

ABBIE DEAN DEVELOPMENTS LTD
4342358

No. 1700 of 2010

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
LEEDS DISTRICT REGISTRY

IN THE MATTER OF THE LICENCE HOLDERS

AND IN THE MATTER OF AIREDALE PATTERN COMPANY LIMITED (FORMERLY T/A APC) (IN ADMINISTRATION) AND OTHERS

AND IN THE MATTER OF ASHGAR ALI (IN BANKRUPTCY) AND OTHERS

AND IN THE MATTER OF ACT PACKAGING LIMITED (IN COMPANY VOLUNTARY ARRANGEMENT) AND OTHERS

AND IN THE MATTER OF ASCROFT INTERNATIONAL LIMITED (IN CREDITORS VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF PETER BISSETT (IN INDIVIDUAL VOLUNTARY ARRANGEMENT) AND OTHERS

AND IN THE MATTER OF MOOR END WORKING MEN'S CLUB AND INSTITUTE LIMITED (IN MEMBERS VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF KNIGHTSBRIDGE DEVELOPMENTS (UK) LIMITED (IN COMPULSORY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN

(1) Paul Andrew Whitwam

Applicant

-and-

(2) Gary Edgar Blackburn
(3) David Antony Willis
(4) David Leighton Cockshott

Respondents

TUESDAY



RM 21/09/2010 172
COMPANIES HOUSE

ORDER

BEFORE HIS HONOUR JUDGE BETHRENS

UPON reading the Part 8 Claim Form

AND UPON reading the witness statement of Paul Andrew Whitwam dated
and the Witness Statement of David Leighton Cockshott dated

IT IS ORDERED THAT with effect from

- 1 In respect of those Administrations Bankruptcies, Company Voluntary Arrangements, Creditors Voluntary Liquidations Individual Voluntary Arrangements, Members Voluntary Liquidations and Compulsory Liquidations listed in the Schedule to this Application which are the subject of proceedings in County Courts, those proceedings be transferred to the High Court solely for the purpose of this Application and thereafter transferred back to the relevant County Court
- 2 David Leighton Cockshott be removed from office as Administrator Trustee, Supervisor and Liquidator (as the case may be) of the estates listed in the Schedule with immediate effect
- 3 David Leighton Cockshott be replaced by the Applicant David Antony Willis or Gary Edgar Blackburn as set out in the Schedule, in each such case with immediate effect
- 4 David Leighton Cockshott shall be granted his release as appropriate 21 days after the publication in the Gazette referred to below without being required to (i) apply to the Secretary of State for a release pursuant to s 173(2)(b), s 174(4)(b) and s 299(3)(b) Insolvency Act, 1986 as the case may be, or (ii) to file a receipts and payment account
- 5 The Applicant be entitled to publish in the Gazette one composite notice relating to all new appointments which are required by law to be published in the Gazette within 14 days of receipt of the sealed Order and shall file any appropriate notices in respect of David Leighton Cockshott's removal and replacement and those appointments with the Registrar of Companies and the Secretary of State for Business Innovation and Skills (Insolvency Service) as appropriate
- 6 Subject to paragraph 7 below, in the event that, as a result of the implementation of the Order BWC Business Solutions Limited and/or BWC Business Solutions (Teesside) LLP (BWC) incurs any additional cost in respect of the administration of those estates where David Leighton Cockshott was the Office Holder (that is to say over and above those costs incurred in the ordinary course of the administration of those estates), those costs shall be borne by BWC and shall not be charged as an expense of the administration of those estates
- 7 Nothing contained in paragraph 6 shall prejudice the Applicant or the Respondents from

- 7 1 Charging to each individual estate the cost of obtaining an Insolvency Practitioners licence bond in respect of that estate, and
- 7 2 Apportioning between said estates equally the cost of the composite Gazette notice to be placed under paragraph 5 above
- 8 Without incurring any additional expense to any of the said estates, the Applicant or the relevant Respondent shall notify each creditor or member (as the case may be) of this Application and any Order made as a result of this Application by way of notice in the next routine report that shall be due to the creditors of each estate (as the case may be), such notice to contain the following matters
- 8 1 An explanation of the effect of the Order,
- 8 2 Express reference to the liberty to apply contained in paragraph 9 below:
- 8 3 In the case of IVAs and CVAs, the provision of all such information as might reasonably be required with regard to the conduct of the Voluntary Arrangement,
- 8 4 in the case of Administrations, the provision of all such information as might reasonably be required with regard to the conduct of the Administration;
- 8 5 In the case of Liquidations, where Liquidation Committees have been appointed, an explanation that (to the extent that any information which would otherwise be required to be provided under insolvency Rule 4 108(3) has not already been provided as part of the report) it is open to that committee to require the Applicant or the relevant Respondents appointed to provide an account of the administration of the estate, including
- 8 5 1 A summary of receipts and payments,
- 8 5 2 A statement that he has reconciled his accounts
- 8 6 In the case of Liquidations under the Insolvency Act 1986 where no Liquidation Committees have been appointed, an explanation that to the extent that such information has not already been provided as part of the report, it is open to any creditor to apply to court for an order that the Applicant or relevant Respondent appointed do provide such information as might otherwise be required by Rule 4 108(3) that is to say, an account of the administration of the estate including
- 8 6 1 A summary of receipts and payments,
- 8 6 2 A statement that he has reconciled his accounts

- 8 7 Notification that if any Applicant or Respondent appointed has been required to provide the information referred to in (8 5) and (8 6) above, whether by the Liquidation Committee or by court order on the application of any individual creditors, the appointed Applicant's or Respondent's costs of so complying will, unless there are good reasons to the contrary, be paid as an expense of the winding up, and
- 8 8 In the case of Liquidations, notification to each creditor and member of his right under Rule 11(2) (voluntary winding up) to require the appointed Applicant to supply a statement of receipts and payments free of charge
- 8 9 In the case of bankruptcy, notification to each creditor of his right under Rule 25 of the Insolvency Regulations 1994 to require the appointed Applicant to supply a statement of receipts and payments free of charge
- 9 Liberty to each creditor of each estate to apply to vary or discharge this order within 21 days of the receipt of the notice directed to be sent under paragraph 8 above
- 10 The cost of this application (including VAT) be aggregated and apportioned equally between each of the estates listed in the Schedule to be drawn as disbursements where sufficient funds are available. The costs payable pursuant to the order should not exceed 10 per cent of the value of the realised assets of any particular insolvency or voluntary arrangement
- 11 Service of the Notice of the Application be dispensed with

DATED 27th AUGUST 2010