

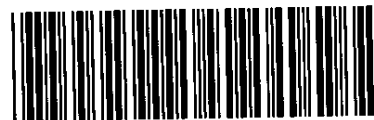
# LIQ03

## Notice of progress report in voluntary winding up



Companies House

THURSDAY



A09 \*A7XSNS6Z\* 24/01/2019 #104  
COMPANIES HOUSE

### 1 Company details

Company number 0 2 9 5 3 1 2 7  
Company name in full The Tree & Garden Company Limited

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) Andrew  
Surname Dix

### 3 Liquidator's address

Building name/number Swift HouseGround Floor  
Street 18 Hoffmanns Way  
Post town Chelmsford  
County/Region Essex  
Postcode C M 1 1 G U  
Country

### 4 Liquidator's name ①

Full forename(s)  
Surname

① Other liquidator  
Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ②

Building name/number  
Street  
Post town  
County/Region  
Postcode  
Country

② Other liquidator  
Use this section to tell us about  
another liquidator.

# LIQ03

## Notice of progress report in voluntary winding up

### 6 Period of progress report

From date	<sup>d</sup> 2	<sup>d</sup> 7	<sup>m</sup> 1	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 7
To date	<sup>d</sup> 2	<sup>d</sup> 6	<sup>m</sup> 1	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8

### 7 Progress report

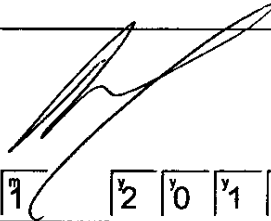
☒ The progress report is attached

### 8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

<sup>d</sup> 2	<sup>d</sup> 2	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9
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# LIQ03

## Notice of progress report in voluntary winding up



### Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Andrew Dix**

Company name **LB Insolvency Solutions Ltd**

Address **Swift House**

**18 Hoffmanns Way**

Post town **Chelmsford**

County/Region **Essex**

Postcode **C M 1 1 G U**

Country

DX

Telephone **01245 254791**



### Checklist

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



### Important information

**All information on this form will appear on the public record.**



### Where to send

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



### Further information

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**

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

**The Tree & Garden Company Limited - In Creditors'  
Voluntary Liquidation**

**27 November 2017 to 26 November 2018**

# **THE TREE & GARDEN COMPANY LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION**

## **CONTENTS**

- 1** Introduction and Statutory Information
- 2** Progress of the Liquidation
- 3** Creditors
- 4** Liquidator's Remuneration
- 5** Creditors' Rights
- 6** Next Report

## **APPENDICES**

- A** Receipts and Payments Account for the Period from 27 November 2017 to 26 November 2018 incorporating a Cumulative Receipts and Payments Account for the Period 27 November 2014 to 26 November 2018
- B** Time Analysis for the Period from 27 November 2017 to 26 November 2018
- C** Cumulative Time Analysis for the Period from 27 November 2014 to 26 November 2018
- D** Additional information in relation to Liquidator's Fees, Expenses & Disbursements

# THE TREE & GARDEN COMPANY LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION

## 1 Introduction and Statutory Information

- 1.1 Andrew Dix (**"the Liquidator"**) of LB Insolvency Solutions Limited (**"LBIS"**), Swift House, Ground Floor, 18 Hoffmanns Way, Chelmsford, Essex, CM1 1GU, 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 2016 to 26 November 2017 (**"the Period"**) and should be read in conjunction with 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 Swift House, Ground Floor, 18 Hoffmanns Way, Chelmsford, Essex, CM1 1GU 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 and an explanation of the work done by the Liquidator and his staff.
- 2.2 At Appendix A is my Receipts and Payments Account for the period of this report.
- 2.3 Attached at Appendix B is a cumulative Receipts and Payments Account for the period from the date of my appointment as Liquidator to 27 November 2017 to 26 November 2018.

### Administration

- 2.4 A liquidator must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. This work includes dealing with the Company's creditors and employees together with administrative tasks associated the appointment, such as agreeing the strategy for the liquidation, filing notices of appointment, statutory advertising, opening and maintaining the estate cash book and bank accounts and reporting periodically to creditors, HMRC and the Registrar of Companies.
- 2.5 Creditors should note that this work will not necessarily bring any financial benefit to creditors but is required on every case by statute.

### Realisation of Assets

- 2.6 Based on the above, the Liquidator currently anticipates the total expenses that may be incurred in dealing with the remainder of the Company's asset realisations to be £Nil.
- 2.7 It is anticipated that the work the Liquidator and his staff have undertaken to date will bring a financial benefit to creditors. This may be a distribution to secured creditors of the Company only (from which a Prescribed Part fund may be derived for the benefit of unsecured creditors) or may, depending on realisations and the extent of any 3<sup>rd</sup> party security, result in a distribution to the preferential and/or unsecured creditors of the Company.
- 2.8 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)

- 2.9 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

## THE TREE & GARDEN COMPANY LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION

creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.

- 2.10 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.
- 2.11 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***

- 2.12 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.
- 2.13 The Liquidator can confirm that he has 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.
- 2.14 Shortly after appointment, the Liquidator 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 any information provided by creditors. The Liquidators investigations have not revealed any issues requiring further report or any further potential recoveries which could be pursued for the benefit of creditors.
- 2.15 Since my last progress report, I would advise that no further asset realisations have come to light that may be pursued by me for the benefit of creditors

### ***Matters still to be dealt with***

- 2.16 The case can now be closed.

## **3 Creditors**

### ***Secured Creditors***

- 3.1 There are no charges filed at Companies House and therefore no secured creditors.

### ***Preferential Creditors***

- 3.2 A summary of preferential claims is detailed below.

Creditor	Amount Claimed	Amount Paid	Amount Owed
National Insurance Fund (RPO)	3,879.21	0.00	100p in the £
Alexander Mavrides (Shortfall of holiday pay by RPO)	22.97	0.00	100p in the £
HM 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 £

## THE TREE & GARDEN COMPANY LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION

### ***Unsecured Creditors***

- 3.3 The Liquidator has received claims totalling £123,558.97 from 20 creditors.
- 3.4 The Liquidator confirms that a first and final dividend of 20.8p in the £ was paid to all creditors on 2 June 2015.
- 3.5 The Liquidator confirms that it is anticipated there will be insufficient funds realised after defraying the expenses of the Liquidation to pay a further 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 the time costs properly spent by him and his staff in managing the Liquidation.
- 4.2 The Liquidator's time costs for the Period are £4,366.00. This represents 23.17 hours at an average rate of £188.43 per hour. Attached at 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 the Liquidator in managing the Liquidation. To date, £20,000.00 plus disbursements of £1,299.92 have been drawn on account.
- 4.3 Also attached at Appendix C is a cumulative Time Analysis for the period from 27 November 2014 to 26 November 2018 which provides details of the Liquidator's time costs since appointment. The cumulative time costs incurred to date are £41,409.75. This represents 217.62 hours at an average rate of £190.28 per hour.
- 4.4 In considering the remaining work to be done in this Liquidation, the Liquidator currently anticipates that the time costs to complete the Liquidation will be approximately £2,000.00. The Liquidator will update creditors on this in his 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](http://www.lbinsolvency.co.uk).
- 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.



## THE TREE & GARDEN COMPANY LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION

### 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 account.
- 6.2 If you have any queries in relation to the contents of this report, I can be contacted by telephone on 01245 254791 or by email at [info@lbinsolvency.co.uk](mailto:info@lbinsolvency.co.uk).

Yours faithfully



Andrew Dix  
Liquidator

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

**LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT**

	Statement of affairs £	From 27/11/2017 To 26/11/2018 £	From 27/11/2014 To 26/11/2018 £
<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	NIL	NIL
Book Debts	27,010.00	0.00	24,617.75
Cash with agents re sale of assets	36,380.00	NIL	NIL
Bank Interest Gross		0.76	148.53
Excise Refund		0.00	83.32
Export VAT refund		0.00	1,120.00
		<u>0.76</u>	<u>101,826.00</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		2,000.00	22,000.00
Export VAT refund		0.00	1,120.00
Agents/Valuers Fees (1)		0.00	6,362.71
Legal Fees (1)		350.00	3,350.00
Corporation Tax		0.00	29.13
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
		<u>2,350.00</u>	<u>99,005.80</u>
Net Receipts/(Payments)		<u>(2,349.24)</u>	<u>2,820.20</u>
<b>MADE UP AS FOLLOWS</b>			
Vat Receivable		1,590.00	2,470.00
Bank 1 Current		(2,819.24)	350.20
Vat Control Account		(1,120.00)	0.00
		<u>(2,349.24)</u>	<u>2,820.20</u>

# The Tree & Garden Company Limited

## Appendix B

Analysis of time costs from 27/11/2017  
to 26/11/2018

Classification of Work Function	Hours					Time Cost	Average Hourly Rate
	Partner	Manager	Administrator	Support	Total Hours		
Administration and Planning	0.00	0.00	17.77	0.00	17.77	£2,776.00	£156.22
Creditors	3.40	0.00	2.00	0.00	5.40	£1,590.00	£294.44
Investigations							
Realisation of Assets							
Trading							
Totals:	3.4	0	19.77	0	23.17	£4,366.00	£188.43
Total Fees Claimed	(Excluding Disbursements and VAT)					£4,366.00	

# The Tree & Garden Company Limited

Analysis of time costs from 27/11/2014  
to 26/11/2018

Appendix C

Classification of Work Function	Hours					Time Cost	Average Hourly Rate
	Partner	Manager	Administrator	Support	Total Hours		
Administration and Planning	28.50	7.50	72.72	0.00	108.72	£21,144.75	£194.49
Creditors	12.30	9.20	36.00	0.00	57.50	£10,930.00	£190.09
Investigations	1.80	4.50	2.20	0.00	8.50	£1,787.50	£210.29
Realisation of Assets	7.40	3.00	32.50	0.00	42.90	£7,547.50	£175.93
Trading							
<b>Totals:</b>	<b>50</b>	<b>24.2</b>	<b>143.42</b>	<b>0</b>	<b>217.62</b>	<b>£41,409.75</b>	<b>£190.28</b>
<b>Total Fees Claimed</b>	<b>(Excluding Disbursements and VAT)</b>					<b>£41,409.75</b>	

# THE TREE & GARDEN COMPANY LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION

## Appendix D

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

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

- 7.1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.
- 7.2 The constitution of the case team will usually consist of a Partner, a Manager, 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.
- 7.3 We are not proposing to utilise the services of any sub-contractors in this case.

#### 8 Professional Advisors

- 8.1 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.

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

- 8.2 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.

#### 9 Liquidator's Expenses & Disbursements

- 9.1 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:

Category of disbursement	Date to date paid (£)	Amount incurred but not paid (£)	Recovery from third parties (£)	Total disbursement (£)
Agents' costs				
Solicitors' costs		350.00		350.00
Insurance				
Statutory advertising				
Specific penalty bond				
Category 2 disbursements				
Business mileage				

- 9.2 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.

## THE TREE & GARDEN COMPANY LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION

- 9.3 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.

### 10 Charge-Out Rates

- 10.1 LBIS current charge-out rates effective from 1 September 2018 are detailed below. Please note this firm records its time in minimum units of 6 minutes.

<b>Director</b>	<b>£400 per hour</b>
<b>Associate Director</b>	<b>£275 per hour</b>
<b>Senior Administrator</b>	<b>£225 per hour</b>
<b>Administrator</b>	<b>£200 per hour</b>
<b>Junior Administrator</b>	<b>£175 per hour</b>
<b>Assistants and Support Staff</b>	<b>£150 per hour</b>

Prior to this the following rates applied:

Effective from 1 September 2017

<b>Director</b>	<b>£350 per hour</b>
<b>Associate Director</b>	<b>£250 per hour</b>
<b>Senior Administrator</b>	<b>£200 per hour</b>
<b>Administrator</b>	<b>£175 per hour</b>
<b>Junior Administrator</b>	<b>£150 per hour</b>
<b>Assistants and Support Staff</b>	<b>£125 per hour</b>

Effective from 1 September 2016

<b>Director</b>	<b>£350 per hour</b>
<b>Associate Director</b>	<b>£250 per hour</b>
<b>Senior Administrator</b>	<b>£200 per hour</b>
<b>Administrator</b>	<b>£175 per hour</b>
<b>Junior Administrator</b>	<b>£150 per hour</b>
<b>Assistants and Support Staff</b>	<b>£125 per hour</b>

Effective from 1 September 2015

<b>Director</b>	<b>£300 per hour</b>
<b>Associate Director</b>	<b>£225 per hour</b>
<b>Senior Administrator</b>	<b>£200 per hour</b>
<b>Administrator</b>	<b>£175 per hour</b>
<b>Junior Administrator</b>	<b>£150 per hour</b>
<b>Assistants and Support Staff</b>	<b>£100 per hour</b>

# *LB Insolvency Solutions Ltd*

## **FEES & DISBURSEMENT POLICY STATEMENT**

This statement has been prepared in accordance with the guide lines set out in Statement of Insolvency Practice 9 issued by the Association of Business Recovery Professionals.

Unless otherwise fixed in accordance with The Insolvency Act 1986, fees are charged by reference to time costs incurred and charged at the company's usual rates applicable at the time the work is carried out.

Each statutory report issued containing an account of receipts and payments will be normally accompanied by an analysis of fees and expenses accrued.

### **Remuneration Policy**

- Directors and staff (but not administrative staff) are allocated and charge at a pre-set rate which is reviewed from time to time. The rates fixed from 1 September 2018 are as follows:

Director	£400 per hour
Associate Director	£275 per hour
Senior Administrator	£225 per hour
Administrator	£200 per hour
Junior Administrator	£175 per hour
Assistants and Support Staff	£150 per hour

- The rate is reviewed to assess that it accords with the market
- Time is recorded in 6 minute units
- Time billed is subject to Value Added Tax (VAT)
- The rates are reviewed annually and are subject to change on 1<sup>st</sup> September each year

### **Disbursements Policy**

#### **Category 1:**

- Expenses and disbursements specifically incurred in relation to an instruction are recharged to the account and will usually be identified individually.
- Disbursements paid and recharged to the account are charged at cost value.
- Where applicable, expenses and disbursements recharged to or incurred directly are subject to VAT.

#### **Category 2:**

- General office overheads and travel are not normally recharged except where the cost is exceptional when the following will apply:

Each sheet of paper	10p per sheet
Mileage	45p per mile
Meeting room hire	£100 per meeting
File set up (general cost)	£20 for initial set up (then £5 per additional file)
<i>(rates are subject to change each year on 1 September)</i>	

- Disbursements that are not capable of precise identification and calculation (e.g. part of a shared or allocated cost) will only be paid with prior approval.
- Any payments to associated parties will only be made with prior approval.

Andrew Dix is a Licensed Insolvency practitioner authorised by the Institute of Chartered Accountants of England and Wales in the UK and holds an enabling bond for the purpose of receiving appointments under his license.