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PDC CONSTRUCTION LTD

Case No. 8LS30503

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
LEEDS DISTRICT REGISTRY

IN THE MATTER OF CPS (CIVIL ENGINEERING) LIMITED (IN CREDITORS'
VOLUNTARY LIQUIDATION) AND TEN OTHER COMPANIES IN CREDITORS'
VOLUNTARY LIQUIDATION

AND IN THE MATTER OF LAWTEC LIMITED (IN MEMBERS' VOLUNTARY
LIQUIDATION)

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BEFORE THE HONOURABLE MR JUSTICE PATTEN, VICE-CHANCELLOR OF THE
COUNTY PALATINE OF LANCASTER SITTING AT LEEDS ON FRIDAY 4TH JULY
2008 AT 10 30 AM

BETWEEN

JULIAN RICHARD WHALE

Applicant

and

- (1) RICHARD FLEMING
- (2) MARK GRANVILLE FIRMIN
- (3) HOWARD SMITH

Respondents

ORDER

UPON the application of Julian Richard Whale of Nethergn, Brisco, Carlisle CA4 0QN
(*The Applicant)

AND UPON hearing Counsel for the Applicant

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SATURDAY



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AIQ 19/07/2008 60
COMPANIES HOUSE

AND UPON reading the documents marked as having been read on the Court file

IT IS ORDERED THAT

- 1 For the purposes of this Application, such of the insolvency proceedings as set out in the Schedule hereto as are proceeding in any Court other than this Court be transferred to this Court for the purposes of this Application and thereafter transferred back to that Court
- 2 The Applicant be removed from his office as Liquidator in the insolvency proceedings set out in the Schedule hereto
- 3 Richard Dixon Fleming be appointed in place of the Applicant as joint liquidator of CPS (Civil Engineering) Limited (in creditors' voluntary liquidation), Digital Network plc (in creditors' voluntary liquidation), PAL (2112) Reahsations Limited (in creditors' voluntary liquidation), Waste Pont Limited (in creditors' voluntary liquidation) and Holmes Building plc (in creditors' voluntary liquidation) as set out in the Schedule hereto
- 4 Mark Granville Firmin be appointed in place of the Applicant as joint liquidator of LAWTEC Limited (in members' voluntary liquidation) and McNulty Offshore Contractors Limited (in creditors' voluntary liquidation) and as set out in the Schedule hereto
- 5 Howard Smith be appointed in place of the Applicant as joint liquidator of Drent (UK) Limited (in creditors' voluntary liquidation), Maltings Retail Limited (in creditors' voluntary liquidation), Pyramid Project Management Limited (in creditors' voluntary liquidation), PDC Construction Limited (in creditors' voluntary liquidation) and PDC Assets Limited (in creditors' voluntary liquidation) as set out in the Schedule hereto
- 6 The costs of this Application be an expense of the insolvency proceedings set out in the Schedule hereto and be apportioned rateably, save to the extent that where funds are not available in any of those insolvency proceedings, costs will be attributed to

those insolvency proceedings where funds are available, for the purpose of discharging the costs of this Application, provided that the costs payable pursuant to this order in relation to any insolvency proceedings shall not exceed 10% of the value of the perceived assets in that particular insolvency proceeding

- 7 There by liberty to each creditor of the estates listed in the Schedule herein to apply to vary or discharge this order insofar as it relates to an estate of which that person is a creditor, within 28 days of being given notice of the same

- 8 Within 28 days of his appointment, Richard Dixon Fleming is to write to all the creditors in the insolvency proceedings set out in the Schedule hereto, in relation to which he has been appointed Within 28 days of his appointment, Mark Granville Firmin is to write to all the creditors in the insolvency proceedings set out in the Schedule hereto, in relation to which he has been appointed Within 28 days of his appointment Howard Smith is to write to all the creditors in the insolvency proceedings set out in the Schedule hereto, in relation to which he has been appointed The said letters should explain the terms of this order In the case of liquidations, the letter should also explain that where there is a creditors' committee, the committee can require the Applicant to account for his stewardship The notice should also make clear that where there is no such committee, any individual creditor can apply to the Court within 28 days of receipt of notice of this order for an order that the Applicant comply with rule 4.108(3) or 6.126(2) of the Insolvency Rules 1986, as the case may be, and that unless there are good reasons to the contrary, the costs of the Applicant in complying with such a request from the committee or creditor should be an expense of the relevant insolvency proceedings

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B E T W E E N

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Applicant

and

- (1) RICHARD FLEMING
- (2) MARK GRANVILLE FIRMIN
- (3) HOWARD SMITH

Respondents

O R D E R

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