

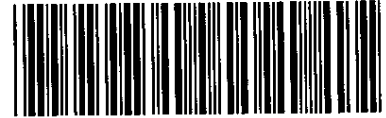
WU07

Notice of progress report in a winding-up by the court



Companies House

THURSDAY



A10 *A8CWK26Q* #115
COMPANIES HOUSE

1 Company details

Company number 0 8 1 7 1 5 9 6

Company name in full Austin Matthews Ltd

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

2 Liquidator's name

Full forename(s) Simon Renshaw ACA MIPA

Surname MABRP

3 Liquidator's address

Building name/number Langley House

Street Park Road

Post town London

County/Region

Postcode N 2 8 E Y

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.

WU07

Notice of progress report in a winding-up by the court

6 Period of progress report

From date	^d 0	^d 4	^m 0	^m 7	^y 2	^y 0	^y 1	^y 8
To date	^d 0	^d 3	^m 0	^m 7	^y 2	^y 0	^y 1	^y 9

7 Progress report

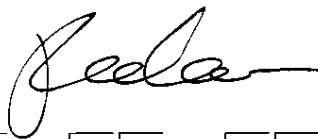
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 2	^d 7	^m 0	^m 8	^y 2	^y 0	^y 1	^y 9
----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------

WU07

Notice of progress report in a winding-up by the court



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 **Simon Renshaw ACA MIPA MABR**

Company name **AABRS Limited**

Address
Langley House
Park Road

Post town
London

County/Region

Postcode
N 2 8 E Y

Country

DX
~~DX: 52062~~

Telephone
020 8444 2000



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 or email 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

Liquidator's Annual Progress Report to Creditors

**Austin Matthews Ltd
- In Compulsory Liquidation**

27 August 2019

AUSTIN MATTHEWS LTD - IN LIQUIDATION

CONTENTS

- 1** Introduction
- 2** Receipts and Payments
- 3** Work undertaken in the Liquidation
- 4** Outcome for Creditors
- 5** Liquidator's Remuneration & Expenses
- 6** Conclusion

APPENDICES

- A** Receipts and Payments Account from 04 July 2018 to 03 July 2019 and Cumulative Receipts and Payments Account for Period from 04 July 2017 to 03 July 2019
- B** Time Analysis for the period 04 July 2018 to 03 July 2019 and Cumulative Time Analysis for the period from 04 July 2017 to 03 July 2019
- C** Additional Information in relation to Liquidator's Fees, Expenses & Disbursements

AUSTIN MATTHEWS LTD - IN LIQUIDATION

1 Introduction

- 1.1 I, Simon Renshaw ACA MIPA MABRP of AABRS Limited, Langley House, Park Road, London, N2 8EY, was appointed as Liquidator of Austin Matthews Ltd (the **Company**) on 04 July 2017, following the presentation of a petition for the compulsory winding up of the Company by Wyvale Garden Centres Holdings Limited. The winding-up order was made on 10 April 2017 in the High Court of Justice under court reference number 001566 of 2017.
- 1.2 I am required to issue a progress report covering the period 04 July 2018 to 03 July 2019 (the **Period**). This report is to be read in conjunction with my previous progress report which has been issued.
- 1.3 At the outset, there were no assets and anticipated liabilities of £16,918 as per the Official Receiver's Report.
- 1.4 The trading address of the Company was Hampton in Arden Garden Centre, Kenilworth Road, Solihull, B92 0LP.
- 1.5 The registered office of the Company was changed to Langley House, Park Road, East Finchley, London, N2 8EY and its registered number is 08171596.
- 1.6 Information about the way that we will use and store personal data on insolvency appointments can be found at www.aabrs.com/privacy-policy. If you are unable to download this, please contact us and a hard copy will be provided to you.

2 Receipts and payments

- 2.1 At Appendix A, I have provided an account of my Receipts and Payments for the Period with a comparison to the statement of affairs, together with a cumulative account since my appointment, which provides details of the remuneration charged and expenses incurred and paid by the Liquidator during the period of the liquidation.

3 Work undertaken in the Liquidation

- 3.1 This section of the report provides creditors with an overview of the work undertaken in the liquidation since last date of my last progress report, together with information on the overall outcome of the liquidation.

Administration (including statutory compliance & reporting)

- 3.2 As you may be aware, the Liquidator must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work I anticipated undertaking in this regard was outlined previously and I would confirm that in the Period, the only matter that has affected the costs to any particular extent was approaching the petitioning creditor to enquire if it would be willing to fund the future costs involved in gathering further evidence against the director and obtaining a solicitor's opinion in relation to potential rights of action identified during my investigations into the Company's affairs.
- 3.3 This work has not necessarily brought any financial benefit to creditors, but is work required on every case by statute.

AUSTIN MATTHEWS LTD - IN LIQUIDATION

3.4 Below are details of the work I have undertaken during the Period: -

- (i) Preparing and issuing an annual progress report to creditors;
- (ii) Lodging a periodic return with the Registrar of Companies;
- (iii) Complying with statutory duties in respect of the Liquidator's specific penalty bond;
- (iv) Updating case files on firm's insolvency software;
- (v) Dealing with all post-appointment corporation tax compliance;
- (vi) Continuing to liaise with Memery Crystal LLP, solicitors, in relation to the potential claims being made against Mr David Fox, the director;
- (vii) Approaching Wyvale Garden Centres Holdings Limited to ascertain whether they would be willing to make a contribution to fund the future costs involved in gathering further evidence against the director and obtaining a solicitor's opinion in relation to potential rights of action identified during my investigations into the Company's affairs.

Realisation of Assets

3.5 There were no realisations achieved during the term of the liquidation.

3.6 There are no assets included within the Statement of Affairs; however, my investigations have revealed potential rights of action against Mr David Fox, the director of the Company. Further details can be found in section 3.13 below.

Creditors (claims and distributions)

3.7 Further information on the outcome for creditors in this case can be found at section 4 of this report. A liquidator is not only required to deal with correspondence and claims from unsecured creditors, 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 as well as dealing with the general handling of communications with stakeholders, such as customers and suppliers.

3.8 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal. I would confirm that in this case, no employee claims were anticipated and none were received.

3.9 The above work will not necessarily bring any financial benefit to creditors generally and the more creditors there are on an assignment, the higher the resultant cost will usually be; however, a liquidator is required by statute to undertake this work.

3.10 No claims were agreed as there were no realisations with which to declare a dividend.

Investigations

3.11 As you may be aware, in a compulsory liquidation the duty to investigate the Company's affairs is the responsibility of the Official Receiver. There is no



AUSTIN MATTHEWS LTD - IN LIQUIDATION

requirement on the Liquidator to submit a report or return on the directors' conduct to the Department for Business, Energy & Industrial Strategy, however where matters are brought to the Liquidator's attention these are reported as appropriate to the Official Receiver for further consideration.

- 3.12 I would confirm that 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 and that may need reporting to the Official Receiver. That assessment took into account information provided by creditors either at the initial meeting or as a response to my request to complete an investigation questionnaire.
- 3.13 My investigations revealed potential rights of action against Mr D A Fox, the director of the Company and the petitioning creditor agreed to bear the initial costs of putting these claims to him. Accordingly, I instructed solicitors, Memery Crystal LLP, to write to Mr Fox, setting out the various matters that have been highlighted as potential claims against him. Whilst a response has been received via Mr Fox's solicitors, it does not comment substantively on any of the apparent claims.
- 3.14 In the reporting period, I have approached Wyvale Garden Centres Holdings Limited to ascertain whether it would be willing to fund the future costs involved in gathering further evidence against the director and obtaining a solicitor's opinion in relation to potential rights of action identified. No response has been forthcoming and therefore, with no funds within the liquidation estate with which to continue my investigations, I am bringing this matter to a close.
- 3.15 Furthermore, I can advise creditors that Mr Fox has been disqualified from acting as a director for a period of seven years commencing on 18 January 2018. This was in relation to his conduct while acting as a director of Priors Kitchens Limited. This entity entered into creditors voluntary liquidation on 07 April 2016 and John Paylor of Guardian Business Recovery was appointed as liquidator.

4 Outcome for Creditors

Secured Creditors

- 4.1 There is no secured creditor registered at Companies House.

Qualifying Floating Charge Holder

- 4.2 The Company did not grant a floating charge to a secured creditor. Accordingly, there was no requirement to create a fund out of a company's net floating charge property for unsecured creditors (known as the Prescribed Part).

Preferential Creditors

- 4.3 No preferential claims were anticipated and none have been received.

Unsecured Creditors

- 4.4 I received 1 claim from totalling £16,800 from Wyevale Garden Centres Ltd. No additional claims are anticipated as per statement of affairs.
- 4.5 The claim has not been agreed and would only have been adjudicated should a dividend have become payable.



AUSTIN MATTHEWS LTD - IN LIQUIDATION

5 Liquidator's Remuneration

- 5.1 The Liquidator has not put forward to creditors his proposal for the basis of his remuneration and proposed to seek creditor decisions on these matters only if recoveries were achieved for the liquidation estate. Accordingly, no remuneration has been drawn.
- 5.2 My time costs for the Period are £2,188.50. This represents 9.20 hours at an average rate of £273.88 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.
- 5.3 A narrative explanation of the work undertaken by the Liquidator during the Period can be found at section 2 of this report.
- 5.4 Attached as Appendix C is additional information in relation to the Liquidator's fees and the expenses and disbursements incurred in the liquidation.
- 5.5 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from www.aabrs.com/resources/creditors-guides.

6 Conclusion

- 6.1 A final account has been made available to the creditors. The account will conclude my administration of this case. The Notice accompanying the account explains creditors rights on receipt of this information and also when I will vacate office and obtain my release as Liquidator.
- 6.2 If you have any queries in relation to the contents of this report, I can be contact by telephone on 020 8444 2000 or by email at enquiries@aabrs.com.

Yours faithfully,



Simon Renshaw
Liquidator

Enc

Appendix A

Austin Matthews Ltd
(In Liquidation)
Liquidator's Summary of Receipts & Payments

Statement of Affairs £	From 04/07/2018 To 03/07/2019 £	From 04/07/2017 To 03/07/2019 £
ASSET REALISATIONS		
ISA Interest Net of Tax	NIL	22.00
	NIL	(22.00)
COST OF REALISATIONS		
Bank Charges	88.00	154.00
O.R. Remuneration	NIL	11,000.00
Petitioners Deposit	NIL	(1,600.00)
	(88.00)	(9,554.00)
UNSECURED CREDITORS		
(16,918.00) Trade & Expense Creditors	NIL	NIL
	NIL	NIL
DISTRIBUTIONS		
(1.00) Ordinary Shares	NIL	NIL
	NIL	NIL
(16,919.00)	(88.00)	(9,576.00)
REPRESENTED BY		
Insolvency Service Account		(9,576.00)
		(9,576.00)

Note:

The Company is not VAT registered.

Time Entry - SIP9 Time & Cost Summary + Cumulative

A0881 - Austin Matthews Ltd
 Project Code: PQST
 From: 04/07/2018 To: 03/07/2019

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)	Total Hours Cum (POST Only)	Total Time Costs Cum (POST Only)
Administration & Planning	0.20	1.30	2.00	1.20	4.70	1,048.00	222.98	13.40	3,322.50
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.10	2.20	2.00	0.00	4.30	1,045.50	243.14	9.50	2,125.50
Investigations	0.20	0.00	0.00	0.00	0.20	95.00	475.00	71.00	13,134.00
Realisations of Assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.20	293.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours / Costs	0.50	3.50	4.00	1.20	9.20	2,188.50	237.88	95.10	18,875.00
Total Fees Claimed						0.00			
Total Disbursements Claimed						0.00			

AUSTIN MATTHEWS LTD - IN LIQUIDATION

Appendix C

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 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.
- 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
Memery Crystal LLP (legal advice)	Hourly rate and disbursements

- 2.2 My investigations revealed potential rights of action against Mr Fox, the director of the Company and the petitioning creditor, Wyvale Garden Centres Holdings Limited, agreed to bear the initial costs of putting these claims to him.
- 2.3 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 A summary of the expenses paid by the Liquidator during the Period can be found in the Receipts and Payments account at Appendix A together with an outline of the total expenses paid during the Liquidation.
- 3.2 Below are details of any remaining expenses or disbursements:

Expenses including category 1 disbursements	Paid in prior period £	Paid in the Period £	Incurred but not paid to date £	Total anticipated cost £
Statutory advertising	0.00	0.00	82.44	82.44
Specific penalty bond	0.00	0.00	36.00	36.00

- 3.3 The figures above are inclusive of VAT as the Company is not VAT registered.



AUSTIN MATTHEWS LTD - IN LIQUIDATION

- 3.4 The expenses and disbursements incurred but not paid from the liquidation estate have been borne by the Liquidator's office.
- 3.5 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.
- 3.6 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.

4 Charge-Out Rates

- 4.1 AABRS Limited's current charge-out rates effective from 1 April 2017 are detailed below. Please note this firm records its time in minimum units of 6 minutes.

	(Per hour) £
Director	£475.00
Manager	£240.00 - £290.00
Other Senior Professionals	£170.00 - £230.00
Assistants & Support Staff	£60.00 - £160.00