

# Liquidator's Progress Report

# S.192

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

To the Registrar of Companies

Company Number

6372967

Name of Company

Abbey House Services Limited

I / We  
Howard Smith  
1 The Embankment  
Neville St  
Leeds  
LS1 4DW

Mark Granville Firmin  
1 The Embankment  
Neville St  
Leeds  
LS1 4DW

the liquidator(s) of the company attach a copy of my/our Progress Report under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 07/02/2013 to 06/02/2014

Signed Howard Smith Date 24/2/14

KPMG LLP  
1 The Embankment  
Neville St  
Leeds  
LS1 4DW

Ref AD129A4625/LL/SR

WEDNESDAY



A39 \*A34GMKTV\* 26/03/2014 #119  
COMPANIES HOUSE

**Abbey House Services Limited**  
**(In Liquidation)**  
**Liquidators' Abstract of Receipts & Payments**

<b>Statement of Affairs</b>	<b>From 07/02/2013 To 06/02/2014</b>
<b>ASSET REALISATIONS</b>	
	70,000 00
Freehold property	306 72
Contribution to building insurance cost	210 06
Interest on completion monies	139 00
Funds to cover land registry searches	19,864 00
Director's loan account	74,829 82
54,193 74 Book debts	9,669 22
8,074 00 Funds from Administrators	175,018 82
 <b>OTHER REALISATIONS</b>	
	67 97
Bank interest, net	15,960 85
Administration VAT refund	16,028 82
 <b>COST OF REALISATIONS</b>	
	30,000 00
Liquidator's fees	89 80
Liquidator's expenses	961 40
Irrecoverable VAT	2,750 00
Agents'/Valuers' fees	15,675 00
Legal fees	773 50
Legal disbursements	200 00
Transport of books and records	400 73
Storage costs	84 60
Statutory advertising	95 65
Other property expenses	(51,030 68)
 <b>UNSECURED CREDITORS</b>	
(8,123 75) Trade & expense	NIL
(5,913,003 00) Corp tax etc/nonpref PAYE	NIL
(1,986,698 00) Non-preferential VAT	NIL
	NIL
<b>(7,845,557 01)</b>	<b>140,016 96</b>
 <b>REPRESENTED BY</b>	
	8,842 13
VAT receivable	131,614 33
Current account	(439 50)
Floating ch VAT control	140,016.96



**Abbey House Services Limited in  
creditors' voluntary liquidation  
("the Company")**

**Annual Report to creditors  
pursuant to Section 104A of  
the Insolvency Act 1986  
for the period 7 February  
2013 to 6 February 2014**

KPMG LLP

21 March 2014

*This report contains 8 pages*

*Appendices contain 9 pages*

HS/LL/RN



*Abbey House Services Limited in creditors' voluntary liquidation ("the Company")  
Annual Report to creditors pursuant to Section 104A of the Insolvency Act 1986  
for the period 7 February 2013 to 6 February 2014*

*KPMG LLP  
21 March 2014*

## Glossary

the Administration	John Butler and Andrew Nichols of Redman Nichols Butler were appointed Joint Administrators of the Company on 11 September 2012, in the High Court of Justice, Chancery Division, Leeds District Registry (case number 1201 of 2012) The Administration ended on 7 February 2013 when the Company entered into creditors' voluntary liquidation
Appointment	7 February 2013
Clarion	Clarion Solicitors Limited
the Company	Abbey House Services Limited in creditors' voluntary liquidation (company number 06372967)
DBIS	Department of Business, Innovation and Skills
the Director	Mr Stephen Moseley
GMH	GMH Management Services UK Limited in creditors' voluntary liquidation (company number 04980390) John Twizell of Geoffrey Martin and Co was appointed liquidator on 23 January 2013
HMRC	HM Revenue & Customs
Hunters	Hunters Property Group Limited
IA 86	The Insolvency Act 1986
IR 86	The Insolvency Rules 1986 (as amended)
Iron Mountain	Iron Mountain (UK) Limited
Joint Administrators	John Butler and Andrew Nichols of Redman Nichols Butler, Westminster Business Centre, Nether Poppleton, York, YO26 6RB
Joint Liquidators	Howard Smith and Mark Firmin of KPMG LLP, 1 The Embankment, Neville Street, Leeds, LS1 4DW
KPMG	KPMG LLP
the Liquidation	Howard Smith and Mark Firmin of KPMG LLP were appointed Joint Liquidators of the Company on 7 February 2013



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Marmac	Marmac Limited in creditors' voluntary liquidation (company number 04049423) Howard Smith and Mark Firmin of KPMG LLP were appointed Joint Liquidators on 14 December 2010
Newtons	Newtons Solicitors Limited
Property	40, Ousegate, Selby, North Yorkshire, YO8 4NH
Surepay	Surepay Limited in creditors' voluntary liquidation (company number 04623976) John Twizell of Geoffrey Martin and Co was appointed liquidator on 15 January 2013



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21 March 2014*

## About this report

This annual report has been prepared by Howard Smith of KPMG LLP and Mark Firmin of KPMG LLP, the Joint Liquidators of Abbey House Services Limited ("the Company"), solely to comply with their statutory duty to report to members and creditors under Section 104A of the Insolvency Act 1986, and to provide an account of their acts and dealings and of the conduct of the Liquidation, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in the Company.

Any estimated outcomes for creditors included in this report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

Any person that chooses to rely on this report for any purpose or in any context other than under Section 104A of the Insolvency Act 1986 does so at their own risk. To the fullest extent permitted by law, the Joint Liquidators do not assume any responsibility and will not accept any liability in respect of this report to any such person.

Howard Smith is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association. Mark Firmin is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England and Wales.

The appointments of the Joint Liquidators are personal to them and, to the fullest extent permitted by law, KPMG LLP do not assume any responsibility and will not accept any liability to any person in respect of this report or the conduct of the liquidation. Please note that unless stated otherwise, all amounts in this report and appendices are stated net of VAT.



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21 March 2014*

## **1 Executive Summary**

I was appointed Joint Liquidator of the Company together with Mark Firmin on 7 February 2013. Our appointment followed the conclusion of the previous Administration, in which John Butler and Andrew Nichols of Redman Nichols Butler were appointed Joint Administrators to the Company on 11 September 2012.

In accordance with Section 104A of the Insolvency Act 1986, I set out below my annual report on the progress of the Liquidation. This report covers the 12 month period from 7 February 2013 to 6 February 2014.

To date, total funds of £191,048 have been realised during the Liquidation.

Full details of the progress of the Liquidation are detailed below with all the relevant statutory information included by way of Appendices (Please see Section 3 "Comments on the Appendices" and Sections 4-8 the Appendices).

### **1.1 Office Holders**

Joint Liquidator – Howard Smith

Joint Liquidator – Mark Firmin





## **2 Progress to Date**

### **2.1 Background**

The Company was incorporated on 17 September 2007 and provided payroll services to the construction industry

On 19 November 2010, the Company purchased the business and certain assets of an associated company Marmac, of which Mr Stephen Moseley ("the Director") was also the sole director. Marmac subsequently entered into liquidation on 14 December 2010. Howard Smith and Mark Firmin of KPMG LLP were appointed as Joint Liquidators of Marmac and remain in office at the date of this report.

The Company subsequently entered into administration on 11 September 2011, with John Butler and Andrew Nichols of Redman Nichols Butler appointed as Joint Administrators.

Following the conclusion of the Administration, Howard Smith and Mark Firmin were appointed as Joint Liquidators on 7 February 2013 in accordance with the modifications to the Administrators' proposals that were passed at the meeting of creditors held on 23 November 2013.

### **2.2 Strategy**

The Company ceased to trade prior to the appointment of the Joint Liquidators.

Accordingly, the strategy for the Liquidation was to realise the remaining assets, including debts owed to the Company by related parties, to fully investigate the Company's affairs and submit a report to the Department for Business, Skills and Innovation ("DBIS").

The report to DBIS has been submitted and investigations are ongoing.

### **2.3 Communication**

Following their appointment, the Joint Liquidators wrote to all known creditors on 12 March 2013 advising them of their appointment.

In accordance with Rule 4.63A of the Insolvency Rules 1986, the Joint Liquidators also proposed a number of resolutions to creditors regarding their remuneration, in their letter dated 12 March 2013. Creditors voted in favour of the resolutions detailed in Section 2.6.

### **2.4 Assets**

#### **2.4.1 Administration surplus**

Surplus funds of £9,669 from the previous Administration were transferred to Joint Liquidators upon their appointment.



**2 4 2 Administration VAT refund**

A VAT refund of £15,961 claimed in the previous Administration has been refunded to the Joint Liquidators by HMRC

**2 4 3 Freehold property**

The Director confirmed that Company funds were used to purchase a commercial freehold property at 40, Ousegate, Selby, North Yorkshire, YO8 4NH ("the Property") in November 2011. The Property was registered in the names of the Director and his wife. The Director and his wife agreed to transfer title to the Property back to the Company on 10 June 2013.

The Joint Liquidators' instructed Hunters to value the Property and advise on the options for sale. Hunters recommended that the Property should be sold at auction and provided an initial guide price range of between £100,000 to £130,000. The Property was entered into an auction on 18 September 2013 but unfortunately failed to sell. Hunters revised their guide price range to £90,000 to £100,000 and the Property was subsequently re-entered into a second auction on 23 October 2013 where it sold for the reserve price of £70,000. Hunters recommended that the Property sale should be completed at that price.

The Property sale concluded in December 2013. Due to a delay in completion following the auction, the purchaser agreed to pay £307 as a contribution towards insurance costs and £210 for foregone interest on the completion monies. The Purchaser also paid £139 to cover land registry searches.

Accordingly, total realisations from the sale of the Property were £70,656.

**2 4 4 Book debts**

According to the Directors' statement of affairs, the Company was owed £154,498 by trade debtors. As detailed in the Joint Administrators' final progress report dated 12 February 2013, no realisations in respect of book debts were made during the Administration.

The Joint Liquidators wrote to all Company debtors on appointment. It became apparent that there were a significant number of disputes with debtors and that there was missing Company documentation was needed to substantiate the figures detailed in the statement of affairs.

A total of £74,830 has been realised during the Liquidation in respect of book debts. No further realisations are anticipated.

**2 4 5 Directors loan account**

According to the Directors' statement of affairs, £20,299 was owed by the Director to the Company in respect of an overdrawn director's loan account. The previous Administrators had issued a bankruptcy petition against the Director in respect of monies owed.

A total of £19,864 has been recovered from the Director in this respect.



## **2.4.6 Intergroup debtors**

The Directors' statement of affairs states that the Company had outstanding intercompany loans owed by related companies. These included £4,639,990 owed by Surepay and £1,203,775 by GMH.

Surepay and GMH were both placed into creditors' voluntary liquidation in January 2013.

At the present time it is not clear whether there will be any realisations from these two companies.

## **2.5 Liabilities**

### **2.5.1 Secured creditors**

There are no secured creditors in respect of the Company.

### **2.5.2 Preferential creditors**

The Joint Liquidators have not received a final preferential claim from the Redundancy Payments Office. It is anticipated that the total value of claims will be around £4,500. Once the final claim has been agreed it is likely a dividend will be payable to preferential creditors.

### **2.5.3 Unsecured creditors**

The Directors' statement of affairs estimated that unsecured creditors totalled £7,913,664.

The Insolvency Act 1986 (Prescribed Part) Order 2003 is not applicable in this case as there are no floating charge holders.

During the period, time costs of £3,527 (16 hours) have been incurred in general correspondence with creditors. Time costs associated with other creditor and employee matters in the period totals £3,911 (14 hours). A breakdown of the specific allocation of this time can be seen in Appendix 3.

It is anticipated that there may be sufficient funds to enable a distribution to be made to the unsecured creditors.

## **2.6 Expenses for the period**

The receipts and payments for the period are set out in the attached Receipts and Payments Account (see Appendix 2).

The office holders' time costs for the period of this report are also attached (see Appendix 3).

The statutory provisions relating to remuneration are set out in Rule 4.127 of the Insolvency Rules 1986. A creditors' guide to fees can be found at

[http://www.r3.org.uk/media/documents/publications/professional/Guide\\_to\\_Liquidators\\_Fees\\_Nov20111.pdf](http://www.r3.org.uk/media/documents/publications/professional/Guide_to_Liquidators_Fees_Nov20111.pdf)



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21 March 2014*

However, if you are unable to access this guide and would like a copy, please contact Robert Nelson on 0113 231 3767

For the period from Appointment to 6 February 2014 we have incurred time costs of £117,049, representing 426 hours at an average rate of £274 per hour. This includes the Tax, VAT, Employee, Health and Safety and Pensions advice from KPMG LLP in-house specialists

A detailed breakdown of the charge out rates for the duration of the Liquidation is included in Appendix 3 to this Report

Please note that all staff who have worked on this assignment, including cashiers and secretarial staff have charged time directly to the assignment and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to this assignment but is reflected in the general level of the charge out rates

Creditors voted in favour of the following resolutions in relation to the Joint Liquidators' remuneration, by creditor resolution

- "In the event that a liquidation committee is not formed, that the remuneration of the Joint Liquidators be drawn on the basis of time properly spent by the Joint Liquidators and their staff in attending to matters arising in the liquidation at KPMG LLP standard charge-out rates for the nature of this work", and
- "That the Joint Liquidators be able to draw category 2 disbursements, which are to be charged in accordance with KPMG LLP disbursements policy as attached"

For the avoidance of doubt, creditors voted not to form a liquidation committee

During the period, the Joint Liquidators have drawn £30,000 in fees and £90 in expenses

Expenses for this period total £142,841 including amounts not yet paid (see Appendix 4 for details)

Additional information about the expenses charged the period is available from the office holder upon request by any secured creditor, and any other creditor or creditors owed 5% or more in value of the unsecured liabilities listed. Full details of the process to obtain more information under Rule 4.49E Insolvency Rules 1986 and to challenge the Joint Liquidator's remuneration and expenses under Rule 4.131 Insolvency Rules 1986 are included in Section 8 should creditors wish to do so



### **3 Comments on the Appendices**

#### **3.1 Appendix 1: Statutory Information**

#### **3.2 Appendix 2: Receipts & payments account for the period**

##### **Receipts**

Please see Section 2.4 for comments on the receipts during the period

##### **Payments**

#### **3.2.1 Legal fees and disbursements**

Clarion has provided legal advice to the Company in respect of the following

- advice with regards to realisation of the Company's trade debtors,
- the transfer and sale of the Property, and
- general ongoing advice in the Liquidation

To date Clarion has been paid £13,720 in respect of their time costs and £774 for disbursements

Clarion has outstanding time costs of £3,106 which have not yet been billed. These have been accrued in the schedule of expenses at Appendix 4

A further £1,955 has been paid to Newtons Solicitors Limited ("Newtons"). This payment relates to the settlement of outstanding costs incurred for legal matters which commenced during the Administration.

#### **3.2.2 Storage costs**

During the period, payments totalling £401 have been made to Iron Mountain UK Limited ("Iron Mountain") in respect of storage of the Company's books and records.

There are outstanding storage costs of £115 which have not yet been paid and are accordingly reflected in the schedule of expenses at Appendix 4

#### **3.2.3 Transfer of books and records**

Following the conclusion of the Administration, £200 was paid to transfer the Company's books and records to the Joint Liquidators' office.

#### **3.2.4 Insurance of assets**

Insurance costs of £2,252 have been incurred in relation to the Property during the period. These have been paid outside of the period of this report and as such are reflected in the schedule of expenses at Appendix 4



As detailed previously, the purchaser paid a contribution of £307 towards insurance costs, meaning the net cost to the Liquidation of insuring the Property was £1,945

### **3.2.5 Statutory advertising**

The Joint Liquidators advertised their appointment in the London Gazette £85 has been paid in the period to Courts Advertising Limited for publishing the notice

### **3.2.6 Agents' / Valuers' fees**

Hunters were paid £250 for assisting the Joint Liquidators with the sale of the Property A further £2,500 was paid in Auctioneer fees following the completion of the sale of the Property

### **3.2.7 Irrecoverable VAT**

£961 of irrecoverable VAT has been incurred in connection with costs associated with the sale of the Property which was exempt from VAT

### **3.2.8 Other Property expenses**

In the period between the transfer of the Property to the Company and its subsequent sale, £96 has been paid for plumbing and general maintenance services

## **3.3 Analysis of office holders' time costs**

A full breakdown of time costs incurred can be seen in Appendix 3, however please see the comments below on certain areas where time costs have been incurred

### **3.3.1 Checklists and reviews**

Time costs of £8,830 representing 37 hours have been incurred in reviewing files and ensuring all statutory obligations are being complied with

### **3.3.2 Investigations**

During the period, the Joint Liquidators submitted their confidential report to DBIS A total of £13,140, representing 53 hours has been incurred preparing this report A further £29,680 (99 hours) has been spent on other investigation work, some of which is ongoing

### **3.3.3 Appointment**

The Joint Liquidators have incurred time costs of £7,179 (22 hours) on appointment and related formalities

### **3.3.4 Realisation of assets**

During the period, a total of £25,258 (93 hours) has been incurred realising the Company's assets This includes £13,270 (40 hours) spent on recovering and selling the Property (as detailed in Section 2.43), and £7,389 (30 hours) on the collection of book debts (see Section 2.44 )



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21 March 2014*

### **3.4 Expenses for the period**

Expenses for the period are summarised in Appendix 4 which includes the time costs as analysed in Appendix 3



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## 4 Appendix 1

### 4.1 Statutory Information

<b>Appointment</b>	
For period	7 February 2013 to 6 February 2014
Company name	Abbey House Services Limited
Nature of business	Construction
Date of appointment	7 February 2013
Office holder details	Howard Smith was appointed on 7 February 2013 as Joint Liquidator and is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association  Mark Granville Firmin was appointed on 7 February 2013 as Joint Liquidator and is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England & Wales
Registered number	06372967
Present registered office	KPMG LLP 1 The Embankment Neville Street Leeds LS1 4DW
Previous registered office	Redman Nichols Butler Westminster Business Centre Nether Poppleton York Y026 6RB  The Old Fire Station Abbey Road Barrow in Furness Cumbria LA14 1XH
Basis of remuneration	Time costs
Application of EC Regulations	EC Regulations apply and these proceedings will be the Main Proceedings as defined in Article 3 of the EC Regulations





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## 5 Appendix 2

### 5.1 Office holders' receipts and payments account

<b>Abbey House Services Limited (In Liquidation)</b>	
<b>Liquidators' Abstract of Receipts &amp; Payments</b>	
<b>Statement of Affairs</b>	<b>From 07/02/2013 To 06/02/2014</b>
	<b>ASSET REALISATIONS</b>
	Freehold property 70,000 00
	Contribution to building insurance cost 306 72
	Interest on completion monies 210 06
	Funds to cover land registry searches 139 00
	Director's loan account 19,864 00
54,193 74	Book debts 74,829 82
8,074 00	Funds from Administrators 9,669 22
	175,018 82
	<b>OTHER REALISATIONS</b>
	Bank interest, net 67 97
	Administration VAT refund 15,960 85
	16,028 82
	<b>COST OF REALISATIONS</b>
	Liquidator's fees 30,000 00
	Liquidator's expenses 89 80
	Irrecoverable VAT 961 40
	Agents'/Valuers' fees 2,750 00
	Legal fees 15,675 00
	Legal disbursements 773 50
	Transport of books and records 200 00
	Storage costs 400 73
	Statutory advertising 84 60
	Other property expenses 96 65
	(51,030 68)
	<b>UNSECURED CREDITORS</b>
(8 123 75)	Trade & expense NIL
(5,913,003 00)	Corp tax etc/nonpref PAYE NIL
(1,986 698 00)	Non-preferential VAT NIL
	NIL
<b>(7,845,557 01)</b>	<b>140,018 86</b>
	<b>REPRESENTED BY</b>
	VAT receivable 8,842 13
	Current account 131,614 33
	Floating ch VAT control (439 50)
	<b>140,016 86</b>



## 6 Appendix 3

### 6.1 Analysis of office holders' time costs for the period 7 February 2013 to 6 February 2014

	Partner / Director	Manager	Administrator	Support	Total hours	Time cost	Average hourly rate
<b>Administration &amp; planning</b>							
<b>Bankrupt/Director/Member</b>							
Notification of appointment	0 30				0 30	£145 50	£485 00
<b>Cashiering</b>							
General (Cashiering)	3 10		9 00		12 10	£3 545 00	£292 98
Reconciliations (& IPS accounting reviews)			1 80		1 80	£459 00	£255 00
<b>General</b>							
Books and records		2 10	6 05		8 15	£2 012 25	£246 90
Fees and WIP	0 40	1 80	1 90	0 20	4 30	£1 225 50	£285 00
Joint appointee			0 40		0 40	£100 00	£250 00
Other office holders		1 00	4 70		5 70	£1 540 00	£270 18
<b>Statutory and compliance</b>							
Appointment and related formalities	1 90	11 20	8 70		21 80	£7,178 50	£329 29
Checklist & reviews	0 30	11 50	25 50		37 30	£8 829 50	£236 72
Closure and related formalities		1 00			1 00	£365 00	£365 00
Pre-appointment checks		1 40	14 70		16 10	£1 410 50	£87 61
Strategy documents	1 80	12 20	1 90		15 90	£5 885 00	£370 13
<b>Tax</b>							
Initial reviews - CT and VAT		12 15	3 50		15 65	£5,240 75	£334 87
Post appointment corporation tax		2 20			2 20	£924 00	£420 00
Post appointment PAYE			0 10		0 10	£18 50	£185 00
Post appointment VAT	0 90	2 50	5 60		9 00	£2 385 00	£265 00
<b>Creditors</b>							
<b>Creditors and claims</b>							
Agreement of unsecured claims			1 00		1 00	£250 00	£250 00
General correspondence	1 50	0 60	13 70		15 80	£3,526 50	£223 20
Notification of appointment		3 00			3 00	£1,095 00	£365 00
Pre-appointment VAT / PAYE / CT			2 00		2 00	£390 00	£195 00
Statutory reports	0 20		1 85		2 05	£543 25	£265 00
<b>Employees</b>							
Correspondence			4 50		4 50	£1 127 00	£250 44
DTI redundancy payments service			1 00		1 00	£250 00	£250 00
Pensions reviews		0 40	0 50		0 90	£255 50	£283 89
<b>Investigation</b>							
<b>Directors</b>							
Correspondence with directors		4 20	4 70		8 90	£2,742 00	£308 09
D form drafting and submission	1 00	3 00	48 70		52 70	£13,139 50	£249 33



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Directors' questionnaire / checklist	4 20	0 60	4 80	£2,187 00	£455 63
Disqual affidavits and proceedings		0 40	0 40	£100 00	£250 00
<b>Investigations</b>					
Correspondence re investigations		7 20	4 40	11 60	£3 713 00
Review of pre-appt transactions	3 10	18 90	50 95	72 95	£20 938 25
<b>Realisation of assets</b>					
<b>Asset Realisation</b>					
Cash and investments			15 50	15 50	£2,892 50
Debtors		6 40	23 60	30 00	£7,368 50
Freehold property	2 30	25 10	12 40	39 80	£13 269 50
Health & safety			0 25	0 25	£46 25
Leasehold property	0 20		0 50	0 70	£205 50
Open cover insurance		0 40		0 40	£146 00
Other assets			6 40	6 40	£1,600 00
<b>Total in period</b>				<u>426 45</u>	<u>£117 049 25</u>

	<b>Fees drawn</b>	<b>Hours/Costs to date</b>		
b/f	£0 00	0	£0 00	£0 00
in the period	<u>£30 000 00</u>	<u>426 45</u>	<u>£117 049 25</u>	<u>£274 47</u>
c/f	<u>£30,000 00</u>	<u>426 45</u>	<u>£117 049 25</u>	<u>£274 47</u>

## 6.2 Joint Liquidators' charge out rates

Grade	Hourly rate from 1 October 2012 £/hr	Hourly rate from 1 October 2013 £/hr
Partner	565	565
Associate Partner	485	485
Director	485	485
Senior Manager	450	475
Manager	365	385
Senior Administrator	250	265
Administrator	185	195
Support	115	120



### 6.3 Office Holders Disbursements

Expenses	£
Mileage	55 80
Bonding	250 00
Land registry searches	34 00
<b>Total expenses</b>	<b>£339.80</b>

The above disbursements were incurred in the period of this report. A total of £89 80 has been drawn to date.

Where funds permit the officeholder will look to recover both category 1 and category 2 disbursements from the estate. For the avoidance of doubt, such expenses are defined within SIP 9 as follows:

**Category 1 disbursements** These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the officeholder or his or her staff.

**Category 2 disbursements** These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Any disbursements paid from the estate are disclosed within the attached summary of disbursements.

**The only Category 2 disbursements that KPMG Restructuring currently charges is mileage, this is calculated as follows:**

Mileage claims fall into three categories:

Use of privately-owned vehicle or car cash alternative – 45p per mile

Use of company car – 60p per mile

Use of partner's car – 60p per mile

For all of the above car types, when carrying KPMG passengers an additional 5p per mile per passenger will also be charged where appropriate.



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21 March 2014

## 7 Appendix 4

### 7.1 Schedule of expenses for the period 7 February 2013 to 6 February 2014

Section	Account	Accrued (£)	Paid (£)	Total (£)
Cost of realisations	Liquidators' fees	87,049 25	30,000 00	117,049 25
	Liquidators' disbursements	250 00	89 80	339 80
	Legal fees	3,106 00	15,675 00	18,781 00
	Legal disbursements		773 50	773 50
	Storage costs	115 00	400 73	515 73
	Transportation of books and records		200 00	200 00
	Statutory advertising		84 60	84 60
	Agents' / Valuers' fees		2,750 00	2,750 00
	Other property expenses		95 65	95 65
	Insurance of assets	2,251 79		2,251 79
<b>TOTAL</b>		<b>92,772.04</b>	<b>50,069.28</b>	<b>142,841.32</b>

Creditors are reminded that the basis on which fees have been reported was agreed by the majority of creditors, as detailed in Section 2.6

However to determine if the quantum of the fees to be taken is reasonable the analysis included at Appendix 3 should be reviewed and any additional information can be requested by any secured creditor or any unsecured creditor(s) with at least 5% in value of the unsecured debt in accordance with rule 4.49E Insolvency Rules 1986. This request must be made within 21 days receipt of the report. The full text of that rule can be provided on request.

In addition creditors are reminded that the quantum can be challenged by unsecured creditor(s) with at least 10% in value excluding that creditors claim by making an application to court in accordance with rule 4.131 Insolvency Rules 1986. The full text of this rule can also be provided on request.



## 8 Extract from the Insolvency Rules 1986

### Insolvency Rules 1986

#### **4.49E Creditors' and members' request for further information**

- (1) If-
- (a) within the period mentioned in paragraph (2)-
    - (i) a 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), or
    - (iii) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company, or
  - (b) with the permission of the court upon an application made within that period mentioned in paragraph (2)-
    - (i) any unsecured creditor, or
    - (ii) any member of the company in a members' voluntary winding up, makes a request in writing to the liquidator for further information about remuneration or expenses set out in the progress report in accordance with Rule 4.49B(1)(e) or (f) (including by virtue of Rule 4.49C(5)) or in a draft report under Rule 4.49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter in a draft report under Rule 4.49D or a progress report required by Rule 4.108 which (in either case) was previously included in a progress report not required by Rule 4.108
- (2) The period referred to in paragraph 1(a) and (b) is –
- (a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4.108, and
  - (b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft in any other case
- (3) The liquidator complies with this paragraph by either –



- (a) providing all of the information asked for, or
- (b) so far as the liquidator considers that –
- (i) the time or cost of preparation of the information would be excessive, or
  - (ii) disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
  - (iii) the liquidator is subject to an obligation of confidentiality in respect of the information,
- giving reasons for not providing all of the information
- (4) Any creditor, and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within 21 days of –
- (a) the giving by the liquidator of reasons for not providing all the information asked for, or
  - (b) the expiry of the 14 days provided for in paragraph (1),
- and the court may make such order as it thinks just
- (5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4.131(1B) or 4.148C(2) by such further period as the court thinks just
- (6) This Rule does not apply where the liquidator is the official receiver

**4.131 Creditors' claim that remuneration is [or other expenses are] excessive**

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)
- (1A) Application may be made on the grounds that-
- (a) the remuneration charged by the liquidator,
  - (b) the basis fixed for the liquidator's remuneration under Rule 4.127, or
  - (c) expenses incurred by the liquidator,

is or are, in all the circumstances, excessive or, in the case of application under sub-



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paragraph (b), inappropriate

(1B) The application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or, in a case failing within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report, or the draft report under Rule 4 49D, which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had opportunity to attend the court for a hearing, of which he has been given at least 5 business days' notice but which is without notice to any other party

If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly

(3) The applicant shall, at least 14 days before the hearing, send to the liquidator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it

(4) If the court considers the application to be well-founded, it must make one or more of the following orders –

(a) an order reducing the amount of remuneration which the liquidator was entitled to charge,

(b) an order fixing the basis of remuneration at a reduced rate or amount,

(c) an order changing the basis of remuneration,

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the liquidation,

(e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under subparagraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

(5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant and are not payable as an expense of the liquidation