

# Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192 of the Insolvency Act 1986

To the Registrar of Companies

Company Number

05753845

Name of Company

05753845 Limited - Formerly Known As Adaptive Designs

I/we

Brian Baker, Devonshire House, 60 Goswell Road, London, EC1M 7AD

the liquidator(s) of the company attach a copy of my/our Progress Report under section 192 of the Insolvency Act 1986

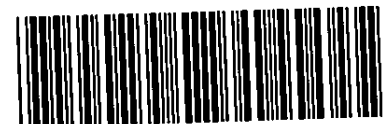
The Progress Report covers the period from 04/04/2014 to 03/04/2015

Signed *R. Baker* Date 27.5.15

Kingston Smith & Partners LLP  
Devonshire House  
60 Goswell Road  
London  
EC1M 7AD

Ref IDA0017/BB/EC/MG/JH

FRIDAY



A34 29/05/2015 #158  
COMPANIES HOUSE

**05753845 Limited - Formerly Known As Adaptive Designs  
(In Liquidation)  
Liquidator's Abstract of Receipts & Payments**

Statement of Affairs	From 04/04/2014 To 03/04/2015	From 06/09/2011 To 03/04/2015
<b>COSTS OF REALISATION</b>		
restoration costs	2,657 00 <u>(2,657 00)</u>	2,657 00 <u>(2,657 00)</u>
<b>GENERAL SECURED GROUP</b>		
Realisation of charge over 46 Woodsid	39,759 20 <u>39,759 20</u>	39,759 20 <u>39,759 20</u>
<b>ASSET REALISATIONS</b>		
balance held by Housemans Solicitors	1,380 24	1,380 24
Bank Interest Gross	<u>(2 31)</u>	<u>(2 31)</u>
	(1,377 93)	(1,377 93)
<b>COST OF REALISATIONS</b>		
O R Remuneration	NIL	2,235 00
DTI Cheque Fees	1 10	1 10
Sec of State Fees	4,070 84	4,070 84
Petitioners Deposit	NIL	(1,000 00)
Petitioners Costs	2,762 65	2,762 65
Housemans Legal Fees	5,037 62	5,037 62
Counsel Fees - Legal Fees	7,943 38	7,943 38
Tax Deducted at Source	0 46	0 46
Insurance of Assets QBE	8,798 00	8,798 00
Bank Charges	88 00	314 00
	<u>(28,702 05)</u>	<u>(30,163 05)</u>
<b>UNSECURED CREDITORS</b>		
(72,431 00) Judgement Debts (2)	<u>NIL</u>	<u>NIL</u>
	NIL	NIL
<b>DISTRIBUTIONS</b>		
(2 00) Ordinary Shareholders	<u>NIL</u>	<u>NIL</u>
	NIL	NIL
<b>(72,433.00)</b>	<b>7,022.22</b>	<b>5,561.22</b>
<b>REPRESENTED BY</b>		
Vat Receivable		2,596 21
ISA NOT ON INTEREST BEARING		2,965 01
		<u>5,561.22</u>

Brian Baker  
Liquidator

# **Liquidator's Annual Progress Report to Creditors & Members**

**05753845 Limited**

**- In Liquidation**

**20 May 2015**

## **CONTENTS**

- 1 Introduction and Statutory Information
- 2 Realisation of Assets
- 3 Investigations
- 4 Creditors
- 5 Liquidator's Remuneration
- 6 Liquidator's Expenses
- 7 Creditors' Rights
- 8 Next Report

## **APPENDICES**

- A Receipts and Payments Account from 4 April 2014 to 3 April 2015 and cumulatively from 6 September 2011 to 3 April 2015
- B Time Analysis for the period 4 April 2014 to 3 April 2015 and cumulatively from 6 September 2011 to 3 April 2015
- C Additional Information in relation to Liquidator's fees pursuant to Statement of Insolvency Practice No 9

## **1 Introduction and Statutory Information**

- 1 1 I, Brian Baker of Kingston Smith & Partners LLP, Devonshire House, 60 Goswell Road, London EC1M 7AD, was appointed as Liquidator of 05753845 Limited ("the Company") formerly known as Adaptive Designs Limited on 4 April 2014. This Report provides an update on the progress in the Liquidation for the year ended 3 April 2015. This Report should be read in conjunction with my previous Reports.

## **2 Realisation of Assets**

### ***87 Darras Road***

- 2 1 Barclays Bank have appointed a Receiver over the above property, I am aware that the value of their secured charge is in the region of £1.2 million. The property attracted an offer in September 2014, however, the offer was subsequently retracted as the potential purchaser was not prepared to undertake the work required on the property.
- 2 2 It was estimated that the remedial work required on the property was c£100,000. Barclays Bank has been considering whether it would be commercially viable to undertake the work themselves in order to guarantee the best possible price for the property.
- 2 3 However, I have been made aware that Barclays Bank will not be taking steps to undertake the proposed remedial works. The property is currently on the market for £950,000.
- 2 4 I hold a proprietary charge over the property for the value of £300,000, however, based on the information above it is unlikely that any property sale will redeem the charge due to Barclays Bank. Accordingly it is likely that there will be insufficient funds to discharge my charge and accordingly I do not anticipate there will be a return to the Liquidation estate.

### ***46 Woodside***

- 2 5 Bank of Scotland enforced their security over the above property and following the sale of the property surplus funds of £39,759 were paid to me in respect of my final charging order over the property.

## **3 Investigations**

- 3 1 As previously advised the former Liquidator was informed that the Company directors had taken steps to emigrate from the United Kingdom. As a result the former Liquidator instructed solicitors to apply for a freezing injunction against the directors and in March 2014 the Court approved the application for a final charging order against the Director's assets.
- 3 2 My investigations into the Directors conduct are currently ongoing and disclosure of further information at this time may jeopardise my investigations.

## **4 Creditors**

### ***Secured Creditors***

- 4 1 There are no secured creditors in the Liquidation.

### ***Preferential Creditors***

- 4 2 There are no preferential creditors in the Liquidation.

### *Unsecured Creditors*

4 3 I have received claims totalling £400,964 80 from 2 creditors I am not aware of any additional creditors

4 4 At present it is unknown whether a distribution will be made to unsecured creditors

### **5 Liquidator's Remuneration**

5 1 The Creditors approved that the basis of the Liquidator's remuneration be fixed by reference to the time properly spent by him and his staff in managing the Liquidation

5 2 My time costs for the period from 4 April 2014 to 3 April 2015 are £10,299 35 This represents 28 75 hours at an average rate of £258 23 per hour Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during this period in respect of the costs fixed by reference to time properly spent by me in managing the Liquidation

5 3 As you will see from Appendix B the majority of time incurred in this period is recorded in the administration and planning section This represents time spent in liaising with my solicitors in respect of on-going litigation together with statutory filing and general administration

5 4 Further time has been spent in the asset realisation and investigation sections which includes time spent in relation to the property at 87 Darras Road, by way of correspondence and updates from the secured chargeholder

5 5 The remaining time has been in relation to the Creditor section which relates to the preparation of my annual report to creditors and with dealing with creditor correspondence

5 6 Also attached as Appendix B is a cumulative Time Analysis for the period from 6 September 2011 to 3 April 2015 which provides details of my time costs since appointment Total costs to date amount to £88,906 11 representing 274 67 at an average rate of £323 68 per hour

5 7 To date, no fees have been drawn

5 8 Attached as Appendix C is additional information in relation to this firm's policy on staffing, the use of subcontractors, disbursements and details of our current charge-out rates by staff grade

5 9 Since 6 September 2011 the following Category 2 disbursements have been incurred but not drawn

Photocopying        £22 20

Postage             £8 69

## 6 Liquidator's Expenses

6.1 The following expenses have been incurred but remain unpaid since my appointment

Supplier / Service Provider (excluding VAT)	Nature of expense incurred	Amount incurred to date	Paid to date	Amount outstanding
Marsh	Specific Bond	90 00	90 00	0 00
Companies House	Company searches	13 00	13 00	0 00
HM Land Registry	Land Searches	80 00	80 00	0 00
Rowlands	Postage of accounts records	9 05	9 05	0 00
Kingston Smith & Partners LLP	Photocopies	22 20	0	22 20
Royal Mail	Postage	8 69	0	8 69
TMP Reynell	Statutory Advertising	65 87	65 87	0 00
1 <sup>st</sup> Class	Transcription costs	90 85	90 85	0 00
Various	Travel	350 66	350 66	0 00
Housemans Solicitors	Legal costs	32,563 00	245 00	32,318 00
Housemans Solicitors	Disbursements	1,319 99	0	1,319 99
Housemans Solicitors	ATE Policy	12,000 00	0	12,000 00
Counsel's Fee	Legal Costs	42,375 00	0	42,375 00

## 7 Creditors' rights

- 7.1 Within 21 days of the receipt of this Report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this Progress Report
- 7.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this Progress Report make an application to Court on the grounds that, in all the circumstances, the basis fixed for the Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this Progress Report, are excessive

**8 Next Report**

8 1 I am required to provide a further report on the progress of the Liquidation within two months of the next anniversary of the Liquidation, unless I have concluded matters prior to this, in which case I will write to all creditors with my Final Progress Report ahead of convening the final meeting of creditors

Yours faithfully



 **BRIAN BAKER**  
Liquidator

Encs



**APPENDIX A**

**Receipts and Payments Account from 4 April 2014 to 3 April 2015 and cumulatively from 6 September 2011 to 3 April 2015**

**05753845 Limited - Formerly Known As Adaptive Designs  
(In Liquidation)**

**LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT**

	Statement of affairs £	From 03/04/2014 To 04/04/2015 £	From 06/09/2011 To 04/04/2015 £
<b>RECEIPTS</b>			
Realisation of charge over 46 Woodside		39,759 20	39,759 20
Bank Interest Gross		2 31	2 31
Petitioners Deposit		0 00	1,000 00
		<u>39,761 51</u>	<u>40,761 51</u>
<b>PAYMENTS</b>			
restoration costs		2,657 00	2,657 00
balance held by Housemans Solicitors		1,380 24	1,380 24
O R Remuneration		0 00	2,235 00
DTI Cheque Fees		1 10	1 10
Sec of State Fees		4,070 84	4,070 84
Petitioners Costs		2,762 65	2,762 65
Housemans Legal Fees		5,037 62	5,037 62
Counsel Fees - Legal Fees		7,943 38	7,943 38
Tax Deducted at Source		0 46	0 46
Insurance of Assets QBE		8,798 00	8,798 00
Bank Charges		88 00	314 00
Judgement Debts (2)	(72,431 00)	0 00	0 00
Ordinary Shareholders	(2 00)	0 00	0 00
		<u>32,739 29</u>	<u>35,200 29</u>
Net Receipts/(Payments)		<u>7,022 22</u>	<u>5,561 22</u>
<b>MADE UP AS FOLLOWS</b>			
ISA NOT ON INTEREST BEARING		4,426 01	2,965 01
VAT Receivable / (Payable)		2,596 21	2,596 21
		<u>7,022 22</u>	<u>5,561 22</u>

\_\_\_\_\_  
Brian Baker  
Liquidator

**APPENDIX B**

**Time Analysis for the period 4 April 2014 to 3 April 2015 and cumulatively from  
6 September 2011 to 3 April 2015**

**05753845 Limited**

**Summary of Fees and Expenses**

From 06/09/2011 to 03/04/2015

**Time Costs**

The following is a summary of the time costs incurred by the Office Holder and his staff in the administration of this matter. It should be read in conjunction with the Office Holder's Report for the period referred to above.

Work Activity	Partner Hrs	Manager / Supervisor Hrs	Administrator Hrs	Other Hrs	Total Hrs	Time Costs (£)	Average Costs (£)
<b>Administration &amp; Planning</b>	<b>30 50</b>	<b>9 75</b>	<b>33 83</b>	<b>0 25</b>	<b>74 33</b>	<b>31,060 85</b>	<b>417 88</b>
Case Planning/Information	25 42	2 08	11 33		38 83	20,308 84	523 02
Dealing with company/Debtor re	0 42	0 08	0 08		0 58	203 00	350 00
General Admin/Billing/Filing	1 42	2 42	11 92	0 25	16 00	4,480 47	280 03
Post Appointment VAT & CTax	0 25	1 17	1 08		2 50	624 76	249 90
Set-up Administration/IPS/Initial	0 33	0 75	3 50		4 58	930 08	203 07
Statutory filing with Court, Companies	0 17		0 33		0 50	136 34	272 68
Strategy reviews/Checklists/Diary	2 50	3 08	5 58		11 17	4,327 36	387 41
Cashiering - set-up, maintenance &		0 17			0 17	50 00	294 12
<b>Investigations</b>	<b>4 83</b>	<b>50 25</b>	<b>128 58</b>		<b>183 67</b>	<b>52,027 65</b>	<b>283 27</b>
Antecedent transactions	1 33				1 33	526 67	395 99
Information capture/initial	0 17	15 00	12 58		27 75	10,178 70	366 80
Litigation - document review	0 08	15 50	45 17		60 75	19,535 01	321 56
Strategy, planning, meetings and	3 25	16 75	26 75		46 75	14,877 02	318 23
Retrieval, review & analysis of debtors		3 00	44 08		47 08	6,910 25	146 78
<b>Realisation of Assets</b>	<b>0 25</b>	<b>5 92</b>	<b>1 33</b>	<b>0 08</b>	<b>7 58</b>	<b>3,346 17</b>	<b>441 45</b>
Freehold & Leasehold	0 17	4 83	0 67		5 67	2,610 33	460 38
Identification, securing, insuring &	0 08	0 08	0 67	0 08	0 92	240 84	261 78
Tangible Assets - plant, motors,		1 00			1 00	495 00	495 00
<b>Creditors</b>	<b>0 33</b>	<b>1 33</b>	<b>7 08</b>	<b>0 33</b>	<b>9 08</b>	<b>2,471 44</b>	<b>272 19</b>
Claims/Proofs	0 08		0 33		0 42	89 76	213 71
Correspondence/Preparation of	0 25	1 33	6 75	0 33	8 67	2,381 68	274 70
<b>Grand Total</b>	<b>35 92</b>	<b>67 25</b>	<b>170 83</b>	<b>0 67</b>	<b>274 67</b>	<b>88,906 11</b>	

**Notes**

1 All costs are shown excluding VAT and include an element of undrawn work in progress. It should also be noted that the office holder's fees and other expenses included in his Abstract Receipts and Payments, will include irrecoverable VAT, where the insolvent was not formerly registered for VAT.

2 The time accounting system utilised by Kingston Smith & Partners LLP does not allow for analysis of time, by task, prior to 30 November 2002.

3 The number of hours shown have been rounded to two decimal places.

**Disbursements**

**Category 1 Disbursements**

944 43

These are out of pocket expenses which are directly attributable to the case. These are charged to the case and billed as funds allow.

**Category 2 Disbursements**

These are costs which are allocated to the case, where no direct costs are applicable. In this case, category 2 disbursements have been incurred to the case as follows:

Photocopies	22 20
Postage	8 69
	<b>30 89</b>

**05753845 Limited**

**Summary of Fees and Expenses**

From 04/04/2014 to 03/04/2015

**Time Costs**

The following is a summary of the time costs incurred by the Office Holder and his staff in the administration of this matter. It should be read in conjunction with the Office Holder's Report for the period referred to above.

Work Activity	Partner Hrs	Manager / Supervisor Hrs	Administrator Hrs	Other Hrs	Total Hrs	Time Costs (£)	Average Costs (£)
<b>Administration &amp; Planning</b>	<b>2 42</b>	<b>4 75</b>	<b>5 58</b>	<b>0 25</b>	<b>13 00</b>	<b>4,476 50</b>	<b>344 35</b>
Case Planning/Information	0 67	2 08	1 67		4 42	2 107 08	476 71
Dealing with company/Debtor re	0 42	0 08			0 50	189 58	379 16
General Admin/Billing/Filing	0 17	1 17	2 75	0 25	4 33	1,112 08	256 83
Post Appointment VAT & CTax	0 17	1 00			1 17	325 84	278 50
Statutory filing with Court, Companies	0 08		0 17		0 25	74 83	299 32
Strategy reviews/Checklists/Diary	0 92	0 25	1 00		2 17	617 09	284 37
Cashiering - set-up, maintenance &		0 17			0 17	50 00	294 12
<b>Investigations</b>	<b>2 42</b>	<b>0 75</b>	<b>2 33</b>		<b>5 50</b>	<b>1,772 09</b>	<b>322 20</b>
Antecedent transactions	1 33				1 33	526 67	395 99
Litigation - document review	0 08	0 42	0 67		1 17	359 17	306 98
Strategy, planning, meetings and	1 00	0 33	1 42		2 75	815 00	296 36
Information capture/initial			0 25		0 25	71 25	285 00
<b>Realisation of Assets</b>	<b>0 25</b>	<b>5 83</b>	<b>1 00</b>	<b>0 08</b>	<b>7 17</b>	<b>3,239 83</b>	<b>451 86</b>
Freehold & Leasehold	0 17	4 83	0 42		5 42	2,550 83	470 63
Identification securing, insuring &	0 08		0 58	0 08	0 75	194 00	258 67
Tangible Assets - plant motors,		1 00			1 00	495 00	495 00
<b>Creditors</b>	<b>0 33</b>		<b>2 42</b>	<b>0 33</b>	<b>3 08</b>	<b>810 93</b>	<b>263 29</b>
Claims/Proofs	0 08		0 17		0 25	62 92	251 68
Correspondence/Preparation of	0 25		2 25	0 33	2 83	748 01	264 31
<b>Grand Total</b>	<b>5 42</b>	<b>11 33</b>	<b>11 33</b>	<b>0 67</b>	<b>28 75</b>	<b>10,299 35</b>	

**Notes**

1 All costs are shown excluding VAT and include an element of undrawn work in progress. It should also be noted that the office holder's fees and other expenses included in his Abstract Receipts and Payments, will include irrecoverable VAT where the insolvent was not formerly registered for VAT.

2 The time accounting system utilised by Kingston Smith & Partners LLP does not allow for analysis of time, by task, prior to 30 November 2002.

3 The number of hours shown have been rounded to two decimal places.

**Disbursements**

**Category 1 Disbursements**

80 00

These are out of pocket expenses which are directly attributable to the case. These are charged to the case and billed as funds allow.

**Category 2 Disbursements**

These are costs which are allocated to the case, where no direct costs are applicable. In this case, category 2 disbursements have been charged to the case as follows:

## APPENDIX C

### ADDITIONAL INFORMATION IN RELATION TO LIQUIDATOR'S FEES PURSUANT TO STATEMENT OF INSOLVENCY PRACTICE 9 (SIP9)

#### 1 Policy

Detailed below is Kingston Smith & Partner LLP's policy in relation to

- Staff allocation and the use of subcontractors
- Professional advisors
- Disbursements

##### 1.1 *Staff allocation and the use of subcontractors*

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case

The constitution of the case team will usually consist of a Partner, Manager, Administrator and/or an Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and additional staff may be allocated to meet the demands of the case.

We are not proposing to utilise the services of any sub-contractors in this case.

##### 1.2 *Professional advisors*

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
Housemans Solicitors (legal advice)	CFA basis
Marsh (insurance)	Scale rate

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.

##### 1.3 *Disbursements*

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.

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.

On this case the following Category 2 disbursements have been incurred since appointment

Type and purpose	£
Photocopies	8 69
Postage	22 20

## 2 Charge-out rates

A schedule of Kingston Smith & Partners charge-out rates was issued to creditors at the time the basis of the Liquidator's remuneration was approved. Below are details of this firm's charge out rates which have been applied with effect from 1 May 2014

### Investigation Rates

	Per Hour £
<b>Partner</b>	595
<b>Senior Manager</b>	495
<b>Manager</b>	450
<b>Other Senior Professionals</b>	
Supervisor/Assistant Manager	395
Senior Administrator	240
Administrator	180
Junior Administrator	140
<b>Support Staff</b>	
Experienced Cashier	260
Cashier	180
Support	110

Please note that this firm records its time in minimum units of 5 minutes