

LIQ03

Notice of progress report in voluntary winding up



THURSDAY



A6LQ18BS
 A24 21/12/2017 #166
 COMPANIES HOUSE

1 Company details

Company number	0	1	4	6	5	9	0	9
Company name in full	Saluminium Limited							

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

2 Liquidator's name

Full forename(s)	Mark S
Surname	Goldstein

3 Liquidator's address

Building name/number	Robert Denholm House
Street	Bletchingley Road
Post town	Nutfield
County/Region	Surrey
Postcode	R H 1 4 H W
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

LIQU3
Notice of progress report in voluntary winding up


6 Period of progress report

From date	^d 2	^d 6	^m 1	^m 1	^y 2	^y 0	^y 1	^y 6	
To date	^d 2	^d 5	^m 1	^m 1	^y 2	^y 0	^y 1	^y 7	

7 Progress report

The progress report is attached

8 Sign and date

Liquidator's signature	Signature X  X								
Signature date	^d 1	^d 9	^m 1	^m 2	^y 2	^y 0	^y 1	^y 7	

**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 **Mark S Goldstein**

Company name **Mark Goldstein Associates Limited**

Address **Robert Denholm House**

Bletchingley Road

Post town **Nutfield**

County/Region **Surrey**

Postcode **R H 1 4 H W**

Country

DX

Telephone **01737 830763**

**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

**SALUMINIUM LIMITED
(IN MEMBERS' VOLUNTARY LIQUIDATION)**

**LIQUIDATOR'S REPORT PURSUANT TO
SECTION 92A OF THE INSOLVENCY ACT 1986**

FOR THE PERIOD FROM 26 NOVEMBER 2016 TO 25 NOVEMBER 2017

DATED 19 DECEMBER 2017

SUMMARY INFORMATION

Type of procedure: Members' Voluntary Liquidation

Registered office: Robert Denholm House
Bletchingley Road
Nutfield
Surrey
RH1 4HW

Registered number: 01070050

Former registered address: 5 Dalepark Court
39 Tamworth Road
Croydon
Surrey
CR0 1XU

Principal activity: Property management

Date of liquidation: 26 November 2015

Liquidator's name and address: Mark Goldstein
Mark Goldstein Associates Ltd
Robert Denholm House
Bletchingley Road
Nutfield
Surrey
RH1 4HW

Date of Liquidator's appointment: 26 November 2015

Details of any changes in office holder: None

Contact details: 01737 830763
karen.synott@mgacr.co.uk

1. INTRODUCTION

- 1.1 I was appointed Liquidator of the company on 26 November 2015 I now present my progress report for the second year of the liquidation, pursuant to Section 92A of the Insolvency Act 1986.
- 1.2 I attach at Appendix 1 a receipts and payments account for the year ended 25 November 2017, which discloses a balance at bank of £24,001.02. Details of progress during the period are set out in sections 2 to 4 below.

2. ASSET REALISATIONS

Quadraco Ltd - Debtor

- 2.1 I have received the final dividend from the liquidator of Quadraco Limited. This was slightly higher than initially anticipated but took considerably longer to realise than originally estimated. I confirm that there will be no further realisations from this source.

Cash at Bank

- 2.2 I would confirm that all cash at bank was realised.

Bank interest

- 2.3 An amount of £55.87 has been received in the period.

Claim against Aiston Solicitors

- 2.4 As you may recall from my last reports, Elbestate Limited, Kaba Enterprises Limited and Saluminium Limited (together referred to as "the Companies") claim that they are owed £301,273.77 (plus interest) from Neil Aiston t/a Aiston Solicitors ("Aiston"). I have received the sum of £111,877 from the Solicitors Regulation Authority ("SRA"). This sum (less sums deducted by the SRA for Aiston's intervention costs) were held in Aiston's client account in several ledgers under various shareholders' names. I am grateful to the shareholders for providing authority to my solicitors to confirm to the SRA that the sums belong to the Companies. The amount received from the SRA has been equally shared between the two companies, Saluminium Ltd and Kaba Enterprises Ltd.
- 2.5 Therefore, after receipt of the circa £112,000 there is still a shortfall of some £189,000 plus interest and legal costs. Currently the litigation against Aiston is stayed to 3 January 2018 by consent to allow Aiston's trustee in Bankruptcy to investigate Aiston's affairs further.

Aiston's bankruptcy

- 2.6 As previously reported, Aiston was declared bankrupt last January. Enquiries with his trustee in bankruptcy lead me to conclude that we are unlikely to recover any significant sum, if anything at all, from his estate in bankruptcy. This is because it appears that Aiston has many creditors and the value of his assets are significantly less than the amounts he owes.

SRA Compensation Scheme

- 2.7 As previously reported my solicitors have made a claim for compensation under the SRA compensation fund, but, I have been advised that it would be difficult to convince the SRA to make a payment as the scheme is more centred towards individuals rather than corporate entities.
- 2.8 Furthermore, the compensation scheme is a measure of last resort and therefore the claim has been put on hold until the litigation and all other avenues have been exhausted. My legal team has therefore recommend that only limited resources (if any at all) are expended to pursue any claims under the scheme.

Aiston's insurance

- 2.9 My solicitors have been liaising with Kennedys, Solicitors acting for Aiston and his insurers, in an attempt to progress the claim further.
- 2.10 I have been advised by my legal team, that in order to pursue the claim any further it would be advisable to add Aiston's insurer as a party to proceedings. This is so that any order obtained in favour of the Companies can be paid for (or enforced, as the case may be) against the insurance company. Currently the insurance company is seeking legal advice as to whether they are required to provide coverage under their policy. My solicitors expect to hear back from Kennedys in January 2018.
- 2.11 I have been informed that the legal costs for an application to add Aiston's insurers as a party to the proceedings, as a ball park figure, could be in the region of £10,000 - £18,000 + VAT.
- 2.12 By continuing with the stayed proceedings and bringing the insurers as a party to those proceedings, my objective will be, at the very least, to quantify and enforce a claim against insurers of:

Claim lodged	£ 301,200
Less received from SRA	£ <u>111,877</u>
Balance still due	£ <u>189,323</u> excl costs and interest

- 2.13 This will not be an easy approach and success will be fraught with many difficulties. Some of the handicaps to be overcome will include: insurer's attempt to resist being included as a party to the proceedings; insurer's attempt to avoid liability; and Aiston's claim to be entitled to fees will need to be quantified so that our claim may be calculated and agreed; there is a lack of documents due to SRA intervention and Aiston's ledgers are a mess; with the burden of proof being upon us; and, of course, the risks inherent in undertaking lengthy litigation.
- 2.14 As you will see from the attached summary of receipts and payments there is a balance in hand of £24,001.02. If the claim is not pursued, there will be a final small distribution to shareholders of say 24p per share subject to finalising the remaining costs of the liquidation. Should the litigation be lost then a final distribution would not be possible after discharging the costs of the liquidation. Should the proceedings succeed against the insurers, however, the costs incurred would be recoverable, in addition to the claim of approximately, £189,000 referred to above. In that event, shareholders' further distribution could increase somewhere in the region of 213p per share.
- 2.15 My legal team advise that we do have a good chance of success; but as I say above, litigation has risk due to uncertainty. I have, therefore, attached a resolution for your consideration seeking your authority to either proceed or to withdraw from the litigation. It would be very helpful if you would kindly return your annotated resolution within seven days.

3. CREDITORS' CLAIMS

Crown Liabilities

- 3.1 There were no other liabilities noted on the Declaration of Solvency and none have arisen to date.
- 3.2 The other liability noted on the Declaration of Solvency was in respect of accountants fees. To date I have paid £6,613.

4. DISTRIBUTION TO MEMBERS

- 4.1 On 2 February 2016 I declared and paid a first interim cash distribution to the members of £445 per share. The total distributed was £445,000. On 6 June 2017 I declared and paid a second interim distribution of £50.68 per share. The total distributed was £50,681.31. On 11 July I declared and paid a third interim distribution of £54.67 per share. The total distributed was £54,675.64. Once the action against Aiston has been resolved I may be able to make a further interim distribution to shareholders but I cannot yet forecast the timing or quantum.

5. COSTS AND EXPENSES

Liquidator's remuneration

5.1 At the meeting of members held on 26 November 2015 it was resolved that my remuneration be fixed at £3,000 plus VAT. Due to the complexity and the time I have spent dealing with the claim against Aiston it has been necessary to increase my remuneration. The fixed fee given to your board prior to the winding up did not envisage the particular difficulties of this aspect of the winding up and I therefore wrote to the Board on 15 September 2016 and they authorised me to draw another £2,500 plus VAT generally on account. I also wrote to the Board on 6 June 2017 and they authorised me to draw a further £5,000 plus VAT generally on account with the final fee to be agreed.

5.2 A description of the routine work undertaken in the liquidation to date is as follows:

Administration and Planning

- Preparing the documentation and dealing with the formalities of appointment.
- Statutory notifications and advertising.
- Preparing documentation required.
- Dealing with all routine correspondence.
- Maintaining physical case files and electronic case details on IPS.
- Case bordereau.
- Case planning and administration.
- Preparing reports to members and creditors.

Cashiering

- Maintaining and managing the liquidator's cashbook and bank account.
- Liaising with the Board and recording the invoicing for the period of trading.
- Ensuring statutory lodgements and tax lodgement obligations are met.

Creditors

- Dealing with creditor correspondence and telephone conversations.
- Maintaining creditor information on IPS.
- Reviewing and adjudicating on proofs of debt received from creditors.

Realisation of Assets

- Liaising with the company's bank regarding the closure of the account.
- Liaising with the company's accountants regarding the tax affairs and the Quadraco debt.
- Corresponding with the liquidator of Quadraco.
- Dealing with the claim against Aiston and the litigation thereon.

Liquidator's disbursements

5.3 Disbursements were fixed at £1,345 plus VAT which has been paid in full.

5.4 No disbursements have or will be claimed which, while costs referable to this matter, did not involve a payment to a third party. Neither will any cost be reimbursed which includes an element of shared or allocated cost (e.g. photocopying).

Professionals, sub-contractors and other expenses

5.5 Grant Saw Solicitors were retained by the company prior to my appointment to advise on the action against Aiston and the submission of complaints to both the SRA and the Ombudsman. In addition they have assisted me in the litigation against Aiston and advice thereon. The fees incurred for these activities have been equally shared between the company and Saluminium Limited as they are the beneficiaries of realisations from Aiston.

- 5.6 To date Grant Saw have been paid £27,325.20 (including Counsel's and Court fees) and I am satisfied that this is an appropriate amount for the work they have undertaken, which has been adequately justified in their fee notes.

Members' right to request information

- 5.7 Members of the company with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company or a member with leave of the court, may (in writing) request me to provide additional information regarding remuneration or expenses already supplied within this report. In accordance with Rule 18.9(2) of The Insolvency (England and Wales) Rules 2016, such a request or application for leave must be made within 21 days of receipt of this report.
- 5.8 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 any member with permission of the court, may apply to court for one or more orders under Rule 18.9(7) of The Insolvency (England and Wales) Rules 2016 and such applications must be made within eight weeks of receipt of this report.

6. CONCLUDING REMARKS

- 6.1 I shall be pleased to provide any additional information that you may require.



Mark Goldstein
Liquidator

Saluminium Limited
(In Liquidation)
Liquidator's Summary of Receipts & Payments

Declaration of Solvency £		From 26/11/2016 To 25/11/2017 £	From 26/11/2015 To 25/11/2017 £
	ASSET REALISATIONS		
12,880.58	Debtor - Quadraco	9,304.89	9,304.89
561,238.08	Cash at Bank	NIL	561,232.12
	Aiston Litigation Realisations	55,938.71	55,938.71
	Bank Interest Gross	5.41	257.25
		<u>65,249.01</u>	<u>626,732.97</u>
	COST OF REALISATIONS		
	Specific Bond	NIL	1,110.00
	Office Holders Fees	6,000.00	12,600.00
	Office Holders Expenses	NIL	24.00
	Legal Fees re Litigation N Aiston	6,388.70	27,325.20
	Legal Fees re Complaint N Aiston	NIL	1,453.00
	Accountancy Fees - Post Appointment	2,712.00	2,712.00
	Statutory Advertising	NIL	480.00
	Bank Charges	NIL	57.60
		<u>(15,100.70)</u>	<u>(45,761.80)</u>
	UNSECURED CREDITORS		
(8,413.00)	Hamilton Eddy	NIL	6,613.00
		NIL	<u>(6,613.00)</u>
	DISTRIBUTIONS		
(1,000.00)	Ordinary Shareholders	105,356.95	550,356.95
		<u>(105,356.95)</u>	<u>(550,356.95)</u>
564,705.66		<u>(55,208.64)</u>	<u>24,001.22</u>
	REPRESENTED BY		
	Bank 1 Current		24,001.22
			<u>24,001.22</u>

Note.
Not registered for VAT



Mark S Goldstein
Liquidator