaising with the director, his solicitors, a connected third party and the IT consultants in respect of access to electronic records, books and records and the request for the Statement of Affairs

Future work involves liaising with the various parties to obtain access to electronic records, reviewing the information obtained, continuing to chase the Statement of Affairs submission and liaising with the Insolvency Service.

The time costs incurred to date in dealing with these matters is set out in the attached analysis of time costs.

#### **Case specific matters**

The case specific matters relate to obtaining legal advice on the following:

- correspondence received from the purchaser's solicitors in relation to TUPE and our draft response; and
- correspondence regarding a tribunal and in relation to our draft response to the tribunal.

The time costs incurred to date in dealing with these matters is set out in the attached analysis of time costs. It is not anticipated that further time will be incurred in relation to case specific matters.

#### **Statutory and case management matters**

The following work does not usually result in a financial return to creditors but is required by legislation, best practice and to ensure that the case is managed efficiently and effectively. Work done in the period included:

- setting up the case on our case management software;
- preparing and filing statutory appointment docs and advertising;
- ongoing consideration of ethical and anti-money laundering regulations;
- filing;
- correspondence with the director, his solicitors and advisors in relation to the Statement of Affairs and chasing for this to be provided;
- ongoing consideration of insurance of assets and amending cover as required;
- ongoing consideration of health & safety and environmental matters;
- ongoing correspondence with third party advisors;
- periodic case reviews, ongoing case planning and discussions regarding strategy;
- maintaining and updating computerised case management records;
- cashiering including processing of receipts, payments and journals;

- 
- maintenance of cashiering records including bank reconciliations and preparation of receipts and payments accounts;
  - filing of statutory documentation at Companies House and Court, and with other relevant parties;
  - general taxation matters, including chasing HMRC regarding the VAT number and VAT returns and preparing and submitting VAT returns, reviewing the sale of assets to establish whether a capital gain arises, checking the dates a CT return is due and updating our case management software;
  - dealing with routine correspondence not attributable to other categories of work;
  - preparing, reviewing and issuing reports to creditors and other parties;
  - dealing with the pension scheme, liaising with the PPF / Pensions Regulator / Trustees, seeking legal advice in relation to the position and reviewing the terms of the pre-pack sale agreement, dealing with a significant amount of correspondence with NOW:Pensions, dealing with the pension arrears claims and preparing and submitting the relevant forms to the Redundancy Payments Service;
  - liaising with a storage unit regarding records held and arranging for collection of the records; and
  - correspondence with the director and his solicitors and advisors regarding various matters.

The time costs incurred to date in dealing with these matters is set out in the attached analysis of time costs.

#### **Receipts and payments**

A summary of receipts and payments is attached. Receipts and Payments shown net, with any amounts due to or from HM Revenue and Customs shown separately.

## OUTSTANDING MATTERS

### Assets remaining to be realised

The following assets remain to be realised. Details of the work still required and the anticipated costs are set out in the 'Conduct of the Administration' section above, and below.

Nature of asset	Book value (£)	Estimated to realise (£)	Estimated future costs (£)
Book debts	c163,000	120,000	1,000-1,500*
Prepayments	c25,000	Unlikely	1,000
Rent deposit	67,773	Uncertain	1,500
Group debts	c61,000	Unlikely	Uncertain

\*does not include Galeta's collection fees

### Other outstanding matters

The following work is anticipated prior to closure:

- liaising with the director and his solicitor to chase for the Statement of Affairs and copies of bank statements relating to another company within the Group;
- liaising with various parties to obtain a copy of the SAGE and electronic data, reviewing the data to establish any matters which need reporting to the Insolvency Service, the inter-company loan position and lodging the relevant claims in the relevant insolvency process(es) and identify any potential antecedent claims;
- liaising with the purchaser, his solicitors and the landlord and their solicitors regarding either the assignment or surrender of the lease;
- dealing with statutory requirements whilst the case remains open such as preparing progress reports, filing documents at Companies house, preparing corporation tax and VAT returns;
- dealing with administration duties whilst the case remains open including but not limited to case reviews and discussion regarding strategy, filing, dealing with correspondence and calls, liaising with the insurers regarding amendments and cancellation of insurance;

- correspondence with the pension scheme provider;
- seeking legal advice in relation to the validity of the secured creditor's security;
- agreement of preferential creditors' claims and payment of a dividend to secured and preferential creditors when sufficient funds become available (unsecured claims to be dealt with in a subsequent liquidation, if appropriate);
- dealing with clearance matters and seeking clearance from HM Revenue and Customs;
- completing a pre-closure review; and
- preparing and issuing a final report and filing at Companies House.

The anticipated cost in dealing with these matters is estimated at £19,000, the majority is unlikely to provide a financial benefit to creditors however the work is required to comply with legislation and best practice.

No work has been undertaken in relation to the agreement of creditors' claims as there are currently insufficient funds in the case to enable a dividend to creditors. However based on the estimated to realise figures, we anticipate that there will be sufficient funds to pay a dividend to the secured, preferential and unsecured creditors in this case. This does however depend on the recovery of the book debts.

### End of the Administration

As stated in the Joint Administrators' proposals, it is proposed that the administration will end by Creditors' Voluntary Liquidation.

It is not yet possible to ascertain at present when the administration will end. Due to the impacts of Covid, the debtor collections have been significantly slower than anticipated.

### Exit by dissolution

However, at any point in the Administration should the Joint Administrators reach a conclusion that the property is insufficient to permit a distribution then they shall (unless the court orders otherwise) be required to file a notice pursuant to paragraph 84 of Schedule B1 to the Insolvency Act 1986 seeking that the company be dissolved.

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#### **Exit by Creditors' Voluntary Liquidation**

If the Company exits Administration by moving into a Creditors' Voluntary Liquidation as proposed, the Joint Administrators or any successor(s), will be appointed Joint Liquidators of the Company. The Liquidators will have the power to act jointly and severally and any act required or authorised to be done by the Liquidators may be done by all or any one more of the persons holding the office in question.

## CREDITORS' CLAIMS AND DIVIDEND PROSPECTS

### Dividend prospects

	Owed £'000	Paid to date	Estimated future prospects
Secured creditor – Charles Russell Speechlys LLP	25	NIL	Payment in full
Preferential creditors	10	NIL	100p in the £
Unsecured creditors	7,360	NIL	Not known at present
Estimated Net Property	34,000		
Estimated 'Prescribed Part' available for creditors	10,000		

### Prescribed Part

The 'Prescribed Part' is a statutory amount set aside for unsecured creditors from funds ('Net Property') available to a Qualifying Floating Charge Holder ('QFCH'). The amount of Net Property is calculated on a sliding scale up to maximum £800,000 depending on when the floating charge was created and whether or not it is a first ranking floating charge.

An estimate of the amounts available under the Net Property and Prescribed Part, if any, are detailed above.

Based on current information, it is not proposed that that an application will be made to court under Section 176A(5) of the Insolvency Act 1986 for an order disapplying the Prescribed Part provisions.

### Agreement of claims

Creditors' claims are usually only agreed if there is a likelihood of a dividend being made to that particular class of creditor.

As set out above, it is anticipated that a dividend will be paid to preferential and unsecured creditors. The anticipated dividends set out above are subject to future realisations and no work has therefore been done as yet to agree preferential and unsecured claims, other than that

necessary for the purposes of admitting claims for voting, where applicable. Details of the time spent in relation to this work as set out in the attached time analysis.

If you have not already submitted a proof of debt form, a copy can be obtained at <https://rsmuk.ips-docs.com> or by request to this office.

The sale and purchase agreement provided for the purchaser to be responsible for the pension scheme arrears hence why there were no preferential creditors included in the Administrators' proposals. The purchaser has since argued that TUPE does not apply and would not meet the pension scheme arrears. So as not to prejudice the employees' pension scheme arrears, the Administrators allowed for the pension scheme arrears to be claimed from the Redundancy Payments Service and hence there will now be a preferential creditors claim.

### Dividend payments

- The timing of any future dividend to preferential and unsecured creditors (in relation to the Prescribed Part **and** potentially other than the Prescribed Part) is dependent on future realisations. Further information regarding any potential dividend payment will be made in due course.

### Creditor communication

The following work was done in the period to comply with legislation, best practice and to ensure creditors were kept informed. It is also necessary to enable a dividend to be paid or if it is due to be paid in the subsequent liquidation. The work undertaken in the period is as follows:

- preparation and issue of the Administrators' proposals and SIP16 statement to various parties, including creditors and filing with the Registrar of Companies;
- dealing with correspondence and calls with the former employees;
- liaising with the purchaser regarding the former employees and TUPE;
- obtaining legal advice relating to TUPE and correspondence received regarding an employment tribunal;
- liaising with ACAS regarding former employees;
- preparing the necessary paperwork to submit a claim to the Redundancy Payments Service in respect of pension arrears and liaising with the pension company in this regard;
- dealing with correspondence and calls from unsecured creditors;
- maintenance of schedules of preferential and unsecured creditors' claims;

- 
- liaising with the Official Receiver as Liquidator of Marc Limited regarding former employees' liabilities; and
  - correspondence with the secured creditor.

Creditors only derive an indirect financial return from this work on cases where a dividend has been, or will be, paid.

The time incurred in dealing with these matters during the period is set out in the attached post appointment analysis of time costs.

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# JOINT ADMINISTRATORS' FEES, COSTS AND EXPENSES

## Guide to Administrator's fees and expenses

A Guide to Administrator's Fees, which provides information for creditors in relation to the fees and expenses of an Administrator, can be accessed at <https://rsmuk.ips-docs.com> under 'general information for creditors'. A hard copy can be requested from this office by telephone, email or in writing. All fees, costs and expenses are subject to VAT.

## Relevant Approving Body

The unsecured creditors are the Relevant Approving Body responsible for approving the Joint Administrators' post appointment fee basis and, where applicable, 'Category 2' expenses. However, if a creditors' committee is established at any stage, this will become its responsibility and it will be the Relevant Approving Body.

## Pre-Administration costs

Details of the pre-administration costs that have been approved since appointment are set out below. Amounts paid to date from the estate are shown in the attached receipts and payments account.

To whom due / paid	Date approved	Amount approved (£)
Joint Administrators' pre-administration fees	30/03/20	13,925.00
Joint Administrators' pre-administration costs (agent's fees and travel)	30/03/20	2,142.50
Total		

## Post-appointment fees, costs and expenses

### Basis of fees

Insolvency legislation allows an Administrator to charge fees on one of, or a combination of, the following bases:

- as a percentage of the value of the property the Administrator has to deal with (percentage basis);

- to the time spent by the Administrator or their staff on the administration of the case (time cost basis);
- as a set amount (fixed fee basis); or
- a combination of the above (mixed fee basis).

The Relevant Approving Body approved the Joint Administrators' fees on a time cost basis, limited to the sum of £39,000 (plus VAT) in accordance with the fee estimate scope and assumptions previously provided. The fee estimate was prepared for the life of the appointment.

## Remuneration charged and paid

Legislation requires that 'remuneration charged' is reported. Remuneration is charged when the work to which it relates is done. However, the fees that can be drawn will be limited to the amount approved by the Relevant Approving Body.

During the period, the remuneration charged by the Joint Office Holders, totalled £64,748.50, calculated on the basis set out above. Amounts paid, both in respect of the current period of the report, and since appointment, in accordance with the relevant approval as set out above, are detailed in the attached receipts and payments account.

An analysis of time incurred in the period is attached.

## Fee estimate exceeded

### Reasons for exceeding the fee estimate

The Joint Administrators' time charged to date has exceeded the original fee estimate and further work remains to be done as set out earlier in this report. The original fee estimate was exceeded because the following matters had not been identified and some matters as explained below proved to be more complex and time consuming to deal with than originally anticipated.

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#### Issues not foreseen when estimate was originally prepared

- It became apparent following our appointment that some, or all, of the employees held employment contracts with another company within the Group and not the Company. This created uncertainty surrounding TUPE which following the immediate damage to the business caused by Covid, the purchaser has sought to rely upon in order to pass liability to other entities. Therefore significant time has been spent liaising with the purchaser, his solicitor and seeking our own legal advice in relation to whether TUPE applied in this case.
- In addition to the legal advice on TUPE we have also obtained advice in respect of issues unforeseen including, but not limited to, employee liabilities, correspondence regarding an employment tribunal and the rent deposit. This has resulted in additional time being incurred liaising with solicitors and providing information and documentation in order to obtain advice on these matters as well as reviewing the advice and discussing next steps.
- Due to the issues mentioned above, a significant amount of time has been incurred dealing with correspondence and calls from employees, ACAS, the purchaser, the pension company, the Pensions Regulator and preparing the necessary paperwork to submit a claim to the Redundancy Payments Service in respect of the pension arrears.
- As the employees might also have a claim against Marc Group Limited, which is in Compulsory Liquidation, time has been incurred in relation to correspondence with the Official Receiver regarding employees and also records.
- We became aware that the Company was renting a storage unit which contained various pieces of equipment and boxes of records, which had not been disclosed. There was an outstanding liability to the storage facility, therefore time was incurred negotiating access to the storage unit to collect the records and discussions with the purchaser regarding the equipment.

- As mentioned earlier in the report, a licence to occupy was put in place for three months to allow the purchaser time to negotiate an assignment of the current lease or agree a new lease. Unfortunately, despite ongoing discussions this did not occur by the three month deadline therefore time was incurred sending correspondence to the landlord and the purchaser regarding the position to ensure no further liability to the Administration. The landlord then sold the premises, which resulted in further time being incurred corresponding with the new landlord and their solicitors regarding the position, what had happened to date and discussions surrounding the deposit and the assignment of the lease.
- The original cost estimate was prepared on the basis of co-operation from the director and the books and records of the Company being up to date and available. Apart from the small amount of records recovered from the storage unit, we have been unable to obtain any other financial records of the Company. This has resulted in significant time being incurred chasing the director and his solicitor and liaising with various third parties in order to obtain access to the Company's SAGE and financial information to assist with investigations and collection of the books debts. This again will result in additional time being incurred going forward as we continue to chase the director and various third parties for the records of the Company.
- HMRC did not provide VAT returns and after numerous calls and letters, we were informed that the VAT number we had been given was in fact an old VAT Group number which had already been disbanded.



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#### **Matters which involved a greater amount of time than anticipated**

- **Book Debts** – It was anticipated that the debtor collection would be completed within three to six months. The impact of Covid and the limited company records have caused significant problems.
- **Correspondence with the director** – Time spent corresponding with the director has been higher than anticipated as we have had to chase for information, records and the Statement of Affairs on a number of occasions, all of which has yet to be provided. The director has also instructed solicitors to liaise with us on these matters which has resulted in additional time being spent.

Due to the complexity of some of the issues involved in this case and having to obtain legal advice on a number of matters, more manager time has been incurred than would normally be the case.

#### **Increase being sought**

A revised fee estimate is therefore attached and the Joint Administrators are currently seeking an increase to their fees of £39,000. If fees are approved on the basis set out above, the total sum that the Joint Administrators can draw, without further approval, will be £78,000.

Please note that the revised fee estimate reflects the work that is anticipated will be done during the life of the appointment.

#### **Fee scope and assumptions**

The Joint Administrators' basis and revised estimate of fees is based on the attached scope and assumptions and reflects the work we anticipate will be required. Should these prove to be inaccurate, additional costs may be incurred. Should such circumstances arise, the Joint Administrators may need to revise the fee estimate.

#### **Further fee approval**

The amount of fees that can be drawn is limited to the revised amount approved by the Relevant Approving Body, whether calculated on the basis of time in accordance with a fee estimate, or for a fixed amount or a percentage rate, cannot be further increased or the percentage rate changed, without their approval.

The Joint Liquidators do not at this point anticipate that it will be necessary to seek any further approval for additional fees. Please note that, should the Company exit Administration via a Creditors' Voluntary Liquidation and the Administrators are appointed Liquidators, a further fee request will be provided in relation to the fees in the liquidation, albeit the basis will remain the same as that approved in the Administration.

#### **Work sub-contracted by office holders**

The Joint Administrators sub-contracted the following work:

- Book debt collections (details on page 5).

Amounts paid to date are shown in the attached receipts and payments account.

#### **Expenses and professional costs**

The total costs and expenses estimated to be incurred by the Joint Administrators are set out below together with details of those incurred in the period. Amounts incurred in the period may include estimates where actual invoices have not been received. Amounts paid to date are shown in the attached receipts and payments account. The quantum of costs and expenses is in line with the estimates previously provided.

#### Category 1 expenses

These comprise external supplies of incidental services specifically identifiable to the insolvency estate. They do not require approval of the Relevant Approving Body prior to being paid.

Type of expense	Total estimated (£)	Incurred in period (£)
Bond	85.00	85.00
Statutory advertising	189.00	94.50
Website fee	13.00	13.00
Storage agent (collection & storage of records)	500.00	500.00
Agent's valuation	2,000.00	2,000.00
Legal fees		
- pre-pack sale	10,000.00	10,000.00
- general advice	2,000.00	2,944.00
Legal disbursements	200.00	33.00
Bank charges	150.00	NIL
Corporation Tax	10.00	NIL
Debt collection fees	21,190.00	1,438.64
Insurance	500.00	1,588.16
Total	36,837.00	18,696.30

#### Category 2 expenses

These are costs which are not capable of precise identification or calculation, or that may include an element of shared or allocated costs. Payments to outside parties that the Office Holder, firm, or any associate has an interest, are also treated as 'Category 2' expenses. These expenses require the specific approval of the Relevant Approving Body before being paid from the insolvency estate.

The Relevant Approving Body has approved the payment of the 'Category 2' expenses, at the rates prevailing at the date they were incurred. Details of the current rates are set out below.

Type of expense	Total estimated (£)	Incurred in period (£)
Room hire (£25/80 per room)	NIL	NIL
Mileage (42.5p per mile)	NIL	NIL
Subsistence (£25 per night)	NIL	NIL
Total	NIL	NIL

#### Other professional costs

The office holders retained the following advisers based on their experience and expertise. These costs are not subject to approval by the Relevant Approving Body. However, they are subject to review and approval by the Joint Administrators.

### Creditors' right to information and ability to challenge fees, costs and expenses

Creditors have a right to request further information about fees or expenses (other than pre-Administration costs) and to challenge such fees or expenses.

If you wish to make a request for further information it must be made in writing within 21 days of receipt of this report either by (i) any 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).

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 fees 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 fees or incurring of the expenses in question.

Party	Nature of advice	Total estimated (£)	Incurred in period (£)
EMW Law LLP	Legal advice relating to the pre-pack sale, preparation of the documentation including the sale agreement and licence to occupy.	10,000.00	10,000.00
	Legal advice in relation to various matters including but not limited to TUPE, issues arising following the sale, employment tribunal correspondence, discussions around the rent deposit and correspondence with the landlord and their solicitors	2,000.00	2,944.00
Clumber Consultancy	Pensions advice and providing a report regarding the pension scheme and statutory actions required	NIL	350.00
Total		12,000.00	13,294.00

Nick Edwards

**RSM Restructuring Advisory LLP**

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APPENDICES

A. STATUTORY INFORMATION

Company information		Administration information	
Company Name:	Marc (Bakery) Limited	Court reference	In the High Court of Justice Business and Property Courts, Insolvency and Companies List No 7457 of 2019
Company Number:	06906119	Joint Administrators:	Graham Bushby and Nick Edwards
Date of Incorporation:	14/05/2009	Date of appointment:	05/03/2020
Trading name:	MARC Patisserie & Bakery	Joint Administrators:	<div><div><b>Primary office holder</b> Graham Bushby RSM Restructuring Advisory LLP The Pinnacle, 170 Midsummer Boulevard, Milton Keynes, MK9 1BP 01908 687800 IP Number: 8736</div><div><b>Joint office holder:</b> Nick Edwards RSM Restructuring Advisory LLP The Pinnacle, 170 Midsummer Boulevard, Milton Keynes, MK9 1BP 01908 687800 IP Number: 9005</div></div>
Trading address:	Unit 10 Perivale Park Industrial Estate Horsenden Lane South Perivale UB6 7RH		
Principal activity:	Patisserie & bakery		
Registered office:	RSM Restructuring Advisory LLP The Pinnacle 170 Midsummer Boulevard Milton Keynes MK9 1BP		

## B. RECEIPTS AND PAYMENTS SUMMARY

**Marc (Bakery) Limited**  
**In Administration**  
**Joint Administrators' Summary of Receipts & Payments**

Statement of Affairs		From 05/03/2020 To 04/09/2020	From 05/03/2020 To 04/09/2020
£		£	£
	SECURED ASSETS		
1	Goodwill	1.00	1.00
		1.00	1.00
	ASSET REALISATIONS		
	Bank Interest Gross	11.90	11.90
109,000	Book Debts	18,028.68	18,028.68
	Licence Fees - to be paid to landlord	6,271.22	6,271.22
44,000	Plant & Machinery	44,000.00	44,000.00
999	Stock	999.00	999.00
		<u>69,310.80</u>	<u>69,310.80</u>
	COST OF REALISATIONS		
	Agents/Valuers Fees	(2,000.00)	(2,000.00)
	Debt Collection Fees	(1,438.64)	(1,438.64)
	Legal Disbursements	(33.00)	(33.00)
	Legal Fees	(8,500.00)	(8,500.00)
	Office Holders Fees	(13,000.00)	(13,000.00)
	Pension Agent	(350.00)	(350.00)
	Rent & Service Charge	(6,271.22)	(6,271.22)
	VAT - Irrecoverable	(1,254.24)	(1,254.24)
		<u>(32,847.10)</u>	<u>(32,847.10)</u>
		<b>36,464.70</b>	<b>36,464.70</b>
	REPRESENTED BY		
	Bank 1 Current		31,688.10
	Vat Control Account		4,776.60
			<b>36,464.70</b>

### C. POST-APPOINTMENT TIME ANALYSIS

Joint Administrators' post appointment time cost analysis for the period from 05 March 2020 to 04 September 2020

### Administration and Planning

[illegible]

Statutory filing/advertising	1.5	0.0	2.8	0.0	5.8	0.0	10.1	£ 2,468.50	244.41
									<b>244.41</b>
Bank Reconciliations	0.0	0.0	0.3	0.0	0.0	0.0	0.3	£ 52.50	175.00
Cashiering	0.0	0.0	13.7	0.0	0.0	0.0	13.7	£ 2,397.50	175.00
Investment of funds - review	0.0	0.0	0.3	0.0	0.0	0.0	0.3	£ 52.50	175.00
Journals	0.0	0.0	0.1	0.0	0.0	0.0	0.1	£ 17.50	175.00
Receipts and Payments	0.2	0.0	1.5	0.0	16.7	0.0	18.4	£ 2,345.00	127.45
									<b>148.32</b>
Meetings/corres/tel	0.0	0.0	0.3	0.0	0.3	0.0	0.6	£ 130.50	217.50
									<b>217.50</b>
CT/IT/CGT post-appointment returns	0.0	0.0	0.8	0.0	0.0	0.0	0.8	£ 165.50	206.88
Pre-appointment VAT & Tax returns	0.0	0.3	0.6	0.0	0.0	0.0	0.9	£ 251.50	279.44
VAT post-appointment returns	0.0	0.1	5.3	0.0	16.5	0.0	21.9	£ 3,152.50	143.95
									<b>151.25</b>
<b>Total</b>	<b>3.0</b>	<b>9.1</b>	<b>69.9</b>	<b>0.0</b>	<b>126.1</b>	<b>0.5</b>	<b>208.6</b>	<b>£ 36,856.50</b>	<b>176.69</b>
<b>Investigations</b>									
Correspondence/tel	0.0	0.0	0.5	0.0	0.4	0.0	0.9	£ 214.00	237.78
									<b>237.78</b>
CDDA report/return	0.0	0.6	1.0	0.0	0.4	0.0	2.0	£ 606.00	303.00
General review of books & records & other papers	0.0	0.0	2.5	0.0	0.0	0.0	2.5	£ 650.00	260.00
Other general matters	0.0	0.0	4.9	0.1	0.0	0.0	5.0	£ 1,505.50	301.10
									<b>290.68</b>
<b>Total</b>	<b>0.0</b>	<b>0.6</b>	<b>8.9</b>	<b>0.1</b>	<b>0.8</b>	<b>0.0</b>	<b>10.4</b>	<b>£ 2,975.50</b>	<b>286.11</b>



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**Realisation of Assets**

Insurance - general	0.0	0.0	0.1	0.0	0.0	0.0	0.1	£ 26.00	260.00
Other	0.0	0.0	0.6	0.0	0.0	0.0	0.6	£ 156.00	260.00
									<b>260.00</b>
Insurance	0.0	0.0	0.6	0.0	0.0	0.0	0.6	£ 156.00	260.00
									<b>260.00</b>
Agent liaison	0.0	0.0	2.5	0.0	0.0	0.0	2.5	£ 650.00	260.00
Debt collection	0.0	1.5	0.2	0.0	0.0	0.0	1.7	£ 730.00	429.41
Meetings/corres/tel with directors/debtor	0.0	0.0	0.4	0.0	0.0	0.0	0.4	£ 95.50	238.75
Other major book debt issues	0.0	0.0	0.1	0.0	0.0	0.0	0.1	£ 26.00	260.00
									<b>319.47</b>
Agent liaison	0.0	0.0	0.4	0.0	0.0	0.0	0.4	£ 104.00	260.00
Insurance	0.0	0.0	0.7	0.0	0.0	0.0	0.7	£ 182.00	260.00
Legal	0.0	0.4	3.3	0.0	0.0	0.0	3.7	£ 1,042.00	281.62
Meetings/corres/tel with Landlord	0.0	0.3	5.2	0.0	0.0	0.0	5.5	£ 1,490.00	270.91
Meetings/corres/tel with others re	0.0	0.0	3.0	0.0	0.0	0.0	3.0	£ 737.50	245.83
tenanted									
Meetings/corres/tel with purchaser	0.0	0.0	1.9	0.0	0.0	0.0	1.9	£ 494.00	260.00
Meetings/corres/tel with tenants	0.0	0.0	0.2	0.0	0.0	0.0	0.2	£ 52.00	260.00
Meetings/corres/tel with Utility suppliers	0.0	0.0	0.2	0.0	0.0	0.0	0.2	£ 52.00	260.00
Other major land & property issues	0.0	0.5	1.6	0.0	4.5	0.0	6.6	£ 1,141.00	172.88
									<b>238.49</b>
Agent liaison	0.0	0.0	0.2	0.0	0.0	0.0	0.2	£ 52.00	260.00
Legal	0.0	0.0	0.7	0.0	0.0	0.0	0.7	£ 182.00	260.00
Meetings/corres/tel with purchaser	0.0	0.0	2.1	0.0	0.0	0.0	2.1	£ 546.00	260.00
Other major sale of business issues	1.3	2.2	0.0	0.0	0.0	0.0	3.5	£ 1,824.50	521.29
									<b>400.69</b>
<b>Total</b>	<b>1.3</b>	<b>4.9</b>	<b>24.0</b>	<b>0.0</b>	<b>4.5</b>	<b>0.0</b>	<b>34.7</b>	<b>£ 9,738.50</b>	<b>280.65</b>

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**Creditors**

Drafting reports	0.0	0.0	18.6	0.0	1.1	0.0	19.7	£ 4,561.00	231.52
Meeting documentation	0.0	0.0	2.0	0.0	0.8	0.0	2.8	£ 592.00	211.43
Partner/manager review	0.0	0.0	0.2	0.0	0.0	0.0	0.2	£ 52.00	260.00
									<b>229.30</b>
Discussions	0.0	0.0	4.3	0.0	0.0	0.0	4.3	£ 1,076.50	250.35
ERA	0.0	0.0	1.5	0.0	0.0	13.0	14.5	£ 2,792.50	192.59
Other major issues	1.0	0.0	6.2	0.0	2.1	0.0	9.3	£ 2,357.00	253.44
									<b>221.57</b>
Agreement of claims	0.0	0.0	0.0	0.0	1.0	0.0	1.0	£ 110.00	110.00
Correspondence/tel	0.5	0.0	6.2	0.0	4.0	0.0	10.7	£ 2,313.50	216.21
									<b>207.14</b>
<b>Total</b>	<b>1.5</b>	<b>0.0</b>	<b>39.0</b>	<b>0.0</b>	<b>9.0</b>	<b>13.0</b>	<b>62.5</b>	<b>£ 13,854.50</b>	<b>221.67</b>

**Case Specific Matters - Legal Matters**

Advice	0.0	0.0	0.7	0.0	0.0	0.0	0.7	£ 182.00	260.00
Meetings/corres/tel	0.8	1.0	0.6	0.0	0.0	0.0	2.4	£ 1,141.50	475.63
									<b>426.94</b>
<b>Total</b>	<b>0.8</b>	<b>1.0</b>	<b>1.3</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3.1</b>	<b>£ 1,323.50</b>	<b>426.94</b>

<b>Total Hours</b>	<b>6.6</b>	<b>15.6</b>	<b>143.1</b>	<b>0.1</b>	<b>140.4</b>	<b>13.5</b>	<b>319.3</b>	<b>£ 64,748.50</b>	<b>202.78</b>
<b>Total Time Cost</b>	<b>£ 4,005.00</b>	<b>£ 7,164.00</b>	<b>£ 34,845.00</b>	<b>£ 28.00</b>	<b>£ 16,181.50</b>	<b>£ 2,525.00</b>	<b>£ 64,748.50</b>		
<b>Average Rates</b>	<b>606.82</b>	<b>459.23</b>	<b>243.50</b>	<b>280.00</b>	<b>115.25</b>	<b>187.04</b>	<b>202.78</b>		

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## D. REVISED FEE ESTIMATE, SCOPE AND ASSUMPTIONS

Activity	Scope and assumptions for work proposed to be done
Administration and planning	<p>Work that must be carried out in order to comply with statutory requirements imposed by the insolvency legislation.</p> <p>This includes filing and advertising of appointment documents, assisting the directors with the production of Statement of Affairs, filing of the Statement of Affairs, handling of receipts and payments, submission of VAT and post appointment corporation tax returns, pension queries and dealing with the winding up of the pension scheme, case planning and reviews of strategy, dealing with redirected mail, liaising with the Company's directors and shareholders and case closure formalities.</p> <p>This also includes setting up the case on our case management software, ongoing consideration of ethical and anti-money laundering regulations, case filing, correspondence with the solicitors and advisors acting on behalf of the director, liaising with the insurers, chasing HMRC regarding the VAT number and obtaining copies of returns, correspondence with the pension company, the Pensions Regulator, seeking legal advice as to the position of the pension arrears, liaising with the storage unit regarding items held and collection of records</p> <p>Cashiering including processing of receipts, payments and journals and maintenance of cashiering records including bank reconciliations and preparation of receipts and payments accounts</p> <p>The budget assumes that the Company's records will be delivered up within the next three months, that no creditors' committee is appointed and that the case can be concluded in 1 year.</p> <p>See fee estimate attached.</p>
Investigations	<p>Collection and review of the Company's records in order to identify any potential or actual asset recoveries, antecedent transactions, transactions at under value or voidable dispositions.</p> <p>Reporting to the Department of Business Energy and Industrial Strategy on the conduct of the director.</p> <p>Liaising with the Insolvency Service and the Official Receiver who is dealing with the liquidation of Marc Limited.</p> <p>Liaising with the director, his solicitors, a connected third party and the IT consultants in respect of access to the electronic records, in particular the SAGE data.</p> <p>See fee estimate attached.</p>
Realisation of assets	<p>All aspects of the realisation of assets including arranging insurance and providing updates of the position to the insurers, liaising with Galeta regarding the collection of book debts and providing information as required, collection of licence fees under the licence to occupy, correspondence with the landlord regarding the rent deposit, dealing with the lease vehicles and there being no contentious matters.</p> <p>Liaising with the solicitors regarding the pre-pack sale, reviewing the sale agreement and licence to occupy and corresponding with the purchaser.</p>

Activity	Scope and assumptions for work proposed to be done
	<p>Liaising with the landlord and solicitors regarding the position of the lease, occupancy and potential assignment. Seeking legal advice as to the position of the rent deposit and the terms of the sale agreement relating to this. Discussions with the purchaser regarding potential assignment of the lease and the rent deposit.</p> <p>Seeking information relating to the pre-payments to identify what these are and whether anything can be recovered for the benefit of the estate.</p> <p>Correspondence with the director and his solicitors regarding bank statements of the account of which the Company's transactions were put through.</p> <p>Reviewing SAGE data to establish the level of inter-group debts and whether any funds can be recovered for the benefit of the estate.</p> <p>The budget assumes there will be no legal action (apart from the pre-pack sale) required to realise the assets, the Office Holder receives full co-operation of the director going forward and that the book debt collections will be completed within 10 months.</p> <p>The budget assumes that there are no environmental and/or health and safety issues.</p> <p>See fee estimate attached.</p> <p>The fee estimate also assumes that there are no antecedent transactions, such as preferences, void dispositions or transactions at under value to be investigated and recovered.</p>
Creditors	<p>Includes dealing with creditor queries, agreement of preferential claims (agreement of unsecured claims not included as this would be dealt with in the following liquidation, if applicable), obtaining legal advice in relation to the validity of the secured creditor's security, distributions to secured and preferential creditors and the preparation of statutory formal reports including the proposals, SIP16 statement and progress reports to creditors. Liaising with employees, ACAS, the purchaser and the Redundancy Payments Services ('RPS') and preparing and submitting a claim relating to pension arrears.</p> <p>See fee estimate attached.</p>
Case specific matters	<p>Obtaining legal advice in relation to correspondence received from the purchaser's solicitors in relation to TUPE and our draft response and dealing with correspondence regarding a tribunal and our draft response. The budget assumes that there will be no additional case specific matters.</p> <p>See fee estimate attached.</p>

**Marc (Bakery) Limited In Administration**

**Joint Administrators' fee estimate as at 24 September 2020**

	Budgeted hours									
	Partners	Directors / Associate Directors	Managers	Assistant Managers	Administrators	Assistants / Support Staff	Other	Total Hours	Total Cost	Average Hourly Rate
Charge rate	£625	£460	£260	£0	£110	£100	£0			
ADMINISTRATION AND PLANNING										
Appointment documentation	0.80	-	1.50	-	33.70	0.50	-	36.50	£4,647	£127
Background Information	-	-	0.40	-	0.20	-	-	0.60	£126	£210
Case Management	1.00	10.80	33.50	-	28.30	-	-	73.60	£17,416	£237
Closure	-	-	-	-	-	-	-	-	£0	£0
Director(s) / debtor / bankrupt	-	-	9.10	-	-	-	-	9.10	£2,366	£260
Pension Scheme (administration)	-	0.10	12.60	-	32.60	-	-	45.30	£6,908	£152
Post-appointment general	1.50	-	2.80	-	5.80	-	-	10.10	£2,304	£228
Pre-appointment Matters	-	-	-	-	-	-	-	-	£0	£0
Receipts & payments	0.20	1.00	26.30	-	28.50	-	-	56.00	£10,558	£189
Statement of Affairs preparation	-	-	0.80	-	0.30	-	-	1.10	£241	£219
Tax Matters	-	0.90	7.80	-	19.10	-	-	27.80	£4,543	£163
	3.50	12.80	94.80	-	148.50	0.50	-	260.10	£49,109	£189
INVESTIGATIONS										
DTI / Official Receiver	-	-	0.50	-	0.40	-	-	0.90	£174	£193
Investigations / CDDA	-	0.60	11.50	0.10	0.40	-	-	12.60	£3,310	£263
	-	0.60	12.00	0.10	0.80	-	-	13.50	£3,484	£258

REALISATION OF ASSETS										
Assets general - other	-	-	1.70	-	2.00	-	-	3.70	£662	£179
Chattels	-	-	0.60	-	-	-	-	0.60	£156	£260
Debtors & Sales Finance	-	1.50	4.60	-	6.00	-	-	12.10	£2,546	£210
Hire purchase / leasing creditors	-	-	-	-	-	-	-	-	£0	£0
Land & Property	-	1.70	19.80	-	5.50	-	-	27.00	£6,535	£242
Retention of Title / Third party assets	-	-	-	-	-	-	-	-	£0	£0
Sale of Business	1.30	2.20	3.00	-	-	-	-	6.50	£2,605	£401
Stock & WIP	-	-	-	-	-	-	-	-	£0	£0
	1.30	5.40	29.70	-	13.50	-	-	49.90	£12,504	£251
	1.30	5.40	29.70	-	13.50	-	-	49.90	£12,504	£251
TRADING										
Trading	-	-	-	-	-	-	-	-	£0	£0
	-	-	-	-	-	-	-	-	£0	£0
CREDITORS										
1st creditors / shareholders meetings & reports	-	-	20.80	-	1.90	-	-	22.70	£5,617	£247
Committee	-	-	-	-	-	-	-	-	£0	£0
Deferred / Postponed creditors	-	-	-	-	-	-	-	-	£0	£0
Employees	1.00	-	12.00	-	2.10	13.00	-	28.10	£5,276	£188
Other creditor meetings & reports	-	1.00	18.60	-	-	3.50	-	23.10	£5,646	£244
Preferential creditors	-	0.50	1.00	-	-	2.00	-	3.50	£690	£197
Secured creditors	-	0.50	2.00	-	-	-	-	2.50	£750	£300
Unsecured creditors	0.50	-	8.20	-	5.00	8.00	-	21.70	£3,795	£175
	1.50	2.00	62.60	-	9.00	26.50	-	101.60	£21,774	£214
CASE SPECIFIC MATTERS										
Legal Matters	0.80	1.00	1.30	-	-	-	-	3.10	£1,298	£419
Shareholders	-	-	-	-	-	-	-	-	£0	£0
	0.80	1.00	1.30	-	-	-	-	3.10	£1,298	£419
Total Hours	7.10	21.80	200.40	0.10	171.80	27.00	-	428.20		
Total time costs	£4,438	£10,028	£52,104	£0	£18,898	£2,700	£0	£88,168		
Average hourly rate								£206		

## E. NOTICE SEEKING DECISION

Rules Rule  
15.7, 3.39,  
18.24, of the  
Insolvency  
(England  
and Wales)  
Rules 2016

IN THE IN THE HIGH COURT OF JUSTICE BUSINESS AND PROPERTY COURTS, INSOLVENCY AND COMPANIES  
LIST NO 7457 OF 2019

**Marc (Bakery) Limited In Administration**

**Company No: 06906119**

**GRAHAM BUSHBY AND NICK EDWARDS appointed as Joint Administrators to the above company on 05/03/2020**

**Date notice delivered to the creditors on: 28 September 2020**

**Decision date: 13 October 2020**

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**Notice seeking decision by a Qualifying Decision Procedure pursuant to Section 246ZE of the Insolvency Act 1986**

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The Joint Administrators are seeking a decision of the creditors by correspondence. The decisions on the following matters will be deemed to have been made at 23.59 hours on the decision date unless the threshold for requisitioning a physical meeting is met or exceeded within the requisite time scale.

### **Decisions sought:**

1. That a creditors' committee will **not** be appointed
2. That the fees which the Joint Administrators can draw shall be increased to £78,000 (plus VAT) in line with their revised fee estimate, as set out in the report dated 24 September 2020

### **Voting**

A voting form is attached, detailing the matters which require your decision, which should be completed and returned to me on or before the decision date.

Please note that, in order to be able to vote you must have submitted a proof of debt form on or before the decision date, and that proof of debt must be have been admitted for the purposes of entitlement to vote.

### **Opted out creditors**

CREDITORS who have OPTED OUT from receiving notices may nevertheless vote if the creditor provides a proof of debt and voting form in accordance with the above provisions.

### **Small debts**

CREDITORS whose debts are treated as a SMALL DEBT in accordance with Rule 14.31(1) of the Insolvency (England and Wales) Rules 2016 must still deliver a proof of debt if they wish to vote. Rule 14.31(1) states that office holders may treat a debt, which is a small debt according to the accounting records or the statement of affairs of the company, as if it were proved for the purposes of paying a dividend. Small debts are defined in Rule 14.1(3) as a debt (being the total amount owed to a creditor) which does not exceed £1,000.

### **Request for physical meeting**

Creditors may request that a physical meeting of creditors be held to consider the proposed decision. Any such request must be made, in writing, to the address below, on or before 5 October 2020. Any such request must be accompanied by a completed proof of debt form.

A physical meeting will be held if requisitioned by either 10% in value of the company's creditors, or 10% in number of the company's creditors or 10 of the company's creditors (collectively 'the requisition threshold'). If the threshold is met or exceeded, the proposed decision procedure will be terminated (and the proposed decisions will not be deemed to have been made and a physical meeting of creditors will then be held).

A creditor who disagrees with the manner in which they are treated in relation to the above decision procedure may appeal to the Court within 21 days of the decision date.

### **Manager contact details:**

Samantha Rogers

RSM Restructuring Advisory LLP, St Philips Point, Temple Row, Birmingham, B2 5AF

Tel: 0121 214 3230

Email: restructuring.birmingham@rsmuk.com

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**Name, address and contact details of Joint Administrators**

**Primary office holder**

Graham Bushby  
RSM Restructuring Advisory LLP  
The Pinnacle, 170 Midsummer Boulevard, Milton  
Keynes, MK9 1BP  
Tel: 020 3201 8000  
Email: restructuring.miltonkeynes@rsmuk.com  
IP Number: 8736  
Date of appointment: **05 March 2020**

**Joint office holder**

Nick Edwards  
RSM Restructuring Advisory LLP  
The Pinnacle, 170 Midsummer Boulevard, Milton  
Keynes, MK9 1BP  
Tel: 01908 687800  
Email: restructuring.miltonkeynes@rsmuk.com  
IP Number: 9005  
Date of appointment: **05 March 2020**

Signed \_\_\_\_\_

Dated 24/09/20 \_\_\_\_\_

Joint Administrator

**NOTE: Please complete the enclosed proof of debt and return it together with a detailed statement of your account and any other relevant documentation to Samantha Rogers, at the address above.**



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## F. VOTING PAPER

**Marc (Bakery) Limited IN ADMINISTRATION**

**Company No: 06906119**

**Decision date: 13 October 2020**

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### **Voting Paper**

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If you wish your vote to be counted please ensure you return this form, duly completed together with a proof of debt (if one has not already been submitted) and a detailed statement of your claim on or before the decision date stated above.

### **Voting instructions for decisions**

1. That a creditors' committee will not be appointed For / Against\*
2. That the fees which the Joint Administrators can draw shall be increased to £78,000 (plus VAT) For / Against\*  
in line with their revised fee estimate, as set out in the report dated 24 September 2020

I confirm that I am / I am not a connected party or associate of the company as defined by Sections 249 and 435 of the Insolvency Act 1986.

Name of creditor \_\_\_\_\_

Address of creditor \_\_\_\_\_

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name in BLOCK LETTERS \_\_\_\_\_

Position of signatory in relation  
to creditor, if not the creditor \_\_\_\_\_

## G. PROOF OF DEBT FORM

In the In the High Court of Justice Business and Property Courts, Insolvency and Companies List No 7457 of 2019

**Marc (Bakery) Limited In Administration**

**Company No: 06906119**

**Graham Bushby and Nick Edwards appointed as Joint Administrators to the above company on 05 March 2020**

Relevant date for creditors' claims: 05 March 2020

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 relevant date. Less any payments made after that date in relation to the claim, any deduction in respect of discounts and any adjustment by way of mutual dealings and set off in accordance with relevant legislation	£
4	Details of any documents by reference to which the debt can be substantiated. There is no need to attach them now, but you should retain them safely as the Joint Administrators may ask you at a future date to produce any document or other evidence which is considered necessary to substantiate the whole or any part of the claim, as may the chairman or convenor of any qualifying decision procedure.	
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.	£ Date
8	Particulars of any reservation of title claimed in respect of goods supplied to which the claim relates.	
	Signature of creditor or person authorised to act on his behalf	
	Name in BLOCK LETTERS	
	Date	
	Position with or in relation to creditor	
	Address of person signing (if different from 2 above)	

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# H. INVITATION TO FORM CREDITORS' COMMITTEE

**Rule 3.39 of the Insolvency (England and Wales) Rules 2016**

**In the In the High Court of Justice Business and Property Courts, Insolvency and Companies List No 7457 of 2019**

**Marc (Bakery) Limited In Administration  
Company No: 06906119**

**Graham Bushby and Nick Edwards appointed as Joint Administrators to the above company on 05 March 2020**

**Notice delivered to the creditors on: 28 September 2020**

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## **Notice to creditors and contributories inviting establishment of committee**

**Notice is hereby given that** creditors are invited to decide whether a Creditors' committee ('committee') should be established, provided that there are no fewer than three and no more than five creditors wishing to be represented on the committee. Nominations are invited for membership of any committee so established, such nominations to be received at St Philips Point, Temple Row, Birmingham, B2 5AF no later than 5 October 2020. Nominations will only be accepted from creditors who have submitted a proof of debt which is not fully secured and has neither been disallowed for voting purposes nor wholly rejected for dividend purposes.

Please note that, in order for a creditors' committee to be formed, there must be at least three creditors wishing to be represented on the committee. There can be no more than five committee members.

Guidance on acting as a committee member can be found at the R3 website, [www.R3.org.uk](http://www.R3.org.uk). A hard copy can be requested by telephone, email or in writing to this office.

You may also wish to note that R3 have also produced guidance on the different insolvency processes, which can again be located at their website.

Enclosed with this notice are a proof of debt form and a consent to act, both of which should be completed and returned to the above address by the date given above in order for your nomination to the committee to be considered further. If you have already submitted a proof of debt form you do not need to do so again.

### **Name, address & contact details of Joint Administrators**

#### **Primary Office Holder**

Graham Bushby  
RSM Restructuring Advisory LLP  
The Pinnacle, 170 Midsummer Boulevard, Milton  
Keynes, MK9 1BP  
Tel: 020 3201 8000  
Email: [restructuring.miltonkeynes@rsmuk.com](mailto:restructuring.miltonkeynes@rsmuk.com)  
IP Number: 8736

#### **Joint Office Holder:**

Nick Edwards  
RSM Restructuring Advisory LLP  
The Pinnacle, 170 Midsummer Boulevard, Milton  
Keynes, MK9 1BP  
Tel: 01908687800  
Email: [restructuring.miltonkeynes@rsmuk.com](mailto:restructuring.miltonkeynes@rsmuk.com)  
IP Number: 9005

Dated: 24 September 2020

Nick Edwards  
**RSM Restructuring Advisory LLP**  
**Joint Administrator**

**NOTE: Please complete the enclosed proof of debt form and consent to act form and return them, to Samantha Rogers, RSM Restructuring Advisory LLP St Philips Point, Temple Row, Birmingham, B2 5AF or by email to [restructuring.birmingham@rsmuk.com](mailto:restructuring.birmingham@rsmuk.com).**

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# I. CONSENT TO ACT

Rule 17.5 of the Insolvency (England and Wales) Rules 2016

In the In the High Court of Justice Business and Property Courts, Insolvency and Companies List No 7457 of 2019

Marc (Bakery) Limited In Administration  
Company No: 06906119

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Graham Bushby and Nick Edwards appointed as Joint Administrators to the above company on 05 March 2020

Creditors' committee consent to act

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If you personally are a creditor, please complete only Part A of this form

If you represent a creditor (eg your employer), please complete only Part B

## Part A

I hereby consent to act as a member of the Creditors' committee in respect of the Administration of the above-named. I also confirm my eligibility\* to act.

Your name:

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Your address:

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Telephone:

---

E-mail:

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Please sign here:

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Dated:

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## Part B

I am duly authorised by proxy to act as a representative of the below named company as its representative on the Creditors' committee in respect of the ADM of the above-named, and hereby consent to do so. I also confirm my eligibility\* to act.

Representative's name:

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Creditor represented:

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Representative's position in  
relation to the creditor:

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Representative's address:

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Telephone:

---

E-mail:

---

Please sign here:

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Dated:

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\* Eligibility for membership of the Creditors' committee

A creditor is eligible to be a member of the committee if:

- a) They have proved for a debt,
- b) The debt is not fully secured, and
- c) Their claim has neither been wholly disallowed for voting purposes nor wholly rejected for the purpose of distribution

A committee member cannot be:

- a) An undischarged bankrupt (or, in Scotland, a person whose estate has been sequestrated and who has not been discharged),
- b) Subject to a full or interim Bankruptcy Restriction Order or Undertaking, or a Debt Relief Restrictions Order or Undertaking,
- c) Be a disqualified director
- d) A person to whom a moratorium period under a debt relief order applies.