

The Insolvency Act 1986

2.24B

Administrator's progress report

Name of Company
Rigsby New Homes Poole Ltd

Company number
06162692

In the High Court of Justice, Chancery Division, Companies Court <small>[full name of court]</small>
--

Court case number
13021 of 2009

We  
 Kevin Roy Mawer  
 KPMG LLP  
 Arlington Business Park  
 Theale  
 Reading  
 RG7 4SD

Jane Bronwen Moriarty  
 KPMG LLP  
 Arlington Business Park  
 Theale  
 Reading  
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Administrators of the above company attach a progress report for the period

from
28 September 2012

to
27 February 2013

Signed Jane Moriarty  
 Joint Administrator

Dated 22 March 2013

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.

Sheilagh Richardson KPMG LLP Arlington Business Park Theale Reading RG7 4SD
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X Number	DX 146800 (Theale) 2	DX Exchange
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When you have completed and signed this form, please send it to the Registrar of Companies at -

Companies House, Crown Way, Cardiff CF14 3UZ

DX 33050 Cardiff





**Rigsby New Homes Poole Limited  
(in Administration)**

Progress report  
Report to creditors pursuant to Rule 2.47 of  
the Insolvency Rules 1986 (as amended)

KPMG LLP

22 March 2013

*This report contains 15 pages*

JBM/NDG/DMC/SMR/1F



*Rigsby New Homes Poole Limited  
(in Administration)  
Progress report  
KPMG LLP  
22 March 2013*

## **Notice: About this Report**

This Report has been prepared by Kevin Roy Mawer and Jane Bronwen Moriarty, the Joint Administrators of Rigsby New Homes Poole 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 Rigsby New Homes Poole 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.

Kevin Roy Mawer and Jane Bronwen Moriarty are authorised to act as insolvency practitioners by the Institute of Chartered Accountants in England and Wales and the Institute of Chartered Accountants in Ireland respectively.

The Joint Administrators act as agents for Rigsby New Homes Poole 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.



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## **Glossary**

Administrators	Kevin Roy Mawer and Jane Bronwen Moriarty
Administration Order	High Court of Justice, Chancery Division, Companies Court Court case number 13021 of 2009
ARIM	Allsop Residential Investment Management (ARIM) Limited
Company	Rigsby New Homes Poole Limited (Company Registered Number 06162692)
Directors	Mark Entwistle Griffins Formations Limited
Secured Creditor/ the Bank/ RBS	Royal Bank of Scotland Plc, 36 St Andrew Square, Edinburgh, EH2 2YB

The references in this report to Sections, Paragraphs or Rules are to the Insolvency Act 1986, Schedule B1 of the Insolvency Act 1986 and the Insolvency Rules 1986 (all as amended) respectively

## **1 Introduction**

Kevin Roy Mawer and Jane Bronwen Moriarty were appointed Administrators of the Company on 8 April 2009 by the Court following an application by the Bank

This report has been prepared in accordance with Rule 2.47 and covers the period from 28 August 2012 to 27 February 2013

Statutory information required by Rule 2.47 is attached as Appendix 1. An abstract of the Administrators' receipts and payments account up to 27 February 2013 is attached as Appendix 2. The figures on the account are shown net of VAT.

### **1.1 Administrators' proposals**

As previously reported, the Administrators' proposals were circulated to all known members and creditors on 29 May 2009 and were deemed to have been approved, without modification, in accordance with Rule 2.33(5) on 10 June 2009.

Subsequently, the period of the administration was extended by six months to 7 October 2010 by consent of the Secured Creditors in accordance with Paragraph 76(2)(b). Two further 12 month extensions to the administration were granted by the Court on 22 September 2010 and 5 September 2011 in accordance with Paragraph 76(2)(a). A further 24 month extension to the administration was granted by the Court on 7 September 2012, hence, the administration is currently due to end on 7 October 2014.

### **1.2 Purpose of administration**

The purpose of this administration continues to be to maximise the return to creditors as a whole through the investigation work the Administrators are undertaking. Should this not be achieved, the Administrators will pursue the objective of realising property in order to make a distribution to one or more secured or preferential creditors.

## **2 Realisation of assets**

### **2.1.1 Freehold land and buildings**

The Company's principal asset is a portfolio of freehold land and buildings, some of which have been sold. However, the Administrators' investigations into the title issues relating to the remaining sites are ongoing. Unfortunately, until these investigations are concluded the Administrators are not in a position to dispose of these sites. Details of these investigations cannot be disclosed as this may prejudice future negotiations.

In addition, the Administrators continue to investigate the ownership position of one of the flats within the Glanmor House development which continues to prevent the sale of this site.



After collaborating with other land owners, the Administrators successfully sold land at Woodberry Down, Ascot for £400,000

This brings total realisations in respect of freehold land and buildings to date to £5,400,300

#### **2 1 2 Rent**

None of the remaining properties are tenanted, therefore, no further rental income has been received in this reporting period or is expected to be received in future periods

#### **2 1 3 Bank interest**

Bank interest of £1,771 has been earned on funds held during the period covered by this report, bringing total interest received to date to £15,828

#### **2 1 4 Other**

The sum of £3,436 has been received from ARIM in respect of the tenant's contributions towards insurance premiums for the flats at Glanmor House

#### **2 1 5 Investigations**

The Administrators are continuing to assess potential claims that the Company may have against parties for the recovery of funds or assets, and have made claims in the bankruptcy of one of the Directors and the liquidations of Rigsby New Homes Limited and GMPK Developments Limited, related companies

Due to the nature of these potential claims the Administrators do not consider that it is appropriate to disclose further details at the current time

### **3 Costs of realisation**

#### **3.1 Administrators' remuneration**

The statutory provisions relating to remuneration are set out in Rule 2 106 Further information is given in the Association of Business Recovery Professionals' publication *A Creditors' Guide to Administrators' Fees*, a copy of which can be obtained at [www.r3.org.uk/media/documents/technical\\_library/SIPS/SIP\\_9\\_EW\\_Nov\\_2011.pdf](http://www.r3.org.uk/media/documents/technical_library/SIPS/SIP_9_EW_Nov_2011.pdf)

However, if you are unable to access this guide and would like a copy please contact Sheilagh Richardson on 0118 373 1408

The Association of Business Recovery Professionals' Statement of Insolvency Practice No 9 requires the Administrators to provide a detailed analysis of time spent and charge out rates for each grade of staff for the various areas of work carried out See Appendix 3 for details The hourly charge out rates for staff engaged on the administration are included at Appendix 4 Please note that rates can change from time to time

The time cost analysis attached as Appendix 3 shows the Administrators' time costs from 28 August 2012 to 27 February 2013 are £68,681, representing 180 hours at an average hourly rate of £382 This brings total time costs incurred since the start of the administration to £1,066,324

In accordance with Rule 2.106(5A), since the Company has insufficient property to enable a distribution to be made to unsecured creditors, other than potentially by virtue of Section 176A(2)(a), the Prescribed Part, the Administrators have obtained the approval of the Secured Creditor that the basis of their remuneration be by reference to the time properly given by the Insolvency Practitioners (acting as Administrators) and their staff in attending to matters arising in the administration

No remuneration has been drawn in this reporting period, therefore, total remuneration drawn to date remains at £700,000, together with £7,868 drawn in respect of disbursements, plus VAT

### **3.2 Legal fees**

In the period covered by this report, the Administrators have paid £46,377 to Berwin Leighton Paisner LLP for general legal advice relating to the properties and realisation of assets during the course of the administration, together with dealing with the applications to Court to extend the period of administration. This brings total legal fees to £636,026

## **4 Estimated outcome for creditors**

### **4.1 Secured Creditor**

As previously advised, the Company owed RBS approximately £18.6 million on appointment, secured by way of fixed charges over properties within the Company's property portfolio and a debenture dated 3 May 2007

No distributions have been made to RBS in this reporting period and total distributions to date remain at £2.7 million. Further distributions will be made to RBS as and when further properties are sold. However, the final outcome for RBS is uncertain due to the ongoing property investigations

### **4.2 Preferential creditors**

The Company did not have any employees and, therefore, there are no preferential creditors to consider in this matter

### **4.3 Unsecured creditors and the Prescribed Part**

At present, there are no floating charge realisations to facilitate the payment of a dividend to unsecured creditors by virtue of the Prescribed Part in the administration

However, the Administrators' investigations may lead to further recoveries and an element of these may be floating charge assets which could potentially result in a payment to unsecured creditors by virtue of the Prescribed Part



## 5 **Outstanding matters**

The following matters remain outstanding in the administration

- investigations into the property matters which are currently preventing the disposal of a number of sites,
- disposal of the Company's interest in the remaining sites following the conclusion of the investigations,
- assessment of the information obtained from the Administration investigations into the affairs of the Company to determine if there are any appropriate actions which would result in recoveries for the benefit of the unsecured creditors,
- pursuit of claims in the bankruptcy estate of one of the Directors,
- pursuit of claims against related companies in liquidation,
- finalisation of the tax affairs of the Company,
- further distribution(s) to the Secured Creditor, and
- finalisation of the costs of the administration, including the Administrators' remuneration

### 5.1 **Exit from administration**

Until the Administrators investigations and the likelihood of any recoveries arising from claims, as mentioned above, have been concluded, the most appropriate and timing of the exit from administration remains uncertain

### 5.2 **Future reporting**

In accordance with Rule 2.47, the Administrators will send their next progress report to the Company's creditors by 27 September 2013



Jane Moriarty  
*Joint Administrator*



## **6 Appendices (see attached)**

### **6.1 Appendix 1: Statutory information**

### **6.2 Appendix 2: Administrators' receipts & payments account**

The Administrators' receipts and payments account for the Company for the period from 28 August 2012 to 27 February 2013 is attached. The figures on the account are shown net of VAT.

### **6.3 Appendix 3: Administrators' time costs**

### **6.4 Appendix 4: Schedule of rates of charging**



## Appendix 1 – Statutory information

Company name & Trading style	Rigsby New Homes Poole Limited
Administration Order	High Court of Justice, Chancery Division, Companies Court Court case number 13021 of 2009
Date of appointment	8 April 2009
Administrators' details	Kevin Roy Mawer is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England & Wales  Jane Bronwen Moriarty is authorised to act as an insolvency practitioner by the Chartered Accountants in Ireland
Functions	The functions of the Administrators are being exercised by either or both of them in accordance with Paragraph 100(2) of Schedule B1 of the Act
Application of EC regulations	EC regulations apply and these proceedings will be Main Proceedings as defined in Article 3 of the EC regulations
Company Directors	Mark Entwistle (from 6 November 2007 to date) Griffins Formations Limited (from 15 March 2007 to 7 November 2009)
Company Secretary	Andrew Blackstone (resigned 9 March 2009)
Date of incorporation	15 March 2007
Company registration number	06162692
Previous registered office	24-32 London Road, Newbury, Berkshire RG14 1LA
Present registered office	c/o KPMG LLP Arlington Business Park, Theale, Reading, Berkshire RG7 4SD
Authorised share capital	1,000 Ordinary £1 shares
Issued share capital	1 Ordinary £1 share
Shareholder	Rigsby Group Ltd 1 Ordinary £1 Share
Employees	0



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## **Appendix 2**

### **Administrators' abstract of receipts and payments**

**Rigsby New Homes Poole Ltd**  
**(In Administration)**  
**Administrators' Abstract of Receipts & Payments**

Statement of Affairs	From 28/08/2012 To 27/02/2013	From 08/04/2009 To 27/02/2013	
	<b>FIXED CHARGE ASSETS</b>		
19,235,645 62	Freehold & leasehold properties	400,000 00	5,400,300 00
	ARIM re insurance contributions	3,435 90	8,479 07
	Service charge/ground rent/insurance	NIL	6,357 54
	Sundry refunds	NIL	587 43
	Rent	NIL	34,362 88
	Bank interest, gross	1,770 68	15,828 17
		405,206 58	5,465,915 09
	<b>FIXED CHARGE COSTS</b>		
	Administrators' fees	NIL	700,000 00
	Administrators' expenses	NIL	7,868 48
	Legal fees	46,377 18	636,026 43
	Other legal fees	NIL	5,069 00
	Agents'/Valuers' fees	NIL	134,341 24
	ARIM agent/management fees	NIL	16,702 89
	Irrecoverable vat	NIL	64,887 78
	Bank charges	NIL	200 00
	Other property costs	NIL	17,505 51
	Insurance of assets	NIL	94,885 00
	Security	NIL	28,207 00
		(46,377 18)	(1,705,693 33)
	<b>FIXED CHARGE CREDITORS</b>		
(17,985,833 79)	Fixed charge creditor	NIL	2,700,000 00
		NIL	(2,700,000 00)
<b>1,249,811.83</b>		<b>358,829.40</b>	<b>1,060,221.76</b>
	<b>REPRESENTED BY</b>		
	Fixed ch VAT rec'able		1,066 74
	Fixed charge current		1,130,964 10
	Fixed charge VAT rec'able		8,190 92
	Fixed charge VAT payable		(80,000 00)
			<b>1,060,221.76</b>

<b>RECEIPTS</b>		£
Brought forward from previous Abstract (if Any)		5,614,244 89
Freehold & leasehold properties		400,000 00
ARIM re insurance contributions		3,435 90
Bank interest, gross		1,770 68
Fixed charge VAT payable		80,000 00
Fixed charge VAT control		563 44
Carried forward to * continuation sheet / next abstract		6,100,014 91
<b>PAYMENTS</b>		£
Brought forward from previous Abstract (if Any)		4,913,415 97
Legal fees		46,377 18
Fixed ch VAT rec'able		1,066 74
Fixed charge VAT rec'able		8,190 92
Carried forward to * continuation sheet / next abstract		4,969,050 81

\* 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



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## **Appendix 3**

### **Analysis of Administrators' time costs**

Rigsby New Homes Poole Limited (in administration)

Time cost analysis 28 August 2012 to 27 February 2013

	Partner / Director	Manager	Administrator	Support	Total hours	Time cost	Average hourly rate
<b>Administration &amp; planning</b>							
General (Cashiering)			5 20		5 20	£990 50	£190 48
Reconciliations (& IPS accounting reviews)		0 10	5 50		5 60	£1,279 00	£228 39
<b>General</b>							
Open cover insurance		0 80			0 80	£292 00	£365 00
<b>Statutory and compliance</b>							
Checklist & reviews		0 55	3 20		3 75	£965 75	£257 53
Reports to debenture holders	7 00	32 00	0 50		39 50	£17,920 00	£453 67
Statutory receipts and payments accounts		0 30			0 30	£103 50	£345 00
Strategy documents	1 00	0 40			1 40	£711 00	£507 86
<b>Tax</b>							
Post appointment corporation tax		1 80			1 80	£657 00	£365 00
Post appointment VAT		11 95	3 60		15 55	£5,320 25	£342 14
<b>Creditors and claims</b>							
General correspondence			0 40		0 40	£100 00	£250 00
Statutory reports		3 10	7 10		10 20	£2,826 00	£277 06
<b>Directors and investigations</b>							
Disqual affidavits and proceedings		5 45	15 60		21 05	£5,570 75	£264 64
<b>Asset Realisation</b>							
Freehold property	23 50	41 55	8 40		73 45	£31,380 25	£427 23
Other assets	1 00				1 00	£565 00	£565 00
<b>Total in period</b>					<b>180 00</b>	<b>£68,681 00</b>	<b>£381 56</b>
Earned forward 8 April 2009 to 27 August 2012					3,172 35	£997,643 25	£314 48
<b>Total time 8 April 2009 to 27 February 2013</b>					<b>3,352 35</b>	<b>1,066,324 25</b>	<b>£318 08</b>

Disbursements.

Transport & travel	£16 00
Telecommunications	£38 89
<b>Total</b>	<b>£55 89</b>

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 above analysis of time spent. The cost of staff employed in central administration functions is not charged directly to the assignment but is reflected in the general level of charge out rates.



## Appendix 4

### Schedule of rates of charging

	1 April 2009 to 30 September 2010	1 October 2010 to 30 September 2012	1 October 2012 to present
Director/Partner	£440 - £515	£460 - £535	£485 - £565
Management	£320 - £405	£345 - £425	£365 - £450
Administrators	£165 - £225	£175 - £240	£185 - £250
Support	£105	£110	£115

#### KPMG Restructuring policy for the recovery of disbursements

Where funds permit the officeholder will look to recover both category 1 and category 2 disbursements from the estate. For the avoidance of doubt, such expenses are defined within SIP 9 as follows:

**Category 1 disbursements** These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the officeholder or his or her staff.

**Category 2 disbursements** These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Any disbursements paid from the estate are disclosed within the attached summary of disbursements.

The only Category 2 disbursements that KPMG Restructuring currently charges is mileage, this is calculated as follows:

Mileage claims fall into three categories:

Use of privately-owned vehicle or car cash alternative – 40p per mile

Use of company car – 60p per mile

Use of partner's car – 60p per mile

For all of the above car types, when carrying passengers employed by KPMG LLP an additional 5p per mile per passenger will also be charged where appropriate.