

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

TUESDAY



A31 \*A7EAØPDD\* 11/09/2018 #71  
COMPANIES HOUSE

### 1 Company details

Company number 0 3 0 8 7 4 9 8

Company name in full Profab Engineering Limited

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

### 2 Liquidator's name

Full forename(s) Peter

Surname O'Hara

### 3 Liquidator's address

Building name/number Wesley House

Street Huddersfield Road

Post town Birstall

County/Region Batley

Postcode W e s t Y o r k s

Country

### 4 Liquidator's name

Full forename(s)

Surname

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

### 5 Liquidator's address

Building name/number

Street

Post town

County/Region

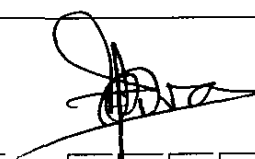
Postcode

Country

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

LIQ03

Notice of progress report in voluntary winding up

<b>6</b>		<b>Period of progress report</b>																																
From date	d		1		d		3		m		0		m		7		y		2		y		0		y		1		y		7			
To date	d		1		d		2		m		0		m		7		y		2		y		0		y		1		y		8			
<b>7</b>		<b>Progress report</b>																																
		<input checked="" type="checkbox"/> The progress report is attached																																
<b>8</b>		<b>Sign and date</b>																																
Liquidator's signature	Signature																X																	
Signature date	d		2		d		1		m		0		m		8		y		2		y		0		y		1		y		8			

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	Mike Sharp
Company name	O'Hara & Co
Address	Wesley House Huddersfield Road
Post town	Birstall
County/Region	Batley
Postcode	W e s t      Y o r k
Country	
DX	
Telephone	01924 477449

**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)

**Profab Engineering Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

Statement of Affairs £		From 13/07/2017 To 12/07/2018 £	From 13/07/2016 To 12/07/2018 £
	<b>ASSET REALISATIONS</b>		
NIL	Office Furniture & Equipment	NIL	NIL
NIL	Portable Office Units	NIL	NIL
20,161.00	Book Debts	NIL	6,804.01
11,902.00	Cash in Hand	NIL	11,902.80
800.00	Cash at Bank	NIL	4,265.83
	Bank Interest Gross	7.77	15.77
	Rates Refund	281.77	281.77
		<u>289.54</u>	<u>23,270.18</u>
	<b>COST OF REALISATIONS</b>		
	Specific Bond	NIL	170.00
	Statement of Affairs Fee	NIL	5,000.00
	Disbursements	NIL	440.74
	Agents/Valuers Fees (1)	NIL	367.70
	Accountants Fees	NIL	1,037.75
	Statutory Advertising	NIL	212.49
	Credit Card Charges	NIL	72.00
		<u>NIL</u>	<u>(7,300.68)</u>
	<b>PREFERENTIAL CREDITORS</b>		
(5,921.00)	Employee Arrears/Hol Pay	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
	<b>FLOATING CHARGE CREDITORS</b>		
(18,029.35)	Alex Perkin	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
	<b>UNSECURED CREDITORS</b>		
(12,488.74)	Trade & Expense Creditors	NIL	NIL
(56,840.00)	Employees	NIL	NIL
(694.22)	Landlord	NIL	NIL
(15,000.00)	PAYE / NIC	NIL	NIL
(36,000.00)	VAT	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
	<b>DISTRIBUTIONS</b>		
(100.00)	Ordinary Shareholders	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
<u>(112,210.31)</u>		<u>289.54</u>	<u>15,969.50</u>
	<b>REPRESENTED BY</b>		
	Bank 1 Current		15,969.50
			<u>15,969.50</u>

  
Peter O'Hara  
Liquidator

Our Ref: POH/MJS  
Your Ref:

31 July 2018

**To the Creditors**



Wesley House  
Huddersfield Road  
Birstall  
Batley  
WF17 9EJ

Tel: 01924 477449  
Fax: 01924 475262



Dear Sirs

**PROFAB ENGINEERING LIMITED – IN LIQUIDATION**

Pursuant to Section 104A of the Insolvency Act 1986 (as amended) I write to provide my annual progress report for the period 13 July 2017 to 12 July 2018. I enclose for your information an up to date receipts and payments account for the period in question (including a total account since my appointment), together with a time costs summary in Statement of Insolvency Practice 9 format.

***Details of Appointment***

Liquidator: Peter O'Hara  
Date of appointment: 13 July 2016  
Reporting period: 13 July 2017 to 12 July 2018  
Authorising body: Insolvency Practitioners Association  
IP number: 6371

**By an order of the High Court of Justice dated 2 November 2017, the Joint Liquidator, Simon Weir, was removed from office in this matter. Peter O'Hara continues as the sole Liquidator in this case.**

If you have any queries with regards to this report, please do not hesitate to contact the case manager, Mike Sharp on 01924 477449.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Peter O'Hara', written over a horizontal line.  
Peter O'Hara  
Liquidator

**PROFAB ENGINEERING LIMITED**

**Registered Number: 03087498**

**Registered Office:**  
**Wesley House**  
**Huddersfield Road**  
**Birstall**  
**Batley**  
**WF17 9EJ**

**Liquidator's Annual Progress Report**  
**Prepared pursuant to Section 104A of the Insolvency Act 1986**  
**and Rule 18.7 of the Insolvency Rules (England & Wales) 2016**

**CONTENTS**

- 1 Introduction
- 2 Details of Appointment
- 3 Asset Realisations
- 4 Outcome to Creditors
- 5 Investigations
- 6 Liquidator's Remuneration and Disbursements
- 7 Conclusion

**APPENDICES**

- A Account of Liquidator's Receipts and Payments for the period from 13 July 2017 to 12 July 2018
- B Summary of Liquidator's Time Costs for the period from appointments (i.e. 13 July 2016) to 12 July 2018 and summary of Liquidator's Time Costs for the period 13<sup>th</sup> July 2017 to 12<sup>th</sup> July 2018
- C An extract from the Insolvency (England and Wales) Rules 2016 relating to creditors' rights to request additional information from the Joint Liquidators' (Rule 18.9)
- D An extract from the Insolvency (England and Wales) Rules 2016 relating to creditors' rights to challenge the Joint Liquidators' remuneration or expenses if excessive (Rules 18.34, 18.36 and 18.37)
- E Notification in accordance with Rule 1.39 of the Insolvency (England and Wales) Rules 2016 relating to a creditor's right to opt out of receiving further documentation relating to the proceedings
- F Opting Out Of Future Correspondence

**PROFAB ENGINEERING LIMITED**  
**("CREDITORS VOLUNTARY LIQUIDATION")**

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**1 INTRODUCTION**

I was appointed as Joint Liquidator of Profab Engineering Limited on 13 July 2016. By an order of the High Court of Justice dated 2 November 2017, the Joint Liquidator, Simon Weir, was removed from office in this matter. I continue as the sole Liquidator in this case.

**2 STATUTORY INFORMATION**

**Company number:** 03087498

**Previous names:** N/A

**Trading style:** Profab Engineering

**Date of incorporation:** 4 August 1995

**Date commenced trading:** August 1995

**Date ceased trading:** June 2016

**Principal activity:** Engineering

**Former Registered Office Address:** The Dolomite Quarry, Sheffield Road, Warmsworth, Doncaster, DN4 9RS

**Trading Address:** The Dolomite Quarry, Sheffield Road, Warmsworth, Doncaster, DN4 9RS

**Issued share capital:** 100 Ordinary £1 shares

<b>Shareholder Name</b>	<b>Ordinary £1 shares</b>
Alex Perkin	90
Pamela Perkin	10

<b>Directors:</b>	<b>Directors Name</b>	<b>Appointed</b>
	Alex Perkin	4 August 1995

<b>Former Directors in past three years:</b>	<b>Directors Name</b>	<b>Appointed</b>	<b>Resigned</b>
	N/A	N/A	N/A

**Company Secretary:** Beth Mary Perkin

**Associated, Parent or Subsidiary Companies:** N/A

**Bankers:** National Westminster Bank PLC

**Registered Charges:** Alex Perkins – Debenture  
(Created 25 August 2000 / Registered 2 September 2000)

**Last Statutory Accounts:** 30 September 2014

**Insolvency advice sought:** 21 June 2016



### **3 ASSET REALISATIONS**

#### ***Chattel Assets***

As outlined in the director's report, the company owned two portacabins and office furniture & equipment. Agents (C W Harrison & Sons of Ossett) were instructed to provide a value and in their opinion were valued on an ex-situ basis of £1,800 and £200 respectively.

Due to the costs in removal and sale of these items, the agent recommended that the assets be abandoned.

Therefore no realisations have been made from these potential assets.

#### ***Book Debts / Cash at Bank***

As outlined in the director's estimated statement of affairs, it was anticipated that the company was owed the sum of £40,323 of which the director estimated approximately £20,161 was recoverable from its customers.

Since appointment, I have recovered the sum of £6,804. However, a number of debtors paid direct into the company bank account that the director was unaware. Having made contact with the bank, we received the sum of £4,266 which was higher than anticipated in the director's statement of affairs (£800).

There remains one customer that is currently disputing the amount owed. Therefore, I have instructed solicitors, Wilkinson Legal Services Limited, to assist with the recovery of same.

#### ***Bank Interest***

The sum of £15 has been received in respect of gross interest from funds held in the case account during this period

#### ***Rates Refund***

Since my last report I have received a rates refund of £281

### **4 OUTCOME TO CREDITORS**

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

There is one known preferential creditor claim in the Liquidation from the Redundancy Payments Office in respect of a subrogated claim for employees' arrears of wages and holiday pay.

I have received a preferential claim in the sum of £5,749.

After the costs of the liquidation, it is possible that a dividend will be made to this class of creditor.

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

There is one secured creditor in the Liquidation being the director (Mr Perkin) who claimed to hold a debenture created 25 August 2000. Insufficient evidence of the debenture have been produced but the validity of the debenture is irrelevant at present as there are insufficient funds to make a distribution to floating charge holders. If the situation changes the alleged debenture will be considered further.

***Unsecured Creditors***

Unsecured creditors' were estimated to total £121,023. Since my appointment, I have received 14 claims totalling £131,197. There are currently 9 outstanding creditors' claims.

On present information, there will be no dividend to the unsecured creditors.

**5 AREAS OF INVESTIGATION**

In accordance with the Company Directors Disqualification Act 1986, we have submitted a report on the conduct of the Directors of the company to the Department for Business, Energy & Industrial Strategy. This is a confidential report and we are not able to disclose the contents within this circular to creditors.

We have conducted investigations into the company's affairs in accordance with Statement of Insolvency Practice 2 (SIP 2).

**6 PAYMENTS**

***Statement of Affairs***

A resolution was passed at the initial Meeting of Creditors, in relation to our pre-appointment costs and is as follows:-

"That the Joint Liquidators draw £5,000 plus VAT plus disbursements, to cover the costs of convening the meeting."

You will note on the attached Receipt and Payments account (appendix A), that this fee has been drawn in full against this fee during the reporting period.

***Liquidator's Remuneration and Expenses***

As required by Statement of Insolvency Practice 9 ("SIP 9"), I attach a schedule (Appendix B) detailing my costs incurred on this case during the period 13 July 2016 to date and for the period 13<sup>th</sup> July 2017 to 12 July 2018, which you will note amount to a total of £12,580.

You will note on the attached Receipt and Payments account (appendix A), that no fee has been drawn against this fee during the reporting period.

***Category One Disbursements***

SIP 9 defines "Category One Disbursements" as being expenses directly attributable to the insolvent estate, paid to an independent third party, which are recoverable from the insolvent estate (without further creditor approval).

The following disbursements have been incurred and recovered from the case:-

Bordereau	£170.00
Credit Card Charges	72.00
Statutory Advertising	<u>£212.49</u>
	<u>£454.49</u>

***Category Two Disbursements***

SIP 9 defines "Category 2 Disbursements" as being expenditure incidental to the administration of the insolvent case, which includes an element of shared or allocated costs including payments to the Insolvency Practitioner's firm or connected parties.

**PROFAB ENGINEERING LIMITED**  
**("CREDITORS VOLUNTARY LIQUIDATION")**

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The following disbursements have been incurred and £440.74 has been recovered from the case to date:

Room Hire	£125.00
Telephone Expenses	£12.00
Travel Expenses	<u>£403.74</u>
	<u>£540.74</u>

The balance of disbursements will be drawn shortly.

***Other Professionals and payments***

As outlined earlier in this report, third party professionals have been used in this matter, as follows:-

*C W Harrison & Sons (Chattel Asset Agent)*

Agents were instructed to provide their valuation of assets and assist with the sale of business assets.

As mentioned above, having viewed same they recommended we abandon them due to the cost of removal been greater than the potential recovery.

Their fees in doing so were £367.70 plus VAT and have been paid from asset realisations.

*Wilkinson Legal Services Limited (Legal Fee)*

Solicitors have been instructed to assist with providing their advice on the collectability of outstanding debtors. As they continue the pursuit of the one remaining debt, fees are continuing to be incurred. No payments have yet been made to them for work done to date.

*Alan Roberts & Company Limited (Accountants Fees)*

Accountants have been instructed to assist the director with the preparation of his Statement of Affairs.

Their fees in doing so were £950.00 plus VAT and have been paid from asset realisations.

*Beeson Bookkeeping Service Limited (Accountants Fees)*

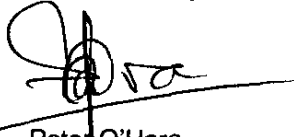
Accountants have been instructed to assist with the completion of closing the company payroll.

Their fees in doing so were £87.75 plus VAT and have been paid from asset realisations.

**7 CONCLUSION**

I am unable to conclude my administration until all assets have been realised. Once assets have been realised, I should be in a position to conclude my administration and issue a final report to creditors prior to the next anniversary.

Yours faithfully



Peter O'Hara  
Liquidator

*Peter O'Hara is authorised to act as an insolvency practitioner in the UK by the Insolvency Practitioners Association and is bound by the Insolvency Code of Ethics.*

**Account of Joint Liquidators' Receipts and Payments**  
**for the period from 13 July 2016 to 12 July 2018**

**Profab Engineering Limited  
(In Liquidation)**

**Summary of Receipts & Payments**

<b>RECEIPTS</b>	<b>Statement of Affairs (£)</b>	<b>From 13/07/2016 To 12/07/2017 (£)</b>	<b>From 13/07/2017 To 07/09/2018 (£)</b>	<b>Total (£)</b>
Book Debts	20,161.00	6,804.01	0.00	6,804.01
Cash in Hand	11,902.00	11,902.80	0.00	11,902.80
Cash at Bank	800.00	4,265.83	0.00	4,265.83
Bank Interest Gross		8.00	7.77	15.77
Rates Refund		0.00	281.77	281.77
		<b>22,980.64</b>	<b>289.54</b>	<b>23,270.18</b>
<b>PAYMENTS</b>				
Specific Bond		170.00	0.00	170.00
Statement of Affairs Fee		5,000.00	0.00	5,000.00
Disbursements		440.74	0.00	440.74
Agents/Valuers Fees (1)		367.70	0.00	367.70
Accountants Fees		1,037.75	0.00	1,037.75
Statutory Advertising		212.49	0.00	212.49
Credit Card Charges		72.00	0.00	72.00
		<b>7,300.68</b>	<b>0.00</b>	<b>7,300.68</b>
<b>Net Receipts/(Payments)</b>		<b>15,679.96</b>	<b>289.54</b>	<b>15,969.50</b>
<b>MADE UP AS FOLLOWS</b>				
<b>Bank 1 Current</b>		<b>14,269.56</b>	<b>1,699.94</b>	<b>15,969.50</b>
		<b>14,269.56</b>	<b>1,699.94</b>	<b>15,969.50</b>

**Summary of Joint Liquidators' Time Costs**  
**for the period from appointments (i.e. 13 July 2016) to 12 July 2018 and for the period 13<sup>th</sup> July 2017 to 12<sup>th</sup> July 2018**

# Time Entry - SIP9 Time & Cost Summary

P359 - Profab Engineering Limited  
All Post Appointment Project Codes  
To: 12/07/2018

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	14.40	0.00	1.90	9.60	25.90	5,867.50	226.54
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	5.70	0.00	0.40	3.95	10.05	2,173.75	216.29
Investigations	3.80	0.00	3.10	2.50	9.40	1,832.50	194.95
Realisation of Assets	4.00	0.00	0.50	12.33	16.83	2,706.25	160.80
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>27.90</b>	<b>0.00</b>	<b>5.90</b>	<b>28.38</b>	<b>62.18</b>	<b>12,580.00</b>	<b>202.32</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	
<b>Total Disbursements Claimed</b>						<b>244.74</b>	

# Time Entry - SIP9 Time & Cost Summary

## Category 2 Disbursements

P359 - Profab Engineering Limited  
To: 12/07/2018

Other amounts paid or payable to the office holders firm or to party in which the office holder or his firm or any associate has an interest.

Transaction Date	Type and Purpose	Amount
14/07/2016	Motor Expenses: PC40 Mileage	12.80
14/07/2016	Travel Expenses: PC40 Travel Exp	21.80
14/07/2016	Travel Expenses: PC41 Travel Exp	62.44
19/07/2016	Motor Expenses: PC42 Mileage	21.00
21/07/2016	Telecom Expenses: PC42 Phone Chgs	12.00
28/07/2016	Travel Expenses: PC42 Travel Exp	50.70
02/08/2016	Motor Expenses: PC58 Mileage	4.20
02/08/2016	Room Hire: DN10795 Room Hire	25.00
05/08/2016	Motor Expenses: DN10818 Mileage	35.00
10/08/2016	S98 Notice: DN10827	100.00
13/07/2016	Reports to Creditors: DN10913 Report to Creditors	135.80
02/08/2017	Motor Expenses: PC179 Mileage	4.06
31/10/2017		
	<b>Total</b>	<b>484.60</b>



# Time Entry - SIP9 Time & Cost Summary

P359 - Profab Engineering Limited  
All Post Appointment Project Codes  
From: 13/07/2017 To: 12/07/2018

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	3.30	0.00	0.90	1.70	5.90	1,607.50	272.46
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	4.90	0.00	0.40	0.00	5.30	1,460.00	275.47
Investigations	0.00	0.00	0.40	0.00	0.40	110.00	275.00
Realisation of Assets	0.10	0.00	0.50	0.00	0.60	172.50	287.50
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>8.30</b>	<b>0.00</b>	<b>2.20</b>	<b>1.70</b>	<b>12.20</b>	<b>3,350.00</b>	<b>274.59</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	
<b>Total Disbursements Claimed</b>						<b>244.74</b>	

# Time Entry - SLP9 Time & Cost Summary

## Category 2 Disbursements

P359 - Profab Engineering Limited  
From: 13/07/2017 To: 12/07/2018

Other amounts paid or payable to the office holders firm or to party in which the office holder or his firm or any associate has an interest.

Transaction Date	Type and Purpose	Amount
02/08/2017	Reports to Creditors: DN10913 Report to Creditors	135.80
31/10/2017	Motor Expenses: PC179 Mileage	4.06
Total		139.86

**An Extract from the Insolvency (England and Wales) Rules 2016 Relating to  
Creditors' Rights to Request Additional Information from the Liquidator**

1. The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report until rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14:
  - a) A secured creditor;
  - b) An unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
  - c) 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;
  - d) Any unsecured creditor with the permission of the court; or
  - e) Any member of the company in a members' voluntary winding up with the permission of the court.
2. A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.
3. The office-holder must, within 14 days of receipt of such a request, respond to the person or persons who requested the information by:
  - a) Providing all the information requested;
  - b) Providing some of the information requested; or
  - c) Declining to provide the information requested.
4. The office-holder may respond by providing only some of the information requested or decline to provide the information if:
  - a) The time or cost of preparation of the information would be excessive; or
  - b) Disclosure of the information would be prejudicial to the conduct of the proceedings;
  - c) Disclosure of the information might reasonably be expected to lead to violence against any person; or
  - d) The office-holder is subject to an obligation of confidentiality in relation to the information.
5. An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.
6. A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of:
  - a) The office-holder giving reasons for not providing all of the information requested; or
  - b) The expiry of the 14 days within which an office-holder must respond to a request.
7. The court may make such order as it thinks just on an application under paragraph (6).

**An Extract from the Insolvency (England and Wales) Rules 2016**  
**Relating to Office Holders' Remuneration**

**Rule 18.34**

1. This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that:
  - a) The remuneration charged by the office-holder is in all the circumstances excessive;
  - b) The basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.20, 18.20 and 18.21 (as applicable) is inappropriate; or
  - c) The expenses incurred by the office-holder are in all the circumstances excessive.
2. The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable:
  - a) A secured creditor;
  - b) An unsecured creditor with either
    - i. The concurrence of at least 10% in value of the unsecured creditors (including that creditor); or
    - ii. The permission of the court; or
  - c) In a members' voluntary winding up:
    - i. Members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company; or
    - ii. A member of the company with the permission of the court.
3. The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

**Rule 18.36**

1. This rule applies to applications made with permission under rule 18.34.
2. Where the court has given permission, it must fix a venue for the application to be heard.
3. The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.
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 office-holder is entitled to charge;
  - b) An order reducing any fixed 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 is not to be treated as expenses of the administration, winding up or bankruptcy;
  - e) An order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by:
    - i. The administrator or liquidator of the administrator's or liquidator's personal representative to the company; or
    - ii. The trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;
  - f) Any other order that it thinks just.

**Notification in accordance with Rule 1.39 of the Insolvency (England and Wales) Rules 2016  
relating to a creditor's right to opt out of receiving further documentation relating to the proceedings**

1. A creditor may opt out of receiving further documents about the proceedings in this insolvency unless:
  - i. The Act requires a document to be delivered to all creditors without expressly excluding opted-out creditors;
  - ii. It is a notice relating to a change in the office holder or office holder's contact details;
  - iii. It is a notice of a dividend or proposed dividend or a notice which the court orders to be sent to all creditors or all creditors of a particular category to which the creditor belongs.
2. If a creditor wishes to opt out, it should do so in writing to Peter O'Hara at O'Hara & Co at the address at the top of this report.
3. Opting out will not affect the creditor's entitlement to receive dividends should any be paid to creditors.
4. Unless the Rules provide to the contrary opting-out will not affect any right the creditor may have to vote in a decision procedure or to participate in a deemed consent procedure in the proceedings, although the creditor will not receive notice of it.
5. A creditor who has opted out will be treated as having opted out in respect of any consecutive insolvency proceedings of a different kind in respect of the same company or individual.

A creditor who has opted out may at any time cease to be an opted out creditor by notice to that effect to Peter O'Hara at his last known address or alternatively, this can be emailed to [insol@ohara.co.uk](mailto:insol@ohara.co.uk).

