

TO ALL KNOWN CREDITORS

26 July 2023

Ref: CGJK/TH/BL/D16.4
Direct line: 0113 298 2224
Email: bleach@parthenon.ey.com

Dear Sirs

York House Construction Limited (in Administration) (“the Company”)

I write to inform you that the Administration has now been concluded.

I enclose, for your information, a copy of the final progress report and a copy of the notice of move to dissolution which has been filed at Companies House. The Administrators have now ceased to act and the Company will be dissolved three months after the date on which the notice is registered by Companies House.

Should you have any questions about these documents or any other aspect of the Administration, please contact Ben Leach at this office.

Yours faithfully
for the Company



B Leach
for C G J King
Joint Administrator

Enc: Copy of Form AM23 Notice of move from administration to dissolution
Final progress report

S J Woodward and C G J King are licensed in the United Kingdom to act as an insolvency practitioner by The Institute of Chartered Accountants in England and Wales.

The affairs, business and property of the Company are being managed by the Joint Administrators, S J Woodward and C G J King, who act as agents of the Company only and without personal liability.

The Joint Administrators may act as data controllers of personal data as defined by the UK General Data Protection Regulation (as incorporated in the Data Protection Act 2018), depending upon the specific processing activities undertaken. Ernst & Young LLP and/or the Company may act as a data processor on the instructions of the Joint Administrators. Personal data will be kept secure and processed only for matters relating to the Joint Administrator's appointment. The Office Holder Data Privacy Notice can be found at www.ey.com/uk/officeholderprivacy.

TO ALL KNOWN CREDITORS

26 July 2023

Ref: CGJK/TH/BL/D16.4
Direct line: 0113 298 2224
Email: bleach@parthenon.ey.com

Dear Sirs

York House Construction Limited (in Administration) (“the Company”)

I write to provide you with our final progress report in the Administration, which includes details of the outcome. The report covers the period from 25 May 2023 to 26 July 2023 and should be read in conjunction with our previous reports and the Joint Administrators’ proposals. Statutory information about the Company, the Administration and the office holders is given at Appendix 1.

Summary of the Joint Administrators’ proposals dated 14 January 2009 (“the Proposals”)

As set out in the Proposals, the purpose of an administration is to achieve one of three objectives:

- a. To rescue the company as a going concern
- b. To achieve a better result for the company’s creditors as a whole than would be likely if the company were wound up (without first being in administration)
- c. To realise property in order to make a distribution to one or more secured or preferential creditors

Insolvency legislation provides that objective (a) should be pursued unless it is not reasonably practicable to do so or if objective (b) would achieve a better result for the company’s creditors as a whole. Objective (c) may only be pursued if it is not reasonably practicable to achieve either objective (a) or (b) and can be pursued without unnecessarily harming the interests of the creditors of the company as a whole.

It was not deemed possible to achieve objective (a) for the following reasons:

- ▶ There was uncertainty as to the ultimate realisable value of the debts and the time required to do so;
- ▶ Both the Bank and the shareholders were unwilling or unable to advance any further funds and there was no alternative funding available; and
- ▶ The event of Administration enables employers to determine contracts depriving the business of its workflow.

Accordingly, the Joint Administrators pursued objective (b), to achieve a better result for the company’s creditors as a whole than would be likely if the company were would up (without first being in administration).

Summary of steps taken during the Administration

As previously advised, the primary objective of the Administration was to realise value from the Company's contract debts and other assets.

Matters relating to work undertaken and outcome of the realisation of contract debts and other Company assets are set out in our previous progress reports.

Since our previous report dated 7 June 2023, we have collected a VAT reclaim and submitted a final VAT reclaim to HMRC totalling £7,151.57. This receivable amount has been assigned to Ernst & Young LLP via a deed of assignment to settle the outstanding balance due on Administrators' fees which remain outstanding and due to Ernst & Young LLP. This is reflected in the receipts and payments account at Appendix 2.

Distributions to creditors

Secured creditor

As previously reported, at the date of the Joint Administrators' appointment, the Bank's indebtedness totalled £1,176,000, which was subject to accruing interest and charges. The Bank's indebtedness was guaranteed by a subsidiary of the Company, YHC Developments Limited ("YHC") (in Creditors' Voluntary Liquidation).

The Company distributed £1,175,000 to the Bank under its fixed and floating charges in three instalments, being June 2009, June 2013, and March 2019.

As no future realisations were expected in the Company to enable any future distributions, the Bank made a demand under its guarantee from YHC. Consequently, a distribution was made from YHC in full and final settlement of its outstanding balance (including accrued interest and charged) owed to the Bank of c.£143k.

Preferential creditors

Preferential creditor claims of £190,583 have been paid in full across three instalments, being September 2009, October 2009 and March 2011.

Non-preferential creditors

A first and final dividend of 1.65 pence in the £ was paid to the Company's unsecured, non-preferential creditors in March 2023.

A sum of £127,028 has been paid to unsecured creditors by virtue of the application of section 176A of the Insolvency Act 1986 (the Prescribed Part).

Notice of no further dividend

In accordance with Rule 14.37(2) of the Insolvency (England and Wales) Rules 2016, I give notice that we are unable to declare any further dividend to preferential or non-preferential creditors because the funds realised have already been distributed to creditors or used for paying the expenses of the Administration.

Receipts and payments account

I enclose a receipts and payments account for the period from 25 May 2023 to 26 July 2023.

Investigations

We have undertaken investigations into the Company's affairs, in accordance with Statement of Insolvency Practice 2 (investigations by Office Holders), and the Company Directors Disqualification Act 1986 with the required statutory returns made to the Insolvency Services.

No third-party funding has been provided for any investigations and no further investigations are ongoing.

Joint Administrators' remuneration

The statutory provisions relating to remuneration are set out in Part 18 of the Insolvency (England and Wales) Rules 2016. Further information is given in the Association of Business Recovery Professionals' publication 'A Creditors' Guide to Administrators' Fees' a copy of which may be accessed from the web site of the Institute of Chartered Accountants in England and Wales at <https://www.icaew.com/en/technical/insolvency/creditors-guides> or is available in hard copy upon written request to me.

In certain circumstances, creditors are entitled to request further information about our remuneration or expenses, or to apply to court if they consider the costs to be excessive (Rules 18.9 and 18.34 of the Insolvency (England and Wales) Rules 2016). Further information is provided in 'A Creditors' Guide to Administrators' Fees' referred to above.

Our remuneration was fixed on a time-cost basis by a resolution of the creditors passed on 4 February 2009.

During the period covered by this report, the Joint Administrators have incurred time costs totalling £12,915, bringing total time costs incurred in the Administration to £1,035,006. Fees of £238,450 have been drawn in respect of these time costs. The balance of the fees that have not been drawn will be written off.

An analysis of the time spent is attached as Appendix 4 to this report.

Joint Administrators' statement of expenses incurred

During the period covered by this report, the Administrators have incurred expenses totalling £36,035 plus VAT. There is a breakdown of expenses incurred in the period and to date at Appendix 3 to this report.

Pre-administration costs

The Proposals dated 14 January 2009 included a statement of pre-administration costs, which included £138,289 plus VAT which was outstanding at the date on which the Company entered administration. On 4 February 2009, payment of the unpaid costs was approved by a resolution of the creditors.

The outcome of the Administration

In accordance with the terms of the Proposals, as there are no further assets to be realised or distributions to be made, the Company will move from administration to dissolution.

The Administration will come to an end on the date on which the notice is registered by Companies House and the Company will be deemed to be dissolved three months later.

Should you have any remaining questions about the Administration, please do not hesitate to contact Ben Leach at this office.

Yours faithfully
for the Company



C G J King
Joint Administrator

Enc: Copy of Form AM23

S J Woodward and C G J King are licensed in the United Kingdom to act as an insolvency practitioner by The Institute of Chartered Accountants in England and Wales.

The affairs, business and property of the Company are being managed by the Joint Administrators, S J Woodward and C G J King, who act as agents of the Company only and without personal liability.

The Joint Administrators may act as data controllers of personal data as defined by the UK General Data Protection Regulation (as incorporated in the Data Protection Act 2018), depending upon the specific processing activities undertaken. Ernst & Young LLP and/or the Company may act as a data processor on the instructions of the Joint Administrators. Personal data will be kept secure and processed only for matters relating to the Joint Administrator's appointment. The Office Holder Data Privacy Notice can be found at www.ey.com/uk/officeholderprivacy.

Appendix 1

Information about the proceedings, the company and the office holders, as required by Rule 18.3(1) of the Insolvency (England and Wales) Rules 2016

Name of court:	High Court of Justice, Chancery Division, Leeds District Registry
Court reference:	1862 of 2008
Registered name of the Company:	York House Construction Limited (in Administration)
Registered office address of the Company:	c/o Ernst & Young LLP 1 Bridgewater Place Water Lane Leeds LS11 5QR
Registered number:	03359049
Country of incorporation (for a Company incorporated outside the United Kingdom):	N/A
Date of appointment of the Joint Administrators:	26 November 2008
Details of any changes of Administrator:	In accordance with a Court Order dated 27 June 2022 ("the Order"), Robert Hunter Kelly was replaced by Samuel James Woodward
Full names of the Joint Administrators:	Samuel James Woodward and Charles Graham John King
Office holder number(s):	12030 and 8985
Administrators' address(es):	Ernst & Young LLP 1 Bridgewater Place Water Lane Leeds, LS11 5QR
Telephone number:	0113 298 2224
Name of alternative person to contact with enquiries about the case:	Ben Leach

York House Construction Limited (in Administration)

Joint Administrators' Abstract of Receipts and Payments from 25 May 2023 to 26 July 2023

<i>Estimated to realise as per Statement of Affairs</i>	<i>Period to 25 May 2023</i>	<i>Period from 25 May 2023 to 26 July 2023</i>	<i>Total</i>
£	£	£	
Receipts			
700,000	534,660	-	534,660
261,422	11,987	-	11,987
337,430	353,243	-	353,243
4,542,935	1,249,237	-	1,249,237
80,000	104,694	-	104,694
-	23,175	-	23,175
-	165	-	165
-	39,664	-	39,664
5,921,787	2,316,827	-	2,316,827
Payments			
	20,626	-	20,626
	386	231	617
	94,521	-	94,521
	39,988	-	39,988
	107,277	-	107,277
	230,957	-	230,957
	207,000	31,450	238,450
	29,771	1,311	31,082
	15,862	-	15,862
	6,828	-	6,828
	4,000	-	4,000
	7,661	-	7,661
	1,564	-	1,564
	345	-	345
	12,658	2,997	15,655
	1,914	-	1,914
	69	46	116
	775	-	775
	5,979	-	5,979
	788,180	36,035	824,215
	1,528,647	(36,035)	1,492,611
Distributions			
	127,028	-	127,028
	190,583	-	190,583
	1,175,000	-	1,175,000
	1,365,583	127,028	1,492,611
Funds in hand			
	28,406	(28,406)	-
	7,629	(478)	7,152
	36,035	(28,884)	7,152

Notes

- Receipts and payments are stated net of VAT.
- The receipts and payments account has been prepared on a cash basis and does not reflect future estimate receipts and payments.

3. The amount paid to unsecured creditors by virtue of the application of section 176A, Insolvency Act 1986 (the prescribed part) was £127,028.
4. The Net VAT receivable balance of £7,152 relates to the Company's final VAT reclaim, which has been assigned to Ernst & Young LLP to settle the outstanding balance on the Administrators' fees.
5. Of the total due to Ernst & Young LLP in relation to the final Administrators' fees, being £37,740 (£31,450 plus VAT), only £30,588.43 has been settled to date. The outstanding balance of £7,152, will be settled upon receipt of the assigned VAT receivable balance noted at point 4. above.

York House Construction Limited (in Administration)

Summary of Joint Administrators' expenses incurred

	Paid as at 25 May 2023	Paid in Period	Outstanding	Total to 26 July 2023
<u>Payments made from the estate which are not disbursements (see note 1 and 2 at the end of this table)</u>				
Wages & salaries	20,626	-	-	20,626
Bank charges	386	231	-	617
Consultancy fees	94,521	-	-	94,521
Rent	39,988	-	-	39,988
Agents fees	107,277	-	-	107,277
Legal fees	230,957	-	-	230,957
Administrators Fees	207,000	31,450	-	238,450
Administrators Disbursements	29,771	1,311	987	32,068
ATE insurance costs	15,862	-	-	15,862
Insurance	6,828	-	-	6,828
Retention of title settlements	4,000	-	-	4,000
Stationery and postage	7,661	-	-	7,661
Utilities	1,564	-	-	1,564
Mileage charges	345	-	-	345
Storage charges	12,658	2,997	-	15,655
Specific bond and public notices	1,914	-	-	1,914
Sundry expenses	69	46	-	116
Property expenses	775	-	-	775
Corporation Tax	5,979	-	-	5,979
Total	788,180	36,035	987	825,202
<u>Category 1 disbursements</u>				
Postage	16,168	500	982	17,649
Photocopying	11,356	811	-	12,167
Courier	169	-	-	169
Sustenance	94	-	-	94
Taxi Fares	58	-	-	58
<u>Category 2 disbursements</u>				
Mileage	1,926	-	5	1,931
Total	29,771	1,311	987	32,068

Notes

- Statement of Insolvency Practice No.9 defines expenses as any payments from the insolvency estate which are neither an office holder's remuneration or a distribution to a creditor or member.
- Expenses are divided into those that do not need approval before they are charged to the estate (Category 1) and those that do require prior approval (Category 2):
 - Category 1 expenses are payments to persons providing the service to which the expense relates who are not an associate of the office holder
 - Category 2 expenses are payments to associates or which have an element of shared costs.
- Expenses also include disbursements. Disbursements are payments which are first met by the office holder and then reimbursed to the office holder from the estate. Disbursements fall into either Category 1 or Category 2
- The balance of the disbursements that are outstanding will be written off

York House Construction Limited (in Administration)

Joint Administrators' time costs for the period from 25 May 2023 to 26 July 2023

	Staff Grade						Total Hours	Time Cost (£)	Average Hourly Rate (£)
	Partner	Director	Senior Manager	Manager	Executive	Analyst			
Accounting & Administration	0.8	-	-	2.2	0.5	-	3.5	2,530	723
Bank & Statutory Reporting	1.0	-	4.0	0.9	-	-	5.9	5,204	882
Creditors	-	-	-	-	-	-	-	-	-
Creditors (Mandatory)	-	-	-	-	0.6	-	0.6	189	315
Employee Matters	0.4	-	-	-	-	-	0.4	460	1,150
Out of scope	-	-	-	-	-	-	-	-	-
VAT & Taxation	-	-	-	-	3.5	-	3.5	1,103	315
Prescribed Part	-	-	-	-	-	-	-	-	-
Total Hours	2.2	-	4.0	3.1	11.6	-	20.9		
Time Costs (£)	2,530	-	3,460	2,046	4,879	-		12,915	
Average Hourly Rate (£)	1,150	-	865	660	421	-		618	

Joint Administrators' time costs for the period from 26 May 2008 to 26 July 2023

	Staff Grade						Total Hours	Time Cost (£)	Average Hourly Rate (£)
	Partner	Director	Senior Manager	Senior Executive	Executive	Analyst			
Accounting & Administration	0.8	4.7	2.2	46.0	121.0	252.2	426.9	96,993	227
Bank & Statutory Reporting	3.0	67.8	56.3	55.5	137.9	151.5	472.0	146,125	310
Creditors	2.0	21.9	45.7	14.2	260.4	448.1	792.3	187,766	237
Creditors (Mandatory)	0.5	-	-	-	40.4	41.5	82.4	23,001	279
Debtors	1.0	107.7	231.7	28.0	153.0	66.7	588.1	192,418	327
Employee Matters	0.4	6.3	-	3.0	88.9	40.5	139.1	29,248	210
General	10.4	14.5	7.4	3.1	16.6	51.6	103.6	26,370	255
Immediate Tasks	-	4.5	-	-	-	45.4	49.9	6,689	134
Investigation & CDDA	4.0	5.3	1.9	-	50.1	13.0	74.3	16,372	220
Legal Issues	-	17.7	1.5	23.5	24.0	-	66.7	25,195	378
Other Assets	-	2.0	4.0	1.3	7.5	29.0	43.8	8,981	205
Other Matters	-	5.0	8.6	30.5	36.8	38.0	118.9	32,505	273
Out of scope	-	3.3	-	0.3	-	4.4	8.0	4,115	514
Property	-	5.5	3.3	4.0	4.6	47.0	64.4	11,588	180
Retention of Title	-	6.9	1.6	-	8.1	54.3	70.9	11,368	160
Statutory Duties	-	13.3	14.6	31.5	71.0	50.8	181.2	54,589	301
VAT & Taxation	0.4	4.4	18.6	19.5	110.9	185.1	338.9	91,331	269
Prescribed Part	8.0	31.6	6.0	6.0	-	89.2	140.8	69,366	493
Decision Analytics	-	-	-	1.0	-	2.0	3.0	990	330
Total Hours	30.5	322.4	403.4	267.4	1,131.2	1,610.3	3,765.2		
Time Costs (£)	24,689	190,247	175,709	117,500	274,155	257,200		1,035,006	
Average Hourly Rate (£)	809	590	436	439	242	160			

Summary of work

The Joint Administrators have incurred time costs in dealing with, inter alia, the following matters:

- ▶ **Accounting and Administration** – includes general administrative duties, such as cashiering, filing, as well as maintaining the Joint Administrators' accounting records.
- ▶ **Bank & Statutory Reporting** – includes statutory reporting to all classes of creditors. Reports include the Joint Administrators' Proposals to creditors, six monthly progress reports and filings of documents at Companies House.

- ▶ **Creditors and Creditors (Mandatory)** – relates to correspondence with creditors and answering specific creditor queries.
- ▶ **Debtors** – relates to time spent in collecting contract debts from completed contracts, as well as from the ten contracts which were live at the date of our Appointment.
- ▶ **Employee Matters** – relates to time spent liaising with the RPS regarding employee claims, receiving and adjudication employee claims.
- ▶ **General** – relates to time spent dealing with Administration matters that falls outside the activities otherwise specified.
- ▶ **Immediate Tasks** – relates to carrying out on appointment tasks and duties such as speaking with the Company directors, issuing correspondence notifying appointment, collating information and carrying out other initial activities.
- ▶ **Investigation & CDDA** – carrying out all investigations required by Statement of Insolvency Practice No.2 and Company Directors Disqualification Act 1986 and filing returns.
- ▶ **Legal Issues** – relates to general legal advice during the Administration.
- ▶ **Other Assets** – time spent in realising other assets of the Company for the benefit of the insolvent estate
- ▶ **Other Matters** – relates to time spent on matters arising from the Administration.
- ▶ **Out of Scope** – relates to time spent dealing with Administration matters that falls outside the activities otherwise specified.
- ▶ **Property** – relates to time spend in marketing and selling the commercial property in Ripon and collecting rental income prior to the sale.
- ▶ **Retention of Title** – relates to time spent identifying and dealing with retention of title creditors.
- ▶ **Statutory Duties** – time spent in complying with statutory matters.
- ▶ **VAT & Taxation** – investigating the Company's VAT and corporation tax position up to the date of appointment, preparation and submission of VAT and corporation tax returns for the post appointment period.
- ▶ **Prescribed Part** – relates to time spent in distributing the Prescribed Part, including receiving and adjudicating unsecured creditor claims.
- ▶ **Decision Analytics** – relates to the use of EY data analytics tools that have been utilised for the purpose of dealing with Administration matters.

AM23

Notice of move from administration to dissolution



For further information, please refer to our guidance at www.gov.uk/companieshouse

1 Company details

Company number

Company name in full

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

2 Court details

Court name

Court number

3 Administrator's name

Full forename(s)

Surname

4 Administrator's address

Building name/number

Street

Post town

County/Region

Postcode

Country

AM23

Notice of move from administration to dissolution

5 Administrator's name ①

Full forename(s)

Surname

① Other administrator

Use this section to tell us about another administrator.

6 Administrator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other administrator

Use this section to tell us about another administrator.

7 Final progress report

I have attached a copy of the final progress report

8 Sign and date

Administrator's signature

Signature

X



X

Signature date

d

d

m

m

y

y

y

y

AM23

Notice of move from administration to dissolution



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

Company name

Address

Post town

County/Region

Postcode

Country

DX

Telephone



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