

The Insolvency Act 1986

2.24B

Administrator's progress report

Name of Company Durham Investments Six Limited

Company number 03104360

In the High Court of Justice Chancery Division, Leeds District Registry
--

Court case number 468 of 2010

We
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The Administrators of the above Company attach a progress report for the period

from	to
22 August 2010	4 January 2011

Signed



Joint Administrator

Dated

19 January 2011

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

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WEDNESDAY



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**Durham Investments Six Limited in
administration**

Report to Creditors pursuant
to Rule 2.47 of the
Insolvency Rules 1986

KPMG LLP
19 January 2011

mgf/jl/sj/sjw/lt

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Durham Investments Six Limited in administration
Report to Creditors pursuant to Rule 2.47 of the Insolvency Rules 1986
KPMG LLP
19 January 2011

Notice: About this Report

This Report has been prepared by Mark Granville Firmin Brian Green and Howard Smith, the Joint Administrators of Durham Investments Six Limited, solely to comply with their statutory duty to report to creditors under the Insolvency Rules 1986 on the progress of the administration, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This Report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in Durham Investments Six Limited.

Any estimated outcomes for creditors included in this Report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

Any person that chooses to rely on this Report for any purpose, or in any context other than under the Insolvency Rules 1986 does so at its own risk. To the fullest extent permitted by law, the Joint Administrators do not assume any responsibility and will not accept any liability in respect of this Report to any such person.

Mark Granville Firmin and Brian Green are authorised to act as insolvency practitioners by the Institute of Chartered Accountants in England and Wales.

Howard Smith is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association.

The Joint Administrators act as agents for Durham Investments Six Limited and contract without personal liability. The appointments of the Joint Administrators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the administration.

In accordance with Paragraph 100(2) of Schedule B1 the functions of the Joint Administrators may be exercised by any or all of them.



Glossary

Joint Administrators	Mark Granville Firmin, Brian Green and Howard Smith of KPMG LLP, 1 The Embankment, Neville Street, Leeds LS1 4DW
Administration Order	The administration order granted by the High Court of Justice, Chancery Division, Leeds District Registry regarding Durham Investments Six Limited on 22 February 2010. Court administration number 468 of 2010.
Aviva	Aviva Commercial Finance Limited, whose ultimate parent is Aviva Plc
the Company	Durham Investments Six Limited
the Directors	David Schreiber Jacob Schreiber
DLA	DLA Piper UK LLP
Eurogold	Eurogold Limited
The Group	Entities in the Group are Durham Investments Four Limited, Durham Investments Six Limited, Britonwood Properties Limited, BBL Estates (Britonwood) Limited and Waterbridge Capital Partners Property Fund 1 LLP (which is the parent entity)
LPA Receiver	Simon Thomas and Frederick Satow of Moorfields Corporate Recovery LLP, LPA Receiver of the property at 30-32 Battersea Square, London SW11 3RA
King Sturge	King Sturge LLP
Proposals	Report to Creditors pursuant to Paragraph 49 of Schedule B1 to the Insolvency Act 1986 dated 14 April 2010 containing the Joint Administrators proposals
Santander	Santander UK plc



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1 Introduction

Following my report dated 20 September 2010, which covered the period from 22 February 2010 to 21 August 2010, I set out below my progress report as per Rule 2.47 of the Insolvency Rules 1986. This report covers the period 22 August 2010 to 4 January 2011, and should be considered in conjunction with my previous reports.

The purpose of this report is to provide an update as to the progress of the administration and to support an application to the secured creditors for an extension of the administration past its current automatic termination date of 21 February 2011.

A copy of my proposals is included for ease of reference at Appendix 6.

The appropriate statutory information is set out in Appendix 1. A receipts and payments account for the reporting period in Form 2.24 is attached at Appendix 4.

Please note that, unless stated otherwise, all amounts referred to in this report and its appendices are net of VAT.

2 Progress of the administration

The Joint Administrators are continuing to collect rent and manage the properties within the Company's portfolio.

The remaining assets to realise are book debts, rent collections and freehold properties via a sale through a wider exit strategy from the administrations of the Group entities.

3 Receipts and payments

I enclose at Appendix 4 an abstract of receipts and payments for the period of 22 August 2010 to 4 January 2011.

3.1 Receipts

3.1.1 Rent deposit

A rent deposit of £1,616 has been received in respect of a new lease at Kiosk B, Old Vicarage Road, St Austell. This amount is held in a separate bank account and held on trust for the duration of the lease term. Provided that there is no breach of lease covenant,



the rent deposit plus any interest which has accrued on this amount over the rent deposit term will be returned to the tenant at the end of the lease term

Interest accrued on this deposit of £13 has been received in the period and is represented as rent deposit interest in the Joint Administrators' receipts and payments account at Appendix 4

3.1.2 Book debts

Book debts of £17,341 have been collected in the period in respect of rent arrears at the date of appointment of the Joint Administrators

Book debt receipts since the date of the Joint Administrators' appointment to 4 January 2011 total £173,983

3.1.3 Funds received in error

Funds of £2,152 have been received in error in the period. Of these, £987 relates to an overpayment made by the LPA Receiver in respect of VAT (which has been returned as per Section 3.2.3 of this report), and £1,165 relates to an overpayment from King Sturge, which will be repaid in the next period

3.1.4 LPA VAT receivable

As a result of VAT accounting, in the period VAT receivable of £487 has been recognised on behalf of the LPA Receiver

3.1.5 Rent

In the period, the Joint Administrators have received £527,465 of rental income

Rent receipts since the date of the Joint Administrators' appointment to 4 January 2011 total £1,487,519

3.1.6 Other receipts

Bank interest of £917 has been received in the period on funds held in the Joint Administrators' account

In addition, interest accrued by King Sturge on rental income of £19 has been received in the period and is represented as interest received on third party income in the Joint Administrators' receipts and payments account at Appendix 4

3.1.7 Floating charge receipts

Floating charge receipts, relating to insurance commissions, of £78,346, and bank interest on this amount of £30, have been received in the period



3.2 Payments

3.2.1 Legal Fees

DLA have received fees of £52,332 in the period in respect of work done for the Joint Administrators. This principally includes preparing new leases and licences for tenants, but also includes general advice relating to the administration.

3.2.2 Agents' fees

Agents' fees in the period total £36,019. These comprise King Sturge fees of £35,609 (for invoicing and collecting rental income), and local agent fees at £410.

Payments to King Sturge since the date of the Joint Administrators' appointment to 4 January 2011 total £65,421.

Eddisons manage the service charge where appropriate. Fees for this management are paid out of the service charge and as such, are not included in the Joint Administrators' receipts and payments account at Appendix 4.

3.2.3 Payment of funds received in error

The Joint Administrators have returned £987 of funds received in error in the period (as noted in 3.1.3).

3.2.4 Landlord property costs

In the period, £26,822 has been paid in respect of general landlord costs. This principally includes costs of repair and maintenance works to properties. Of this amount, £1,966 has been paid in relation to annual insurance premium for a tenanted property, in accordance with a contractual agreement with the tenant made prior to the administration.

3.2.5 Void unit costs

A total of £3,184 has been paid in the period in respect of costs associated with void units. Of this, £3,069 relates to the annual insurance premiums on void units, and the remaining amount relates to utility costs.

3.2.6 Loan to service charge

As a result of VAT accounting, in the period VAT payable of £4,577 has been recognised on behalf of the service charge.

Whilst this is recoverable from the service charge, it is shown in the expense section of the receipts and payments account for prudence. Total payments are £9,312.

3.2.7 Other

The Joint Administrators have paid the costs of storage of books and records of £548, and bank charges of £42 in the period.



4 Cost of realisations

4.1 Joint Administrators' time costs

From appointment on 22 February 2010 to 4 January 2011 time costs of £289,242 have been incurred, representing 1,093 hours at an average rate of £265 per hour

Within these costs is time spent by other departments within KPMG LLP, including Global Sustainability Services, who have reviewed the health and safety position of the Company's properties

The statutory provisions relating to remuneration are set out in Rule 2.106 of the Insolvency Rules 1986. Further information is given in the Association of Business Recovery Professionals' publication, A Creditors' Guide to Administrators' Fees, a copy of which can be found at

http://www.r3.org.uk/uploads/sip/SIP9_v5_April_2007.pdf

If you are unable to access the above and would like a copy, then please contact Tom Hutchinson on 0113 231 3362

The Joint Administrators' remuneration will be agreed by the secured creditors, in this case Aviva, Santander and Eurogold

Please note that all staff who have worked on this assignment, including cashiers and secretarial staff have charged time directly to the assignment and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to this assignment but is reflected in the general level of charge out rates

The Joint Administrators have not drawn any fees or disbursements to date

5 Estimated outcome for creditors

5.1 Secured creditors

5.1.1 Aviva

The Directors' statement of affairs shows a balance due to Aviva, as the main secured lender, of £23,031,665. In the period, the Joint Administrators have distributed £525,102 to Aviva under its fixed charge, bringing total distributions to Aviva of £1,073,337



5.1.2 **Santander**

Santander provided funding to the Company secured by way of a fixed charge over the property at 30-32 Battersea Square London. As previously reported in the Joint Administrators' previous report to creditors, the property was sold by the LPA Receivers. The LPA Receivers accounted to Santander directly with the proceeds of sale. No surplus was available to the Joint Administrators.

5.2 **Preferential creditors**

According to the Directors' statement of affairs, there are no preferential creditors in the administration. No preferential claims have been received by the Joint Administrators to date.

5.3 **Unsecured creditors**

The Directors' statement of affairs showed unsecured creditors of £1,185,195. Based on current estimates, the Joint Administrators do not expect there to be sufficient funds available to make a distribution to the Company's unsecured creditors.

6 **Extension of the administration**

As set out in our proposals at Appendix 6, and in accordance with Paragraph 76 of Schedule B1 to the Insolvency Act 1986, the appointment of the Joint Administrators ceases to have effect at the end of the period of one year beginning with the date on which it takes effect. This appointment shall, therefore, cease at midnight on 21 February 2011.

As set out in the proposals at Appendix 6, and in accordance with Paragraphs 76(2)(a) and 78(1) of Schedule B1 to the Insolvency Act 1986, consent for an extension of the administration period for a maximum of six months can be obtained by receiving agreement from each secured creditor of the Company.

The Joint Administrators are currently exploring a sale of the Company's properties as part of a wider exit strategy for the Group to achieve the purpose of the administration.

Therefore in order to maximise the possibility of achieving the purpose of the administration, the Joint Administrators are requesting consent, from the secured creditors, to a six month extension of the administration to 21 August 2011.

7 **Future conduct of the administration**

The Joint Administrators will continue to manage the business and affairs of the Company

The key remaining issues to be dealt with are

- Ongoing collection of rent and management of the property portfolio,
- Progressing a possible exit strategy through the sale of the Company's properties

8 **End of the administration**


As discussed above at Section 6, the administration will automatically end on 21 February 2011, although this report requests a six month extension to 21 August 2011

Following a resolution to extend the administration, and in accordance with Rule 2.47 of the Insolvency Rules 1986, a further progress report will be due following the next period of six months from 4 January 2011, in which further details regarding the Joint Administrators' progress in achieving the purpose of the administration will be discussed

9 **Statement concerning the EC Regulations**

EC Regulations will apply to the administration and the proceedings will be the main proceedings as defined in Article 3 of the EC Regulations on Insolvency Proceedings 2000. The Company's registered office and centre of main interest is in England the United Kingdom

This means that the administration will be conducted according to UK Insolvency legislation and is not governed by the insolvency law of any other European Union Member State



Mark Firmin
Joint Administrator



Appendix 1 - Statutory information

Company Name	Durham Investments Six Limited
Date of Incorporation	20 September 1995
Company number	03104360
Present Registered office	c/o KPMG LLP 1 The Embankment Neville Street Leeds LS1 4DW
Previous registered office	147 Stamford Hill London N16 5LG
Called up share capital	Ordinary Shares 1 £1 share
Shareholders	Waterbridge Capital Partners Property Fund 1 LLP 100%
Directors	David Schreiber Jacob Schreiber
Company Secretary	Rivky Niederman
Employees	None
Previous names	None



Appendix 2 - Joint Administrators' time costs for the period 22 August 2010 to 4 January 2011

Durham Investments Six Limited

Reporting Period 22/08/2010 to 04/01/2011

	Partner / Director	Manager	Administrator	Support	Total hours	Time cost	Average hourly rate
Trading							
Health & sales	0.20	10.90	16.10		27.20	£6,783.50	£249.39
General (Cashmere)			18.30		18.30	£3,266.00	£178.47
Reconciliations (& IPS accounting reviews)		4.95	6.40		11.35	£2,717.50	£239.43
Post appointment corporation tax		2.30	0.10		2.40	£816.00	£340.00
Post appointment VAT	0.60	12.73	20.40		33.73	£8,645.85	£256.33
Cash & profit projections & strategy		1.00	1.95		2.95	£718.75	£243.64
Purchases and trading costs		20.60	75.10		95.70	£20,172.75	£210.79
Sales			4.00		4.00	£700.00	£175.00
Administration & planning							
Fees and WIP		0.80	1.45		2.25	£527.75	£234.56
Appointment and related formalities		0.20			0.20	£69.00	£345.00
Checklist & reviews	1.50	7.00	9.00		17.50	£5,052.50	£288.71
Reports to debenture holders		9.10	30.55		39.65	£8,804.50	£222.06
Statutory receipts and payments accounts			1.00		1.00	£195.00	£195.00
Strategy documents		2.90	0.80		3.70	£1,204.50	£325.54
Creditors							
Payment of dividends		0.80			0.80	£340.00	£425.00
ROI Claims			1.20		1.20	£270.00	£225.00
Secured creditors		3.35			3.35	£1,233.25	£368.13
Statutory reports	2.00	6.55	16.75	0.20	25.50	£6,279.75	£246.26



Durham Investments Six Limited in administration
Report to Creditors pursuant to Rule 2.47 of the Insolvency Rules 1986
 KPMG LLP
 19 January 2011

	Partner / Director	Manager	Administrator	Support	Total hours	Time cost	Average hourly rate
Investigation	1.30	2.30	4.45		8.05	£2,172.75	£269.91
D form drafting and submission		0.40			0.40	£162.00	£405.00
Disqual affidavits and proceedings		0.10			0.10	£34.50	£345.00
Statement of affairs		0.50			0.50	£172.50	£345.00
Correspondence re investigations		0.10			0.10	£34.50	£345.00
Review of pre-appt transactions							
Realisation of assets		0.70	2.00		2.70	£641.50	£237.59
Debtors		37.60	8.53		46.13	£15,369.75	£333.18
Freehold property		6.55			6.55	£2,336.50	£356.72
Leasehold property		10.00	5.25		15.25	£4,486.25	£294.18
Rent		59.05	11.00	2.00	72.55	£24,832.75	£342.28
Sale of business	0.50						
Total in period					443.11	£118,039.60	£266.39

Fees drawn

Hours / cost to date

B/f		
In the period	650.05	£171,202.50
C/f	443.11	£118,039.60
	1,093.16	289,242.10
		£264.59



Appendix 3 – Joint Administrators’ charge out rates

KPMG LLP		
Restructuring Team		
Grade	From 1 April 2009 £/hr	From 1 October 2010 £/hr
Partner	515	535
Associate Partner	440	460
Director	440	460
Senior Manager	405	425
Manager	320	345
Senior Administrator	225	240
Administrator	165	175
Support	105	110
Work Experience	35	40



Durham Investments Six Limited in administration
Report to Creditors pursuant to Rule 2.47 of the Insolvency Rules 1986
KPMG LLP
19 January 2011

**Appendix 4 – Abstract of Administrators’ Receipts &
Payments Account Form 2.24B for the period 22 August
2010 to 4 January 2011**

RECEIPTS		£
Brought forward from previous Abstract (if Any)		1 303 030 93
Rent Deposit		1 615 63
Book debts		17 341 06
Funds received in error		2 151 63
LPA VAT receivable		487 03
Interest received on Third party income		18 66
Rent		527 465 38
Bank interest gross		916 50
Rent deposit interest		12 93
Insurance commisions		78 346 20
Bank interest gross		30 10
Fixed charge VAT payable		118 800 88
Carried forward to * continuation sheet / next abstract		2 050 216 93
PAYMENTS		£
Brought forward from previous Abstract (if Any)		750 536 98
Legal fees		52,332 44
Agents fees		36 018 70
Bank charges		40 00
Payment of funds received in error		986 60
Landlord Property Costs		26,822 32
Void Unit costs		3,184 46
Loan to service charge		4,577 22
Aviva Plc		525 102 29
Storage costs		547 56
Bank charges		2 00
Floating ch VAT rec'able		95 83
Fixed charge VAT rec'able		20 258 69
Fixed charge VAT control		176 989 25
VAT debtor		21 917 18
Carried forward to * continuation sheet next abstract		1 619 411 52

* Delete as appropriate

* Delete as appropriate

Note - The receipts and payments must severally be added up at the foot of each sheet and the totals carried forward from one abstract to another without any intermediate balance so that the gross totals shall represent the total amounts received and paid by the administrator since he was appointed



Durham Investments Six Limited in administration
Report to Creditors pursuant to Rule 2.47 of the Insolvency Rules 1986
KPMG LLP
19 January 2011

**Appendix 5 – Joint Administrators’ receipts and
payments account for the period 22 August 2010 to 4
January 2011**

Durham Investments Six Limited
(In Administration)
Administrators' Abstract of Receipts & Payments

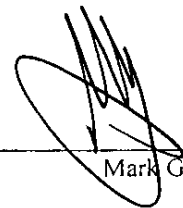
Statement of Affairs	From 22/08/2010 To 04/01/2011	From 22/02/2010 To 04/01/2011	
	FIXED CHARGE ASSETS		
22,810,036 56	Freehold property	NIL	NIL
	Fund received in error	NIL	NIL
1,633,330 00	Battersea Square Property	NIL	NIL
230,000 00	Leasehold -Unit 7 Swinstead Close	NIL	NIL
	Rent Deposit	1,615 63	1,615 63
221,628 75	Book debts	17,341 06	173,982 58
	Funds received in error	2,151 63	2,151 63
	LPA VAT receivable	487 03	487 03
	Interest received on Third party income	18 66	133 29
	Rent	527,465 38	1,487,518 57
	Bank interest, gross	916 50	1,989 24
	Rent deposit interest	12 93	12 93
		550,008 82	1,667,890 90
	FIXED CHARGE COSTS		
	Landlord voids	NIL	7,290 24
	Legal fees	52,332 44	52,332 44
	LPA Receiver VAT paid	NIL	NIL
	Agents fees	36,018 70	65,928 36
	Bank charges	40 00	140 00
	Payment of funds received in error	986 60	986 60
	Landlord Property Costs	26,822 32	34,291 42
	Void Unit costs	3,184 46	37,665 32
	Insurance Broker Costs	NIL	1,216 95
	Loan to service charge	4,577 22	9,312 00
		(123,961 74)	(209,163 33)
	FIXED CHARGE CREDITORS		
(23,031,665 31)	Aviva Plc	525,102 29	1,073,337 08
(2,730,697 94)	Santander UK plc	NIL	NIL
(300,000 00)	Eurogold Limited	NIL	NIL
		(525,102 29)	(1,073,337 08)
	ASSET REALISATIONS		
	Insurance commissions	78,346 20	78,346 20
		78,346 20	78,346 20
	OTHER REALISATIONS		
	Bank interest gross	30 10	30 15
		30 10	30 15
	COST OF REALISATIONS		
	Storage costs	547 56	834 19
	Statutory advertising	NIL	141 12
	Bank charges	2 00	4 00
		(549 56)	(979 31)
	UNSECURED CREDITORS		
(410,675 46)	Trade & expense	NIL	NIL
(61,616 44)	Sales Ledger Credits	NIL	NIL
(6,732 00)	Inland Revenue - CIS	NIL	NIL
(593,184 06)	Non-preferential VAT	NIL	NIL

Durham Investments Six Limited
(In Administration)
Administrators' Abstract of Receipts & Payments

Statement of Affairs	From 22/08/2010 To 04/01/2011	From 22/02/2010 To 04/01/2011
(112,986 98) Rent Deposits	NIL NIL	NIL NIL
(1 00) DISTRIBUTIONS Ordinary shareholders	NIL NIL	NIL NIL
(2,352,563 88)	(21,228 47)	462,787 53

REPRESENTED BY

Floating ch VAT rec'able	170 69
Fixed charge current	351 241 13
Trust Account	1 628 56
Floating charge current	77,935 72
Fixed charge VAT rec'able	26,903 73
Fixed charge VAT payable	(301,126 41)
Fixed charge VAT control	278,144 21
VAT debtor	27,889 90
	462,787 53



Mark Granville Firmin
Administrator



Appendix 6 – Joint Administrators’ Proposals

The Joint Administrators proposed the following two resolutions which were deemed accepted following the Joint Administrators’ Paragraph 49 report dated 14 April 2010

Resolution 1.

- to continue to do all such things reasonably expedient and generally exercise all their powers as contained in Schedule B1 to the Insolvency Act 1986 as Joint Administrators as they, in their absolute discretion, consider desirable in order to maximise realisations from the assets of Durham Investments Six Limited,
- to investigate and if appropriate, pursue any claims that Durham Investments Six Limited may have,
- to seek an extension to the Administration period if deemed necessary by the Joint Administrators pursuant to Paragraph 76 of Schedule B1 to the Insolvency Act 1986,
- to allow the Administration to cease to have effect following its 12 month period or any extension thereof,
- to seek if appropriate, permission of the Court to make a distribution to unsecured creditors of Durham Investments Six Limited pursuant to Paragraph 65 of Schedule B1 to the Insolvency Act 1986 and to seek, if appropriate any other directions from the Court,
- when it is considered that no further distributions to creditors will be made and that the Joint Administrators have concluded their duties, to take the necessary steps to move Durham Investments Six Limited from Administration to Dissolution pursuant to Paragraph 84 of Schedule B1 to the Insolvency Act 1986.
- if the Joint Administrators consider that a distribution will be made to unsecured creditors of Durham Investments Six Limited, and if deemed appropriate by the Joint Administrators, to take the necessary steps to move Durham Investments Six Limited into Creditors’ Voluntary Liquidation pursuant to Paragraph 83 of Schedule B1 to the Insolvency Act 1986,
- if Creditors’ Voluntary Liquidation is deemed appropriate, the Joint Administrators will seek the appointment of Mark Granville Firmin, Howard Smith and Brian Green of KPMG LLP as Joint Liquidators of Durham Investments Six Limited, without any further recourse to creditors. In accordance with Paragraph 83(7) of Schedule B1 to the Insolvency Act 1986 and Rule 2.117(3) of the Insolvency Rules 1986, creditors may nominate a different person as the proposed Liquidator, provided that the nomination is made after the receipt of the proposals and before the proposals are approved,
- if one of the criteria set out in Paragraph 79(2) of Schedule B1 to the Insolvency Act 1986 applies to Durham Investments Six Limited the Joint Administrators can make an application to court to end the Administration and, if deemed appropriate, to petition the Court for the winding up of Durham Investments Six Limited. If



appropriate, the Joint Administrators will, at the same time, apply to be appointed as Joint Liquidators under Section 140(1) of the Insolvency Act 1986, and the Joint Administrators will seek a resolution from creditors to be discharged from liability 14 days after the cessation of their appointment as Joint Administrators, in respect of any action of The Joint Administrators pursuant to Paragraph 98(1) of Schedule B1 to the Insolvency Act 1986,

- in the event that Mark Granville Firmin, Howard Smith and Brian Green are appointed Joint Liquidators then they will be allowed to act jointly and severally, and
- the Joint Administrators will be discharged from liability under Paragraph 98 of Schedule B1 to the Insolvency Act 1986 immediately upon their appointment as Joint Administrators ceasing to have effect

Resolution 2:

- that in the event that no creditors' committee is formed, the Joint Administrators will be authorised to draw fees on account from the assets of Durham Investments Six Limited from time to time during the period of Administration based on time properly spent at KPMG LLP charge out rates that reflect the complexity of the assignment. Also, the Joint Administrators will be authorised to draw disbursements from time to time to include category 2 disbursements, and
- that the costs of KPMG LLP in respect of other KPMG LLP specialists advice provided to the Joint Administrators be based upon time costs and shall be paid out of the assets of Durham Investments Six Limited