

**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

02953127

Name of Company

The Tree &amp; Garden Company Limited

Andrew Dix, Onslow House, 62 Broomfield Road, Chelmsford, Essex, CM1 1SW

the liquidator of the company attach a copy of my Progress Report  
under section 192 of the Insolvency Act 1986.

The Progress Report covers the period from 27/11/2015 to 26/11/2016

Signed

Date

19/01/2017

LB Insolvency Solutions Ltd  
Swift House  
18 Hoffmanns Way  
Chelmsford  
Essex  
CM1 1GU

Ref: T106/AD/CM

THURSDAY

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10/01/2019 #51  
COMPANIES HOUSE

# **Liquidator's Annual Progress Report to Creditors & Members**

**The Tree & Garden Company Limited  
- In Liquidation**

**26 November 2016**

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## **1 Introduction and Statutory Information**

- 1.1 I, Andrew Dix of LB Insolvency Solutions Limited, Onslow House, 62 Broomfield Road, Chelmsford, CM1 1SW, was appointed as Liquidator of The Tree & Garden Company Limited (the **Company**) on 27 November 2014. This progress report covers the period from 27 November 2015 to 26 November 2016 (the **Period**) and should be read in conjunction with any previous progress reports which have been issued.
- 1.2 The principal trading address of the Company was 56 Mutton Lane, Potters Bar, Hertfordshire, EN6 2NZ.
- 1.3 The registered office of the Company has been changed to Onslow House, 62 Broomfield Road, Chelmsford, Essex, CM1 1SW and its registered number is 02653127.

## **2 Progress of the Liquidation**

- 2.1 This section of the report provides creditors with an update on the progress made in the liquidation during the Period.
- 2.2 At Appendix A is my Receipts and Payments Account for the period of this report. Attached at Appendix B is a cumulative Receipts and Payments Account for the period from the date of my appointment as Liquidator to 26 November 2016.

### **Realisation of Assets**

- 2.3 Based on the above, I currently anticipate the total expenses that may be incurred in dealing with the remainder of the Company's asset realisations to be nil.

### **Creditors (claims and distributions)**

- 2.4 Further information on the anticipated outcome for creditors in this case can be found at section 3 of this report. A Liquidator is not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 2.5 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.
- 2.6 The above work will not necessarily bring any financial benefit to creditors generally, however a Liquidator is required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Liquidator in dealing with those claims.

### **Investigations**

- 2.7 Some of the work the Liquidator is required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (**CDDA 1986**) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Liquidator can pursue for the benefit of creditors.
- 2.8 I can confirm that I have submitted a report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986. As this is a confidential report, I am unable to disclose the contents.

- 2.9 Shortly after appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account information provided by creditors either at the s98 meeting or as a response to my request to complete an investigation questionnaire. My investigations have not revealed any issues requiring further report or any further potential recoveries which could be pursued for the benefit of creditors.

### 3 Creditors

#### ***Secured Creditors***

- 3.1 There are no secured creditors.

#### ***Preferential Creditors***

- 3.2 A summary of preferential claims is detailed below.

Preferential claim	Agreed Claim £	Statement of Affairs Claim £	Dividend paid p in the £1
National insurance fund (RPO)	3,879.21	0.00	100p in the £
Alexander Mavrides (shortfall of holiday pay)	22.97	0.00	100p in the £
HMRC Revenue & Customs (for PAYE of Mavrides shortfall payment)	10.32	0.00	100p in the £
Natwest Bank Plc (for Wages Advanced)	10,400.00	0.00	100p in the £

#### ***Unsecured Creditors***

- 3.3 I have received claims totalling £168,120.35 from 29 creditors.
- 3.4 I confirm that a first and final dividend of 20.8p in the £ was paid to all creditors on 2 June 2016.
- 3.5 I would confirm that it is anticipated there will be insufficient funds realised after defraying the expenses of the liquidation to pay a dividend to unsecured creditors.

### 4 Liquidator's Remuneration

- 4.1 The Creditors approved that the basis of the Liquidator's remuneration be fixed by reference to his time costs properly spent by him and his staff managing the liquidation.
- 4.2 My time costs for the Period are £2,377.50. This represents 12.50 hours at an average rate of £190.20 per hour. Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during the Period in respect of the costs fixed by reference to time properly spent by me in managing the liquidation. To date, £20,000 plus disbursements of £1,299.92 has been drawn on account.
- 4.3 Also attached as Appendix C is a cumulative Time Analysis for the period from 27 November 2014 to 26 November 2016 which provides details of my time costs since my appointment. The cumulative time costs incurred to date are £24,206.25. This represents 144.30 hours at an average rate of £167.75 per hour.
- 4.4 In considering the remaining work to be done in this liquidation, I currently anticipate that my time costs to complete the liquidation will be approximately £2,000. I will update creditors on this in my next progress report.

4.5 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from [www.lbinsolvency.co.uk/creditor-reference-suite](http://www.lbinsolvency.co.uk/creditor-reference-suite).

4.6 Attached as Appendix D is additional information in relation to the Liquidator's fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

## **5 Creditors' Rights**

5.1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report.

5.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this progress report, are excessive.

## **6 Next Report**

6.1 I am required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation, unless I have concluded matters prior to this, in which case I will write to all creditors with my final progress report ahead of convening the final meeting of creditors.

Yours faithfully

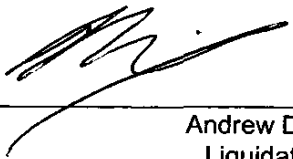


**Andrew Dix**  
Liquidator

**The Tree & Garden Company Limited  
(In Liquidation)**

**LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT**

	Statement of affairs £	From 27/11/2015 To 26/11/2016 £	From 27/11/2014 To 26/11/2016 £
<b>RECEIPTS</b>			
Plant & Machinery	15,000.00	0.00	37,146.40
Motor Vehicles	27,500.00	0.00	38,710.00
Motor Vehicles - Equity only	679.00	0.00	0.00
Book Debts	27,010.00	0.00	24,617.75
Cash with agents re sale of assets	36,380.00	0.00	0.00
Bank Interest Gross		8.80	147.48
Excise Refund		0.00	83.32
Vat Receivable		0.00	6,493.02
Vat Payable		0.00	15,171.28
Vat Control Account		0.00	15,171.28
		<u>8.80</u>	<u>137,540.53</u>
<b>PAYMENTS</b>			
Repairs Before Sale		0.00	2,991.38
Settlement - Plant Finance		0.00	7,540.16
Specific Bond		0.00	924.00
Preparation of S. of A.		0.00	5,000.00
Office Holders Fees		5,000.00	20,000.00
Export VAT refund		0.00	1,120.00
Agents/Valuers Fees (1)		0.00	6,362.71
Legal Fees (1)		0.00	3,000.00
Corporation Tax		27.73	27.73
Mileage		0.00	8.92
Statutory Advertising		0.00	367.00
Employees - PAYE and NIC Deducted		0.00	10.32
Employees Arrears/Hol Pay (pref)		0.00	22.97
National Insurance Fund (pref)		0.00	3,879.21
Banks/Institutions (pref)		0.00	10,400.00
Trade & Expense Creditors (non-pref)		0.00	12,787.46
Employees (non-pref)		0.00	3,691.88
Banks/Institutions (non-pref)		0.00	3,518.29
HM Revenue & Customs (non-pref)		0.00	7,198.90
National Insurance Fund (non-pref)		0.00	7,803.47
Vat Receivable		1,000.00	7,373.02
Vat Payable		0.00	15,171.28
Vat Control Account		0.00	15,171.28
		<u>6,027.73</u>	<u>134,369.98</u>
<b>BALANCE - 26 November 2016</b>			<u><u>3,170.55</u></u>

  
Andrew Dix  
Liquidator

**The Tree & Garden Company Limited – In Creditors Voluntary Liquidation**  
Time and Rate Analysis from 27 November 2015 to 26 November 2016

Classification	Director	Associate Director	Senior Administrator	Administrator	Junior Administrator	Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Training		0.10			2.80		2.90	442.50	152.59
Directors	2.70	1.20			5.20		9.10	1,860.00	204.40
Investigations					0.50		0.50	75.00	150.00
Utilisation of Assets									
Administering									
<b>Total Hours</b>	2.70	1.30			8.50				
<b>Rate (£ per hour)</b>	350-225	250-175	200-175	175-150	150-125	125-40			
<b>Total Costs</b>	810.00	292.50			1,275.00		12.50	2,377.50	190.20



**The Tree & Garden Limited—In Creditors' Voluntary Liquidation**  
Time and Rate Analysis from 20 January 2016 to 14 December 2016

<b>Classification</b>	<b>Director</b>	<b>Associate Director</b>	<b>Senior Administrator</b>	<b>Administrator</b>	<b>Junior Administrator</b>	<b>Support Staff</b>	<b>Total Hours</b>	<b>Time Cost (£)</b>	<b>Average Hourly Rate (£)</b>
Administration and Planning	7.70	7.30		18.65	15.15	6.00	54.80	8,791.25	160.42
Creditors	7.90	7.70		21.60	5.30	3.60	46.10	8,112.50	175.98
Investigations	-	1.30		-	0.90	0.70	2.90	437.50	150.86
Realisation of Assets	5.50	2.50		32.20		0.30	40.50	6,865.00	169.51
Trading									
<b>Total Hours</b>	21.10	18.80		72.45	21.35	10.60			
<b>Rate (£ per hour)</b>	350-225	250-175	200-175	175-150	150-125	125-40			
<b>Total Costs</b>	5,870.00	3,792.50		10,867.50	2,881.25	795.00	144.30	24,206.25	167.75

## Appendix D

### Additional Information in Relation to the Liquidator's Fees, Expenses & Disbursements

#### 1 Staff Allocation and the Use of Sub-Contractors

- 1.1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.
- 1.2 The constitution of the case team will usually consist of a Director, an Associate Director, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment.
- 1.3 We are not proposing to utilise the services of any sub-contractors in this case.

#### 2 Professional Advisors

- 2.1 On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis.

Name of Professional Advisor	Basis of fee arrangement
Cameron Legal LLP (legal advice)	Hourly rate and disbursements
Wills Ltd (insurance)	Hourly rate and disbursements
Langley King (valuation and disposal advice)	Hourly rate and disbursements

- 2.2 Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them.

#### 3 Liquidator's Expenses & Disbursements

- 3.1 An analysis of the expenses paid to the date of this report, together with those incurred but not paid at the date of this report is provided below:

	Expenses paid to date	Expenses incurred but not paid to date	Total
Agents' costs	3,000		3,000
Solicitors' costs	924.00		924.00
Insurance	6,362.71		6,362.71
Statutory advertising	367.00		367.00
Specific penalty bond	924.00		924.00
Category 2 disbursements			
Business mileage	8.92		8.92

- 3.2 Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case. These disbursements are included in the tables of expenses above.

- 3.3 Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage. Details of Category 2 disbursements charged by this firm (where appropriate) were provided at the time the Liquidator's fees were approved by creditors. Any Category 2 disbursements incurred are specifically highlighted in the tables of expenses above.

**4 Charge-Out Rates**

- 4.1 LB Insolvency Solutions Limited current charge-out rates effective from 1 September are detailed below. Please note this firm records its time in minimum units of 6 minutes.

4.2
