

The Insolvency Act 1986

# 2.34B

## Notice of move from administration to creditors' voluntary liquidation

|                                 |
|---------------------------------|
| Name of Company                 |
| John Porter (Newcastle) Limited |

|                |
|----------------|
| Company number |
| 00261908       |

|   |
|---|
| In the High Court of Justice<br>Newcastle upon Tyne District Registry<br>(full name of court) |
|---|

|                   |
|-------------------|
| Court case number |
| 527 of 2005       |

(a) Insert full name(s) and address(es) of administrator(s)

I/We (a) Ian William Kings  
Tenon Recovery  
Tenon House  
Ferryboat Lane  
Sunderland  
SR5 3JN

(b) Insert name and address of the registered office of company

having been appointed administrator(s) of (b) John Porter (Newcastle) Limited  
Tenon House Ferryboat Lane Sunderland SR5 3JN

(c) Insert date of appointment

On (c) 12th October 2005

(d) insert name of appointor/applicant

by (d) Bibby Factors North East Limited an Qualifying Floating Charge Holder

(e) Insert name(s) and address(es) of liquidator(s)

hereby give notice that:

the provisions of paragraph 83(1) of Schedule B1 to the Insolvency Act 1986 apply, and it is proposed that (e) Ian William Kings, Tenon House, Ferryboat Lane, Sunderland, SR5 3JN will be the liquidator(s) of the company (IP No(s) 7232 )

I attach a copy of the final progress report

Signed

  
Administrator

Dated

31/10/05

### Contact Details:

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form.

Ian William Kings  
Tenon Recovery  
Tenon House  
Ferryboat Lane  
Sunderland  
SR5 3JN

The contact information that you give will be visible to searchers of the public record

DX Number DX 711918 Sunderland 7

0191 511 5000  
DX Exchange



When you have completed and signed this form, please send it to the Registrar of Companies at:-  
Companies House, Crown Way, Cardiff CF14 3UZ DX 33050 Cardiff

**PRIVATE & CONFIDENTIAL**

**To the Creditors of John Porter (Newcastle) Limited**

Email [kelly.allison@tenongroup.com](mailto:kelly.allison@tenongroup.com)  
Our ref **SPR/KA/TM/3018453/1300/TR**  
Your ref  
Please **Kelly Allison**  
Contact  
Date **31 October 2006**

Dear Sirs

**JOHN PORTER (NEWCASTLE) LIMITED  
IN ADMINISTRATION  
HIGH COURT OF JUSTICE, CHANCERY DIVISION, NEWCASTLE UPON TYNE  
DISTRICT REGISTRY NO 527 OF 2005**

In accordance with Rule 2.47(4), 2.110 and 2.117 of the Insolvency (Amendment) Rules 2003 I enclose, attached to Form 2.24B, the administrators' final progress report and Form 2.34B notification of the moving from Administration to Creditors Voluntary Liquidation.

Yours faithfully  
For and on behalf of John Porter (Newcastle) Limited



Ian W Kings  
Administrator

*Ian W Kings is an Insolvency Practitioner Licensed by the Institute of Chartered Accountants in England and Wales*

Tenon House, Ferryboat Lane, Sunderland, Tyne and Wear, SR5 3JN  
Tel: +44 (0) 191 511 5000 Fax: +44 (0) 191 511 5001 DX: 711918 Sunderland 7  
Email: [sunderland@tenongroup.com](mailto:sunderland@tenongroup.com) [www.tenongroup.com](http://www.tenongroup.com)

**PRIVATE & CONFIDENTIAL**

**To the Creditors of John Porter (Newcastle) Limited**

Email [kelly.allison@tenongroup.com](mailto:kelly.allison@tenongroup.com)  
Our ref **SPR/KA/TM/3018453/1300/TR**  
Your ref  
Please **Kelly Allison**  
Contact  
Date **31 October 2006**

Dear Sirs

**JOHN PORTER (NEWCASTLE) LIMITED  
IN ADMINISTRATION  
HIGH COURT OF JUSTICE, CHANCERY DIVISION, NEWCASTLE UPON TYNE  
DISTRICT REGISTRY NO 527 OF 2005**

Further to my appointment as Administrator of the above company on 12 October 2005, I detail below my final progress report in accordance with Rule 2.110 of the Insolvency Act. I attach at appendix I a summary of my final receipts and payments account.

### **Administrators' Report**

#### **Sale of business and assets**

As you are aware the business and assets were sold immediately on appointment for £90,000 saving a significant number of employees from redundancy.

#### **Book debts**

The sale agreement provided for additional consideration from the book debts at 50% of further proceeds after the indebtedness to the factoring company had been satisfied.

As you are aware the indebtedness of Bibby Factors have been repaid in full.

A total of £16,406.77 has been recovered as additional consideration to date. Further realisations are expected.

#### **Statement of Affairs**

I can advise that the Directors Statement of Affairs included in my previous report has been filed at Companies House.

Ian W Kings is an Insolvency Practitioner Licensed by the Institute of Chartered Accountants in England and Wales

Tenon House, Ferryboat Lane, Sunderland, Tyne and Wear, SR5 3JN  
Tel: +44 (0) 191 511 5000 Fax: +44 (0) 191 511 5001 DX: 711918 Sunderland 7  
Email: [sunderland@tenongroup.com](mailto:sunderland@tenongroup.com) [www.tenongroup.com](http://www.tenongroup.com)

Tenon Recovery is a trading name of Tenon Limited. A member of Tenon Group PLC Registered Office 66 Chiltern Street, London, W1U 4GB No: 4068924 England

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## **Investigation Matters**

I have complied with the requirement of the Company Directors Disqualification Act 1986 with the submission of a report to the DTI Disqualification Unit. The report is strictly confidential and therefore I am unable to comment any further.

## **Dividend Prospects**

### **Preferential creditors**

In light of the Enterprise Act, as from 15 September 2003 the Inland Revenue and HM Customs and Excise no longer have preferential status.

All employees have been transferred as part of the sale agreement resulting in there being no preferential creditors in this case.

### **Floating charge creditors**

There are no floating charge creditors in this case.

### **Unsecured creditors**

To date creditors claims of £748,319 have been received against total unsecured creditors of £1,291,928 per the Statement of Affairs. There will be a small dividend available to creditors, which will be paid via the Creditors Voluntary Liquidation.

## **Administrators' Remuneration and Disbursements**

### **Remuneration**

At a meeting of members and creditors held on 21 December 2005 my remuneration was fixed on a time cost basis. In the period to 11 October 2006 the administration had involved 167 administrator, manager and staff hours at a time cost of £22,079.60 (an average hourly rate of £132.21) against which I have drawn remuneration of £22,079.60.

### **Administrators' disbursements**

The disbursements incurred by myself as Administrator of the company are detailed in the receipts and payments account and can be summarised as follows.

|                          |               |
|--------------------------|---------------|
| Category 1 Disbursements | £             |
| Statutory Advertising    | 433.75        |
| Specific bond            | 158.00        |
| Total disbursements      | <u>591.75</u> |

## Professional Advisors

On this assignment I have used the professional advisors listed below:

| Name of Professional Advisor           | Nature of Work | Basis of Fee Agreement | Costs to Date |
|--|----------------|------------------------|---------------|
| Watson Burton LLP                      | Solicitors     | Time cost              | £ 10,030.00   |
| James Sutherland (Auctioneers) Limited | Valuers        | Time cost              | 500.00        |

My choice of professional advisors was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment. I have reviewed the fees charged and I am satisfied that they are reasonable in the circumstances of this case.

## Other

For ease of reference, I attach at Appendix III an additional copy of statutory information provided in previous reports.

The exit route for the administration is Creditors Voluntary Liquidation. I enclose a copy of the proposals for ease of reference as Appendix IV.

Yours faithfully

For and on behalf of John Porter (Newcastle) Limited



Ian W Kings  
Administrator

APPENDIX I

RECEIPTS AND PAYMENTS ACCOUNT

**John Porter (Newcastle) Limited - In Administration**

**Final Receipts and Payments for the period 12 October 2006 -11 October  
2006**

| <b>Receipts</b>                 | £                       |
|---------------------------------|-------------------------|
| Plant & Machinery               | 90,000.00               |
| Book Debts                      | 16,406.77               |
| Misc Income                     | 10.05                   |
| Bank Interest Gross             | <u>1,239.68</u>         |
|                                 | 107,656.50              |
| <b>Payments</b>                 |                         |
| Specif Bond                     | 158.00                  |
| Office Holder Fees              | 22,079.60               |
| Agents / Valuers Fees           | 500.00                  |
| Legal Fees                      | 10,030.00               |
| Statutory Advertising           | 433.75                  |
| Corporation Tax                 | <u>235.54</u>           |
|                                 | 33,436.89               |
| Surplus available to Liquidator | <u><u>74,219.61</u></u> |

APPENDIX II

TIME ANALYSIS



## John Porter (Newcastle) Limited

### Time Analysis from 12 October 2005 to 11 October 2006

| Classification of work function | Director     | Manager | Other Senior Professionals | Assistants and Support Staff | Total Hours   | Time Costs £    | Average Hourly Rate £ |
|---------------------------------|--------------|---------|----------------------------|------------------------------|---------------|-----------------|-----------------------|
| Administration and Planning     | 24.30        |         | 49.80                      | 21.90                        | 96.00         | 12195.20        | 127.03                |
| Realisation of Assets           | 9.50         |         | 0.50                       |                              | 10.00         | 2085.50         | 208.55                |
| Trading                         |              |         |                            |                              |               |                 |                       |
| Creditors                       | 4.00         |         | 23.90                      | 11.30                        | 39.20         | 3543.90         | 90.41                 |
| Meetings                        | 7.00         |         | 1.00                       |                              | 8.00          | 1545.00         | 193.13                |
| Investigations                  | 13.00        |         |                            | 0.80                         | 13.80         | 2710.00         | 196.38                |
| Case Specific                   |              |         |                            |                              |               |                 |                       |
| Dividend Review                 |              |         |                            |                              |               |                 |                       |
| <b>Totals</b>                   | <b>57.80</b> |         | <b>75.20</b>               | <b>34.00</b>                 | <b>167.00</b> | <b>22079.60</b> | <b>132.21</b>         |

#### Standard Activity

#### Examples of work

Administration and Planning

Case planning  
Administrative set-up  
Appointment notification  
Maintenance of records  
Statutory reporting

Investigations

SIP 2 review  
CDDA reports  
Investigating antecedent transactions

Realisation of Assets

Identifying, securing, insuring assets  
Retention of title  
Debt collection  
Property, business and asset sales

Trading

Management of operations  
Accounting for trading  
On-going employee issues

Creditors

Communication with creditors  
Creditors' claim (including employees' and other preferential creditors).

APPENDIX III

STATUTORY INFORMATION

**JOHN PORTER (NEWCASTLE) LIMITED  
IN ADMINISTRATION**

**Statutory Information**

Former Name: None

Company Number: 00261908

Date of Incorporation: 14 January 1932

Address of Registered Office: Tenon House, Ferryboat Lane, Sunderland, SR5 3JN  
(Formerly) North Hylton Road, Sunderland, SR5 3JE

Directors: Mr I McSally  
Mr J B Porter  
Mr T J Porter  
Mrs V Porter

Nominal Share Capital £40,000 Nominal Share Capital – (divided into 40,000 ordinary shares of £1 each of which 31,000 have been allotted, called up and fully paid).

**Registered Shareholders**

**No of Ordinary Shares Held**

|            |               |
|------------|---------------|
| F Anderson | 1,040         |
| D Clasper  | 3,565         |
| D G Jenkin | 3,565         |
| M O Porter | 300           |
| J B Porter | 16,030        |
| A Turton   | <u>6,500</u>  |
|            | <u>31,000</u> |

**Trading Results:**

The following information has been taken from the company's books and records.

| Year Ended       | Turnover | Gross Profit/(Loss) | Net Profit/(Loss) After Tax | Balance on P & L Account |
|------------------|----------|---------------------|-----------------------------|--------------------------|
|                  | £000     | £000                | £000                        | £000                     |
| 29 February 2004 | 2627     | (120)               | (953)                       | 16                       |
| 28 February 2003 | 3147     | 559                 | (231)                       | 791                      |
| 28 February 2002 | 2990     | 734                 | 46                          | 500                      |

**Appointment Details**

**Date of Appointment** 12 October 2005

**Administrator** Ian W Kings  
Appointment made following an application made by a qualified floating charge holder

APPENDIX IV

ADMINISTRATORS PROPOSALS

John Porter (Newcastle) Limited – In administration  
High Court of Justice, Chancery Division, Newcastle upon Tyne,  
District Registry No 527 of 2005

## STATEMENT OF ADMINISTRATORS PROPOSALS PURSUANT TO PARAGRAPH 49 OF SCHEDULE B1 OF THE INSOLVENCY ACT 1986

In accordance with Paragraph 49 of Schedule B1 of the Insolvency Act 1986 ("the Act") and The Insolvency Rules 1986 ("the Rules") Ian Kings the Administrator ("Administrator") of John Porter (Newcastle) Limited ("the Company"), make the following proposals for achieving the purpose of the Administration to the creditors of the Company for consideration and, if thought fit, approval at the meeting of the creditors of the Company to be held on 21 December 2005.

These proposals and the attached report to creditors together set out the information required by and discharge the administrators' duty pursuant to Paragraph 49 of Schedule B1 of the Act and Rule 2.33 of the Rules.

### PROPOSALS

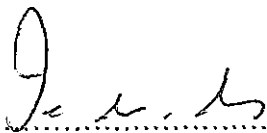
The Administrators propose that:

- (a) they continue to manage the business, affairs and property of the Company in order to achieve the purpose of the Administration such that:
  - (i) they dispose of the Company's ownership of such assets at such time(s) on such terms as they consider expedient;
  - (ii) they investigate and, if appropriate, pursue any claims that the Company may have against any person, firm or company whether in contract or otherwise, including any officer or former officer of the Company or any person, firm or company which supplies or has supplied goods or services to the Company.
  - (iii) In addition, they do all such things and general exercise all their powers as Administrators as they in their discretion consider desirable or expedient in order to achieve the purpose of the Administration or protect and preserve the assets of the Company or maximise the realisations of those assets, or of any purpose incidental to these proposals.
- (b) the exit route for the administration will be to convert the administration into a Creditors Voluntary Liquidation (CVL). It is proposed that the liquidator shall be the Administrator. The Creditors of the Company may nominate a different person(s) as the proposed liquidator(s), provided that the nomination(s) is made after the receipt of the proposals but before the proposals are approved.
- (c) It is envisaged that the administration shall continue (subject to the statutory provisions relating to automatic termination) until the realisable assets of the Company have been realised and all liabilities incurred during the administration have been discharged whereupon the Company shall be placed into CVL.
- (d) Upon the termination of the Administration the Administrators capacity to act as an agent of the company and any associated liability including personal liability will be discharged.
- (e) they be at liberty to incur such costs and expenses, including professional fees, as considered to be incidental to the achievement of the purpose of the Administration or for the purposes set out herein or to the Administrators' statutory duties. The Administrators shall be remunerated by reference to time properly spent both for their services as Administrators and also for their staff in attending to the matters arising in the

Administration of the Company and such fees are to be drawn on account. Fees are to be approved by the Creditors Committee and if no Creditors Committee is appointed then by the creditors in this general meeting.

- (f) the creditors should consider establishing a Creditors' Committee to exercise the functions conferred on it by or under the Insolvency Act 1986.
- (g) The consultant with the Creditors Committee, if formed, at appropriate intervals concerning the conduct of the Administration and the implementation and development of these proposals and where they consider it expedient obtain the sanction of that Committee on behalf of the creditors of the Company (and without further reference to them) to any proposed action on the part of the Administrators.

Any act required or authorised under any enactment to be done by an administrator may be done by either or both of the Administrators acting jointly or alone. For the following reasons it is considered that the EC Regulation will apply. If it does not apply, these proceedings will be main proceedings as defined in article 3 of the EC regulation. The Company's registered office is from where the Company carries on its business, Therefore, in the absence of proof to the contrary, the Company's centre of main interest is in the United Kingdom.



IAN W KINGS  
Administrator