

A DEAL GREENER LIMITED
NOTTINGHAM COUNTY COURT No. 356 of 2015
(IN LIQUIDATION)

Progress Report
Pursuant to Rule 4.49B of the Insolvency Rules 1986

Chamberlain & Co
28 March 2017

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A DEAL GREENER LIMITED – IN LIQUIDATION

INTRODUCTION

A Winding Up Order was made against A Deal Greener Limited (“the company”) on 28 September 2015 following a petition presented to the High Court of Justice, Chancery Division Birmingham District Registry on 15 June 2015 by Wolseley UK Limited (“Wolseley”). Michael Chamberlain of Chamberlain & Co, Resolution House, 12 Mill Hill, Leeds, LS1 5DQ was appointed liquidator of the company on 9 March 2016.

Michael Chamberlain is authorised to act as an Insolvency Practitioner by the Institute of Chartered Accountants in England and Wales.

The EC Regulation on Insolvency Proceedings 2000 applies in this matter and these proceedings are the main proceedings as defined by Article 3 of the EC Regulation.

In accordance with Rule 4.49(A) of the Insolvency Rules 1986 (“The Rules”), I now set out my progress report on the administration of the liquidation.

RECEIPTS AND PAYMENTS ACCOUNT

A copy of the liquidator’s Receipts and Payments Account for the period 9 March 2016 to 8 March 2017 is attached at Appendix 2. This account has been reconciled to that held by the Insolvency Service. All transactions are shown net of VAT.

ASSET REALISATION

According to information initially provided to creditors by the Official Receiver, the company had book debts of £413,402 to collect.

Upon my appointment, I was to also investigate the transactions in the Company’s bank account leading up to date of the winding up.

Book Debts

The Company’s book debts were factored by Lloyds Bank Commercial (“Lloyds”). The balance outstanding to Lloyds was approximately £25,000. The Official Receiver provided a schedule of debts that appeared to be outstanding comprising of personal and corporate debts. Initially Lloyds attempted to collect monies from the corporate debtors however they were unsuccessful. As Lloyds had not attempted to collect any monies in relation to the debts due from individuals, it was agreed that as liquidator I could instruct solicitors to attempt to collect the outstanding book debts and settle the amount due to Lloyds in accordance with the terms of the debenture. The debtors disputed the amounts due for a number of reasons, including defective works, works not started and also provided evidence that they had settled the account pre insolvency. At a recent meeting with the director a list of the disputes was provided in order that he could consider whether any of these disputes can be challenged. I am currently awaiting the director’s comments regarding the book debts.

Post Petition Dispositions

Following a review of the Company’s bank statements, I identified a number of payments following the presentation of the winding up petition on 15 June 2015. I have to date recovered £27,796.88 from seven of these entities. It was necessary to instruct solicitors, Wilkes Partnership LLP (“Wilkes”), to assist with the recovery of these payments and they are currently holding a further £6,428.07. Wilkes are currently in correspondence with 2 other entities who have received payments after the presentation of the petition. It is not anticipated that these accounts will be settled in the near future.

Director Loan Accounts

A review of the Company's bank statements identified a number of payments that appeared to be personal expenditure by the director and there is no evidence within the books and records to suggest otherwise. I have requested that the director provides an explanation of these payments to date however no explanation has been forthcoming. The director was declared bankrupt and a provisional claim has been submitted in his bankruptcy estate for approximately £120,000. Investigations into other matters against the director are ongoing in order that the claim in the bankruptcy estate can be finalised. It is my understanding from discussions with the director that the Trustee has yet to realise the assets within the bankruptcy estate and therefore it is not possible to confirm the timing and any quantum of a dividend from the bankruptcy estate.

Other Assets

A total of £4.04 has been realised in the estate in respect of bank interest from which the sum of £0.80 has been deducted in respect of tax due thereon. There are no other realisations in the liquidation other than the sum of £1,250 received by the Official Receiver in respect of the liquidation petition deposit.

PAYMENTS

Remuneration

It was agreed at a meeting of the company's creditors on 28 April 2016 that the liquidator would be remunerated on a time cost basis in accordance with Rule 4.127(2) (b) of the Insolvency Rules 1986 at the higher complex rates.

In accordance with the revised Statement of Insolvency Practice 9 which came into force on 1 December 2015, summaries of time costs incurred for the period from 9 March 2016 to 8 March 2017, and for the period 15 March 2016 to 8 March 2017, the period since the last report, are appended to this report. These costs are £33,795.00 at an average rate of £319 per hour, and £32,521.50 at an average rate of £319 per hour, respectively. I have drawn no amounts on account of my remuneration.

The time incurred to date is higher than that estimated on the original fee estimate provided to creditors. In addition this did not take into account the uplifted higher complex rates. However it is not anticipated that realisations will be sufficient to discharge the costs at the higher complex rate at this moment in time, however an increase in the level of fee approval is not sought at this time.

In common with all professional firms, our scale rates increase from time to time over the period of administration of each insolvency case. A schedule of my firm's chargeout rates and charging policy is attached at Appendix 3.

My disbursements total £424.61 and comprise the following:

Disbursement	Payee	Amount (£)
Specific bond	Marsh Limited	296.00
Courier	Abacus Express	46.76
Courier	Nelsons Solicitors Limited	14.85
Statutory advertising - London Gazette	TMP (UK) Limited	67.00

All disbursements have been recharged to the liquidation at cost.

I should advise you that creditors have the right to request that the liquidator provides further information about his remuneration and expenses incurred during the liquidation. The request must be made in writing, within 21 days of receipt of this report, and can be made by a secured creditor or an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors or with the permission of the court.

Furthermore, a secured creditor or any unsecured creditor with either the concurrence of 10% in value of the creditors (including that creditor) or the permission of the court has the right to challenge the liquidator's remuneration and expenses by application to the court within 8 weeks of receiving this report.

Other payments

The fees and expenses of the Insolvency Service, including those of the Official Receiver amount to £8,629.57.

The petitioning creditor's costs of £2,322.60 have been settled.

I have instructed Wilkes to assist with the advice and correspondence on a number of post petition dispositions. The basis of the fee arrangement with Wilkes is on a contingent basis from any recoveries received. The costs of Wilkes amount to £6,070.

I have instructed Parry & Co ("Parry") to collect the Company's book debts. The basis of the fee arrangement is 15% of any receives realised.

I consider Wilkes and Parry to be firms of repute with the appropriate expertise in their respective fields. My experience of working with these firms indicates that their internal delegation results in charges which are cost-effective for this kind of work.

Any other payments have been made in accordance with the rules and regulations generally as to the payment of costs and expenses of winding up.

Prescribed Part

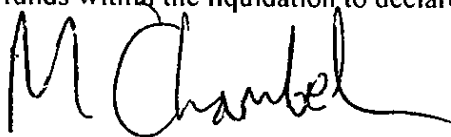
The prescribed part is a proportion of floating charge assets set aside for unsecured creditors pursuant to Section 176A of the Insolvency Act 1986. The prescribed part applies to floating charges created on or after 15 September 2003.


Whilst the floating charge of Lloyds in this case is dated after the 15 September 2003, the Company's net floating charge property is less than £10,000 and there will be no funds available for distribution to non-preferential creditors accordingly.

CREDITORS' CLAIMS

I have received no claims from preferential creditors.

I have received claims from 35 non-preferential creditors totalling £818,879.57. Claims from non-preferential creditors have not been admitted to rank for dividend purposes as there are insufficient funds within the liquidation to declare a dividend to any class of creditor.



 M Chamberlain
Liquidator

APPENDIX I

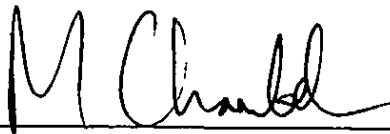
The Liquidator appends below the following additional information required under Rule 4.49B of the Insolvency Rules 1986:

Statutory Information

Company Name:	A Deal Greener Limited
Company Number:	07829539
Registered Office:	c/o Chamberlain & Co, Resolution House, 12 Mill Hill, Leeds, LS1 5DQ previously Unit 6 Churchill Business Park, Colwick, Nottingham, NG4 2HF
Liquidator:	Michael Chamberlain
Liquidators' Address:	Resolution House 12 Mill Hill Leeds LS1 5DQ
Date of Appointment:	9 March 2016

A Deal Greener Ltd
(In Liquidation)
Liquidator's Summary of Receipts & Payments

Statement of Affairs £	From 15/03/2016 To 08/03/2017 £	From 09/03/2016 To 08/03/2017 £
ASSET REALISATIONS		
Post petition disposition	27,796.88	27,796.88
Bank Interest Gross	4.04	4.04
O. R. Realisations	NIL	1,250.00
	<u>27,800.92</u>	<u>29,050.92</u>
COST OF REALISATIONS		
O.R. Disbursements	NIL	2,400.00
DTI Cheque Fees	1.55	1.55
Sec of State Fees	6,140.02	6,140.02
Petitioners Costs	2,322.60	2,322.60
Specific Bond	296.00	296.00
ISA Banking Fees	88.00	88.00
Corporation Tax	0.80	0.80
Irrecoverable VAT	22.75	22.75
Statutory Advertising	67.00	67.00
Courier	61.61	61.61
	<u>(9,000.33)</u>	<u>(11,400.33)</u>
PREFERENTIAL CREDITORS		
NIL Employees - Holiday Pay	<u>NIL</u>	<u>NIL</u>
	NIL	NIL
UNSECURED CREDITORS		
NIL Employees - Redundancy	<u>NIL</u>	<u>NIL</u>
	NIL	NIL
	<u>18,800.59</u>	<u>17,650.59</u>
REPRESENTED BY		
VAT Receivable		2.97
ISA NIB		17,844.13
Office		(196.51)
		<u>17,650.59</u>


 Michael Chamberlain
 Liquidator

A DEAL GREENER LIMITED (IN LIQUIDATION)

TIME AND CHARGE OUT SUMMARY 9 MARCH 2016 to 8 MARCH 2017

Classification of work summary	Director Hours	Manager Hours	Senior Staff Hours	Assistants/ Support Hours	Total Hours	Time Costs £	Average Hourly rate
Administration & Planning	0.00	15.00	0.00	11.60	26.60	5,409.75	203.37
Investigations	0.50	46.70	0.00	0.00	47.20	16,865.25	357.31
Realisation of assets	0.00	19.40	0.00	0.00	19.40	7,125.00	367.27
Trading	0.00	0.80	0.00	0.00	0.80	306.00	382.50
Creditors	0.10	11.80	0.00	0.00	11.90	4,089.00	343.61
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total hours	0.60	93.70	0.00	11.60	105.90	33,795.00	319.12
Total fees claimed (£)						0.00	

A DEAL GREENER LIMITED (IN LIQUIDATION)
TIME AND CHARGE OUT SUMMARY 15 MARCH 2016 to 8 MARCH 2017

Classification of work summary	Director Hours	Manager Hours	Senior Staff Hours	Assistants/ Support Hours	Total Hours	Time Costs £	Average Hourly rate
Administration & Planning	0.00	12.00	0.00	11.60	23.60	4,442.25	188.23
Investigations	0.50	46.70	0.00	0.00	47.20	16,865.25	357.31
Realisation of assets	0.00	19.40	0.00	0.00	19.40	7,125.00	367.27
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.10	11.80	0.00	0.00	11.90	4,089.00	343.61
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total hours	0.60	89.90	0.00	11.60	102.10	32,521.50	318.53
Total fees claimed (£)						0.00	

Chamberlain & Co

Time & Chargeout Summaries
From 09/03/16 to 08/03/17
A Deal Greener Limited

Classification of work function	Estimated			Actual		
	Total Hours	Time Cost (£)	Average Hourly Rate (£)	Total Hours	Time Cost (£)	Average Hourly rate (£)
Administration and Planning						
Investigation	37.00	8,635.00	233.38	26.60	5,409.75	203.37
Realisation of assets	21.00	4,930.00	234.76	47.20	16,865.25	357.31
Trading	37.00	9,935.00	253.92	19.40	7,125.00	367.27
Creditors	-	-	-	0.80	306.00	382.50
	30.00	7,095.00	236.50	11.90	4,089.00	343.61
Total	125.00	30,595.00		105.90	33,795.00	-

Category 1 & 2 Disbursements Type & Purpose	Estimated			Actual		
	Total Hours	Time Cost (£)	Average Hourly Rate (£)	Total Hours	Time Cost (£)	Average Hourly rate (£)
Bordereau		420.00			-	
Legal Fees		5,000.00			-	
Statutory Advertising		201.00			-	
Total		5,621.00			-	

Statement of Liquidator's Remuneration Pursuant to Statement of Insolvency Practice No.9

Charging and Disbursement Policy

Liquidator's charging policy for fees

The Insolvency Rules 1986 provide that the Liquidator's remuneration may be fixed on the basis of time properly spent by the Liquidator and his staff in attending to matters arising in the Liquidation.

The Liquidator has engaged managers and other staff to work on the Liquidation. The work required is delegated to the most appropriate level of staff taking account of the nature of the work and the individual's experience. Additional assistance is provided by cashiers dealing with the company's bank accounts and statutory compliance diaries, and other support services and filing clerks. Work carried out by all staff is subject to the overall supervision of the Liquidator.

All time spent by staff working directly on case-related matters is charged to a time code established for each case. Each member of staff has a specific hourly rate, which is subject to change over time. The basis of charging is in six minutes units. The hourly rate for each category of staff as at 1 September 2015 is shown below, together with the charges of previous years which also apply to the liquidation:

	£ per hour Standard rates	£ per hour Complex rates *	£ per hour Standard rates	£ per hour Complex rates *
Grade	01/09/15	01/09/15	01/09/16	01/09/16
Directors	295-345	442.50-517.50	295-345	442.50-517.50
Managers	205-255	307.50-382.50	205-255	307.50-382.50
Other Senior Professionals	105-180	157.50-270.00	105-185	157.50-277.50
Assistants and Support Staff	30-100	45.00-150.50	30-100	45.00-150.50

* In cases of exceptional complexity or risk, the insolvency practitioner reserves the right to obtain authority from the secured creditors, creditors' committee or the creditors generally, that their remuneration on such time as is agreed shall be charged at the above higher hourly complex rate.

A copy of the R3 (Association of Business Recovery Professionals) creditors' guide to Liquidator's fees may be obtained by contacting David Render at the above address or at www.r3.org.uk.

Liquidator's charging policy for disbursements

Statement of Insolvency Practice No.9 divides disbursements into two categories:

Category 1 disbursements are defined as specific expenditure relating to the administration of the insolvent's affairs and referable to payment to an independent third party. Such disbursements can be paid from the insolvent's assets without approval from the Creditors' Committee or the general body of creditors. In line with Statement of Insolvency Practice No. 9, it is my firm's policy to disclose Category 1 disbursements drawn but not to seek approval for their payment. I am prepared to provide such additional information as may reasonably be required to support the disbursements drawn.

Category 2 disbursements are charges made by the office holder's firm that include elements of shared or overhead costs. Statement of Insolvency Practice No.9 provides that such disbursements are subject to approval as if they were remuneration. It is not my firm's current policy to charge Category 2 disbursements. However were this to change, I would seek approval for Category 2 disbursements before they are drawn in line with the Statement.