

Leaseway (East Midlands) Limited

5528146

IN THE HIGH COURT OF JUSTICE

No. 11210 of 2011

CHANCERY DIVISION

COMPANIES COURT

Registrar

Baister



IN THE MATTER OF BRENTWOOD HOTELS LIMITED AND OTHERS

AND

IN THE MATTER OF THE INSOLVENCY ACT 1986 AND

BETWEEN:



STEVEN EDWARD BUTT

Applicant

-and-

(1) ANTHONY CLIFF SPICER

(2) HENRY ANTHONY SHINNERS

(3) VIVIENNE ELIZABETH OLIVER

Respondents

Draft ORDER

UPON the Application of Steven Edward Butt of Smith & Williamson Limited, 25 Moorgate, London, EC2R 6AY ("the Applicant") dated 28 December 2011

And UPON READING the documents on the Court File recorded as having been read

IT IS ORDERED THAT -

- 1 The Applicant has leave to make a composite application in respect of the insolvency proceedings identified in the Schedules numbered 1 to 4 attached to this Application ("the Schedules").
2. The time for service of this Application be abridged to permit it to be heard at such time as this court shall think fit

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- 3 Pursuant to Section 108(2) of the Act the Applicant, Steven Edward Butt, be removed from his office as joint liquidator of the companies identified in Schedule 1 hereto as being in Creditors' Voluntary Liquidation,
- 4 Pursuant to Section 108(2) of the Act the First Respondent, Anthony Cliff Spicer shall be appointed as joint liquidator in substitution of the Applicant of those companies in Creditors' Voluntary Liquidation in respect of which he is identified in Schedule 1 as proposed appointee,
- 5 Pursuant to Section 108(2) of the Act the Second Respondent, Henry Anthony Shinnars shall be appointed as joint liquidator in substitution of the Applicant of those companies in Creditors' Voluntary Liquidation in respect of which he is identified in Schedule 1 as proposed appointee,
- 6 Pursuant to Section 108(2) of the Act the Applicant, Steven Edward Butt, be removed from his office as joint liquidator of the companies identified in Schedule 2 hereto as being in Members' Voluntary Liquidation,
- 7 Pursuant to Section 108(2) of the Act the Second Respondent, Henry Anthony Shinnars shall be appointed as joint liquidator of the companies identified in Schedule 2 hereto as being in Members' Voluntary Liquidation, in substitution of the Applicant,
- 8 Pursuant to Section 172(2) of the Act the Applicant, Steven Edward Butt, be removed from his office as joint liquidator of the companies identified in Schedule 3 hereto, as being subject to Compulsory Liquidation;
- 9 Pursuant to Section 168(3) of the Act the Second Respondent, Henry Anthony Shinnars, shall be appointed as joint liquidator of the companies identified in Schedule 3 hereto, as being subject to a Compulsory Liquidation, in substitution of the Applicant,
- 10 Pursuant to Section 7(5) of the Act the Applicant, Steven Edward Butt, be removed from his office as joint supervisor of the company identified in Schedule 4 hereto, as being subject to a Company Voluntary Arrangement;
- 11 Pursuant to Section 7(5) of the Act the Second Respondent, Henry Anthony Shinnars, be appointed as joint supervisor of the company identified in Schedule 4 hereto, as being subject to a Company Voluntary Arrangement;
12. The Respondents shall procure that, at the first convenient opportunity to do so, and in any event within 3 months of the date of the order, a block advertisement in relation to each of the estates listed in the Schedules hereto shall be placed in the London Gazette containing notification of the following matters
- 12.1 the substitution of the Applicant by the First or Second Respondent,
- 12.2 the fact that the creditors (or members in the case of members' voluntary liquidation) have liberty to apply, within 28 days after the notice has been advertised, to vary or discharge the order made,
- 12.3 in the case of each liquidation, that
- 12.3.1 the costs of complying with a request of the committee or creditor or member as appropriate for an account of the Applicant's administration should be an expense of the insolvency proceedings;

- 12 3.2 the fact that the creditors or members as appropriate have the right to object and make representations to the Secretary of State in respect of the Applicant's release within 28 days after the notice has been advertised; and
- 12 3.3 the fact that in the case of each Compulsory Liquidation the Applicant will be entitled to apply to the Secretary of State for his release upon expiry of 42 days from the date the notice has been advertised,
- 13 In the case of each Compulsory Liquidation, the Applicant shall not be at liberty to apply to the Secretary of State for his release until after the expiry of 42 days from the date when the relevant notice referred to in paragraph 12 above has been placed in the London Gazette
- 14 In the case of each Creditors' Voluntary Liquidation and Members' Voluntary Liquidation, the Applicant be released from all liability both in respect of acts and omissions of his in the administration and otherwise in relation to his conduct as office holder of the companies as are listed in Schedules 1 and 2 hereto with effect from 42 days after the relevant notice referred to in paragraph 12 above has been placed in the London Gazette, save in respect of any claim notified to the Applicant or (where appropriate) his joint appointee or replacement office holder by that date pursuant to the Act and / or pursuant to such other provision as may apply,
- 15 In each Company Voluntary Arrangement, the Applicant be released from all liability both in respect of acts and omissions of his in the administration and otherwise in relation to his conduct as office holder of the companies as are listed in Schedules 4 hereto with effect from 28 days after the relevant notice referred to in paragraph 12 above has been placed in the London Gazette, save in respect of any claim notified to the Applicant or (where appropriate) his joint appointee or replacement office holder by that date pursuant to the Act and / or pursuant to such other provision as may apply,
16. The costs of this Application be apportioned equally between each of the estates identified in Schedules 1 to 4 hereto and each of the said estates shall bear an equal proportion of the costs
17. In no case shall the amount charged to any estate in respect of the costs exceed 10 per cent of the aggregate of available funds and the value of the immediately realisable assets in that estate

Dated this 10th day of January 2012



Steven Edward Butt

SCHEDULE 1

CREDITORS' VOLUNTARY LIQUIDATIONS

Name of case	Date of appointment	original appointment	Date of appointment (if different)	Applicant's Appointee	Current Appointee	Joint	Proposed Appointee
Brentwood Hotels Limited	13/07/2010		27/07/2011	Anthony Cliff Spicer	Anthony Cliff Spicer	Henry Shinnars	Anthony
Donington LL Funding Limited	08/10/2010		27/07/2011	Anthony Cliff Spicer	Anthony Cliff Spicer	Henry Shinnars	Anthony
Fortress Warehousing and Distribution Limited	19/09/2008		27/07/2011	Vivienne Oliver	Vivienne Oliver	Elizabeth Shinnars	Anthony
FP Realisations 2010 Limited	19/01/2011		27/07/2011	Vivienne Oliver	Vivienne Oliver	Elizabeth Shinnars	Anthony
FW Cook Building Services Limited	03/03/2006		27/07/2011	Vivienne Oliver	Vivienne Oliver	Elizabeth Shinnars	Anthony
Heller Ehrman (Europe) LLP	22/05/2009		27/07/2011	Anthony Cliff Spicer	Anthony Cliff Spicer	Henry Shinnars	Anthony
HG Homes Limited	18/03/2010			Henry Shinnars	Henry Shinnars	Anthony Cliff Spicer	Anthony Cliff Spicer
Hucke Limited	26/02/2008		27/07/2011	Vivienne Oliver	Vivienne Oliver	Elizabeth Shinnars	Anthony
Kingfisher Events Limited	15/06/2009		27/07/2011	Anthony Cliff Spicer	Anthony Cliff Spicer	Henry Shinnars	Anthony

Name of case	Date of appointment	original	Date of appointment (if different)	Applicant's Current Appointee	Joint	Proposed Appointee
Louise Goldin Limited	22/05/2009		27/07/2011	Anthony Cliff Spicer	Henry Shinnars	Anthony
LRC Collections Limited	26/04/2011		27/07/2011	Anthony Cliff Spicer	Henry Shinnars	Anthony
Luntn (UK) Limited	23/10/2009		27/07/2011	Anthony Cliff Spicer	Henry Shinnars	Anthony
Luella Bartley Limited	10/12/2009		27/07/2011	Anthony Cliff Spicer	Henry Shinnars	Anthony
NJINI Limited	30/10/2008		27/07/2011	Henry Shinnars	Anthony	Anthony Cliff Spicer
Pedstowe (London) Limited	07/05/2009		27/07/2011	Henry Shinnars	Anthony	Anthony Cliff Spicer
Pedstowe (East Midlands) Limited	07/05/2009		27/07/2011	Henry Shinnars	Anthony	Anthony Cliff Spicer
Pedstowe Chichester Limited	07/05/2009		27/07/2011	Henry Shinnars	Anthony	Anthony Cliff Spicer
Westchurch Limited	07/05/2009		27/07/2011	Henry Shinnars	Anthony	Anthony Cliff Spicer

SCHEDULE 2

MEMBERS' VOLUNTARY LIQUIDATIONS

Name of case	Date of original appointment	Date of appointment (if different)	Applicant's	Current Appointee	Joint	Proposed Appointee
Bulgarian Property Developments Plc	28/10/2009	27/07/2011		Vivienne Oliver	Elizabeth Henry Shimmers	Henry Shimmers Anthony
Stonyfield UK Limited	23/09/2011			Vivienne Oliver	Elizabeth Henry Shimmers	Henry Shimmers Anthony

SCHEDULE 3

COMPULSORY LIQUIDATIONS

Name of case	Date of order	Date of original appointment	Date of Applicant's appointment (if different)	of Court details	Current Appointee	Joint	Proposed Appointee
Inclarity Limited	28/01/2011	19/05/2011		High Court 6077 of 2010	Anthony Spicer	Cliff	Henry Anthony Shinnars
Oil Trade Company Limited	02/12/2009	01/03/2010	27/07/2011	High Court 19597 of 2009	Vivienne Elizabeth Oliver		Henry Anthony Shinnars
Promostaff com Limited	14/08/2003	14/08/2003	27/07/2011	High Court 5106 of 2003	Anthony Spicer	Cliff	Henry Anthony Shinnars

SCHEDULE 4

COMPANY VOLUNTARY ARRANGEMENTS

Name of case	Date of order	Date of original appointment	Date of Applicant's appointment (if different)	Court details	Current Appointee	Joint Appointee	Proposed Appointee
Timan Oil & Gas Plc	16/04/2010	16/04/2010	27/07/2011	High Court 3003 of 2010	Vivienne Oliver	Elizabeth Shinnars	Henry Anthony Shinnars