

2470420

IN THE HIGH COURT OF JUSTICE

NO 2958 OF 2000

CHANCERY DIVISION

LEEDS DISTRICT REGISTRY

IN THE MATTER OF A LICENCE HOLDER

AND IN THE MATTER OF NEIL HENRY AND OTHERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BEFORE HIS HONOUR JUDGE MCGONIGLE

DESIGNATED CIRCUIT MERCANTILE JUDGE

BETWEEN:

NEIL HENRY

NOLA BARBER

(Applying on their own behalf and on behalf of those
Applicants listed in Schedule 1 to this Order)



Applicants

And

BRIAN AUSTIN JAMES LINES

BRIAN BOWER

Respondents

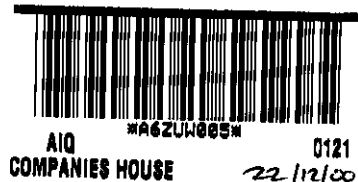
ORDER

UPON THE APPLICATION of the Applicants by Notice of Application dated 7 December 2000.

AND UPON HEARING Counsel on behalf of the Applicants

AND UPON the Respondents being neither present nor represented, but having consented to the making of the orders set out below

AND UPON READING the documents records upon the Court File as having been read



IT IS ORDERED THAT:

1. In respect of those bankruptcies, individual voluntary arrangements ("IVA's") company voluntary arrangements ("CVA's") partnership voluntary arrangements ("PVA's") members and creditors' voluntary liquidations, compulsory liquidations, administration orders listed in Schedule 2 to 17 of this Order which are the subject of proceedings in county courts those proceedings be transferred to the High Court pursuant to Section 41(1) County Courts Act 1984 solely for the purpose of making the Orders contained in Paragraphs 2 to 9 below and thereafter transfer the said proceedings back to the relevant County Court.
2. The Respondents be removed from office as trustee in bankruptcy IVA/CVA/PVA Supervisor, liquidator (compulsory or voluntary) administrator, as the case may be of the estates listed in Schedule 2 to 17 with effect from 15 December 2000 or such other date as the Court thinks fit.
3. The First Respondent be replaced as such office holder in the case of each such estate by the Applicant(s) named in Schedule 2 to 17 as his proposed replacement with effect from 15 December 2000 or such other date as the Court thinks fit.
4. The Second Respondent be replaced as such office holder in the case of such estate by the Applicant(s) named in Schedule 10 to 14 as his proposed replacement with effect from 15 December 2000 or such other date as the Court thinks fit save where Gerald Smith was jointly appointed to an estate with the Second Respondent in which event Gerald Smith remain as sole office holder.
5. The Applicant(s) 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.

6. Without incurring any additional expense to any of the said estates the Applicants shall when the next routine report is due to the creditors or each estate notify each creditor of the making of this Order such notice to contain the following matters:
- i) an explanation of the effect of this Order
 - ii) express reference to the liberty to apply contained in Paragraph 7 of this Order
 - iii) in the case of the IVA's, CVA's, PVA, the provision of all such information as might be reasonably required with regard to the conduct of the voluntary arrangement
 - iv) in the case of bankruptcies and liquidations the provision of all such information as might be reasonably required as part of that report with regard to the conduct of the bankruptcy or liquidation as the case may be
 - v) in the case of bankruptcies and liquidations where creditors' committees have been formed an explanation that (to the extent that any information which would otherwise be required to be provided under Rule 6.126(2) or Rule 4.108(3) has not already been provided as part of the routine report) it is open to that committee to require the Applicant(s) appointed to provide an account of the administration of the estate
 - vi) in the case of bankruptcies and liquidations where creditors' committees have not been formed an explanation that (to the extent that any information which would otherwise be required to be provided under Rule 6.126(2) or Rule 4.108(3) has not already been provided as part of the routine report) it is open to any creditor to apply to Court to require the Applicant appointed to provide an account of the administration of the estate
 - vii) that if the Applicant/s appointed are required to provide the above information pursuant to (v) or (vi) above the appointed Applicant(s) costs of so complying will be paid as an expense of the bankruptcy or winding-up as the case may be

- viii) in the case of bankruptcies and liquidations notification that each creditor has the right to require the Applicant(s) to supply a statement of receipts and payments free of charge.
7. Liberty to each creditor of each estate to apply to vary or discharge this order within 21 days of receipt of the notices directed to be sent under Paragraph 6 above
8. The costs of this Application (including VAT) be aggregated and apportioned equally between each of the estates listed in Schedules 2 to 17 provided that if the costs which fall to be borne by any of the estates exceed 10% of the realisable assets within that estate:
- i) that estate shall bear part of those apportioned costs, that part being an amount equal to 10% of that estate's readily realisable assets; and
 - ii) the excess shall then be apportioned and borne equally between the other estates.
9. Liberty to apply to the Applicants.

Dated this 15 Day of December 2000