Rule 2.33

Form 2.17B

# 2.17B

The Insolvency Act 1986

## Statement of administrator's proposals

| Name of Company | Company number |
|---|---|
| Flynn Holdings Limited | 04336125 |

| In the | Court case number |
|---|---|
| Birmingham District Registry, Chancery Division (full name of court) | 8338 of 2014 |

(a) Insert full name(s) and address(es) of administrator(s)

I/We (a)

Christopher James Farrington
Deloitte LLP
1 Wood Borough Road
Nottingham
NG1 3FG

Dominic Lee Zoong Wong
Deloitte LLP
Four Brindleyplace
Birmingham
B1 2HZ

*Delete as applicable

attach a copy of *my/our proposals in respect of the administration of the above company

A copy of these proposals was sent to all known creditors on

(b) 15 October 2014

Signed ______________________
Joint / Administrator(s)

Dated 14/10/14

**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 researchers of the public record

Dominic Criscione
Deloitte LLP
Four Brindleyplace
Birmingham
B1 2HZ

0121 632 6000

DX Number

DX Exchange

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**

Flynn Holdings Limited Court Case No. 8338 of 2014

- In Administration ("the Company")

# JOINT ADMINISTRATORS' STATEMENT OF PROPOSALS PURSUANT TO PARAGRAPH 49 OF SCHEDULE B1 OF THE INSOLVENCY ACT 1986 (AS AMENDED) FOR THE PERIOD TO 15 OCTOBER 2014

15 October 2014

Christopher James Farrington and Dominic Lee Zoong Wong
Joint Administrators of the Company - In Administration
Deloitte LLP
1 Woodborough Road
Nottingham
NG1 3FG

**Christopher James Farrington and Dominic Lee Zoong Wong were appointed Joint Administrators of Flynn Holdings Limited on 26 August 2014 The affairs, business and property of the Company are managed by the Joint Administrators The Joint Administrators act as agents of the Company and contract without personal liability.**

Disclaimer Notice

- This Statement of Proposals ("Proposal" or "Proposals") has been prepared by Christopher James Farrington and Dominic Lee Zoong Wong, the Joint Administrators of Flynn Holdings Limited solely to comply with their statutory duty under Paragraph 49, Schedule B1 of the Insolvency Act 1986 (as amended) to lay before creditors a statement of their proposals for achieving the purposes of the Administrations, 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 Proposal 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 any Company listed above

  Any estimated outcomes for creditors included in this Proposal 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 Proposal for any purpose or in any context other than under Paragraph 49 Schedule B1 of the Insolvency Act 1986 (as amended) does so at their own risk To the fullest extent permitted by law the Administrators do not assume any responsibility and will not accept any liability in respect of this Proposal
- The Joint Administrators act as agents for Flynn Holdings Limited and contract without personal liability The appointments of the Joint Administrators are personal to them and to the fullest extent permitted by law, Deloitte LLP does not assume any responsibility and will not accept any liability to any person in respect of this Proposal or the conduct of the Administrations
- All licensed Insolvency Practitioners of Deloitte LLP are licensed in the UK to act as Insolvency Practitioners

CONTENTS PAGE



Appendices

## ABBREVIATIONS AND GLOSSARY OF TERMS

For the purpose of this report the following abbreviations shall be used

| | |
|---|---|
| "the Act" | Insolvency Act 1986 (as amended) |
| "the Rules" | Insolvency Rules 1986 and the Insolvency (Amendment) Rules 2010 |
| "the Administrators" | The Joint Administrators, Christopher James Farrington and Dominic Lee Zoong Wong of Deloitte LLP |
| "Deloitte" | Deloitte LLP |
| "Flynn" | Flynn Holdings Limited |
| "the Bank" / "Secured Creditor" | HSBC Bank plc |
| "the Company" | Flynn Holdings Limited (in Administration) |
| "the Court" | The High Court of Justice, Chancery Division, Birmingham District Registry |
| "ES" | ES (Group) Limited |
| "Nelsons" | Nelsons Solicitors Limited |
| "RPO" | The Redundancy Payments Office |
| Secured Creditor | A secured creditor has fixed and/or floating charge debenture security across part/all of the Company and as such is entitled to be paid out of the net realisations in priority to other creditors<br><br>However, where the security is by way of a floating charge, this priority is subject to payment of preferential creditors in full, and, should any funds still remain, a reserve for distribution to unsecured creditors (subject to a maximum fund of £600,000) must be set aside under the PP provisions before any return out of net realisations to a secured creditor under the floating charge |
| Floating Charge Realisations | Monies realised from sale/disposal of assets pledged to a secured creditor under a debenture secured by a floating charge |
| Preferential Creditor | A preferential creditor has a right to be paid in priority to unsecured creditors out of net floating charge realisations, before the PP and before payment to the secured floating charge holder Such creditors are generally employees in relation to specific wage arrears, holiday pay and certain pension contributions |
| "PP" | This is a fund for unsecured creditors, to be set aside out of a Company's Net Property, known as the Prescribed Part of the Company's Net Property, and as provided for under Section 176A of the Insolvency Act 1986 (as amended) |
| Net Property | Net property is the amount remaining from net floating charge realisations after payment of preferential claims but before any distribution to the secured floating charge holder |
| Calculation of the PP | The amount of the fund set aside for unsecured creditors is calculated as 50% of Net Property up to £10,000, plus, 20% of Net Property thereafter up to a maximum fund of £600,000 |
| Unsecured Creditor | An unsecured creditor ranks behind secured and preferential creditors An unsecured creditor is able to participate in any PP distribution and in the distribution of any surplus funds after payment of expenses and prior claims (secured and preferential) |

| | |
|---|---|
| Purposes of an Administration | The purpose of an Administration under The Enterprise Act 2002 is split into three parts |

1 To rescue a company as a going concern (in other words a restructuring which keeps the actual entity intact)

2 If the first purpose is not reasonably practicable (or the second purpose would clearly be better for the creditors as a whole), then the Administrators must perform their functions with the objective of achieving a better result for creditors as a whole than would be obtained through an immediate liquidation of the company This would normally envisage a sale of the business and assets as a going concern (or a more orderly sales process than in liquidation)

3 If neither of the first two parts of the purpose are reasonably practicable, the Administrators must perform their functions with the objective of realising property in order to make a distribution to secured and/or preferential creditors as applicable

| | |
|---|---|
| "SIP2 (E&W)" | Statement of Insolvency Practice 2 (England & Wales) |
| "SIP9 (E&W)" | Statement of Insolvency Practice 9 (England & Wales) |
| "SIP13 (E&W)" | Statement of Insolvency Practice 13 (England & Wales) |

## 1. INTRODUCTION AND EXECUTIVE SUMMARY

### 1.1. Introduction

This report is prepared pursuant to Paragraph 49 of Schedule B1 of the Act, which requires the Administrators to provide creditors with details of their proposals to achieve the purposes of the Administration

To assist the creditors and enable them to decide on whether or not to vote for the adoption of the proposals, the following information is included in the report

- background of the Company, and
- the circumstances giving rise to the appointment of the Administrators

### 1 2. Executive Summary

The information provided below is provided on the basis of information currently available and is subject to variation We will keep you informed through the statutory reporting process of any material variances

| | |
|---|---|
| Purpose of the Administration | Realisation of assets in order to make a distribution to secured and/or preferential/unsecured creditors as applicable |
| Approval of Proposals | In accordance with Rule 2 48 of the Act and in order to minimise the costs of the Administration we are seeking to obtain approval of the Administrators' proposals and associated resolutions by correspondence rather than by convening a physical meeting |
| Trading | The Company ceased trading on 3 September 2014 |
| Timing | Dependent on asset realisations, we anticipate the Administration will not exceed 12 months |
| Costs | Time costs incurred to date total £68,326.25 |
| Outcomes | On present information we anticipate sufficient realisations to enable payment in full of secured and preferential claims and a distribution for unsecured creditors |

## 2. BACKGROUND

The Company was established in 2001 and carried on business from a freehold site near Nottingham as a garden centre selling plants and fancy goods combined with an aquatic centre selling live fish (tropical and cold water varieties) The Company's sole director is Mr G R Stephenson who holds a 75% shareholding in the Company with the remaining 25% being held by Mr P A Stephenson

### 2.1. Overview of Financial Information

Extracts from the Company's unaudited statutory accounts for the periods to 29 February 2011, 29 February 2012 and 31 January 2013 are below The statutory accounts do not include a profit and loss account No accounts are available for the period from 1 February 2013

**Summary Balance Sheet**

| | Statutory Accounts for period 1 March 2012 to 31 January 2013 £ | Statutory Accounts for year to 29 February 2012 £ | Statutory Accounts for year to 29 February 2011 £ |
|---|---|---|---|
| Tangible assets | 200,086 | 200,086 | 200,086 |
| Fixed assets | 200,086 | 200,086 | 200,086 |
| Current Assets | | | |
| Debtors | 1,630 | 42 | 0 |
| Cash at bank | 6,722 | 4,184 | 9,761 |
| Stocks | 45,910 | 21,614 | 19,860 |
| | 54,262 | 25,840 | 29,621 |
| Liabilities | | | |
| Creditors amounts falling due within one year | (131,592) | (116,052) | (101,389) |
| Net current liabilities | (77,330) | (90,212) | (71,768) |
| Total Assets less current liabilities | 122,756 | 109,874 | 128,318 |
| Creditors Amounts falling due after more than one month | (163,823) | (175,127) | (194,684) |
| Net Liabilities | (41,067) | (65,253) | (66,366) |

*Source Unaudited Statutory Accounts*

Please note that this information has not been verified by the Administrators or by Deloitte

## 2.2. Management and Employees

As at 26 August 2014 the Company employed nine staff including the director, all of whom were made redundant when the Company ceased trading on 3 September 2014

Statutory information on the Company, including details of the Director and Company Secretary, bankers & shareholders is provided at Appendix 1

## 3. THE CIRCUMSTANCES GIVING RISE TO THE APPOINTMENT OF THE JOINT ADMINISTRATORS

### 3.1. Events prior to the Administration

As detailed above, the Company was established in 2001 and carried on business from a freehold site near Nottingham as a garden centre selling plants and fancy goods combined with an aquatic centre selling live fish (tropical and cold water varieties) and a cafe

In recent years the Company has been unable to generate sufficient cash to pay arrears of crown debt Following a demand for payment from HMRC with the threat of a winding up petition, the Director decided to place the Company into Administration with a Notice of Appointment of Administrators being filed in Court by the Director on 20 August 2014

### 3.2. Details of the Appointment of the Joint Administrators

Christopher James Farrington and Dominic Lee Zoong Wong of Deloitte were appointed Joint Administrators of the Company by Mr G R Stephenson, acting in his capacity as Director and on behalf of the Company, on 26 August 2014, following the filing of a Notice of Appointment of Administrators by the Company

The Court having conduct of the proceedings is the High Court of Justice, Chancery Division, Birmingham District Registry (case number 8338 of 2014)

For the purposes of Paragraph 100(2) of Schedule B1 of the Act the Administrators confirm that they are authorised to carry out all functions, duties and powers by either of them jointly or severally

### 3.3 Purpose of the Administration

Upon entering Administration the Company had significant secured and unsecured creditor liabilities and therefore, a restructuring of these creditors would have been required to meet the first objective Furthermore, the Company had significant arrears of Crown debt and the threat of a winding up petition form HMRC, and the Administrators concluded that the first option was not possible to achieve

Accordingly, the purpose of the Administration was to achieve a better result for creditors as a whole than would be obtained through an immediate liquidation of the Company

### 3.4. Electronic communication with creditors

In an effort to reduce the costs of the Administration, all communications with creditors, including updates and progress reports, will be posted onto a website, which has been set up specifically for this purpose The web address is **www.deloitte.com/uk/flynnholdings.**

A letter will be issued to all creditors each time the website is updated with a statutory notice or report All creditors' statutory notices will be retained on the website until its closure three months from the Administration being brought to a close

**Please therefore ensure that you review the website regularly for updates and further notices and reports.**

## 4. THE MANNER IN WHICH THE AFFAIRS OF THE COMPANY HAVE BEEN MANAGED AND FINANCED AND WILL CONTINUE TO BE MANAGED AND FINANCED IF THE JOINT ADMINISTRATORS' PROPOSALS ARE APPROVED

### 4.1. Introduction

**Trading**

Following an initial assessment of the Company's financial position and preparation of cash flow and profit forecasts for the ongoing business, the Administrators concluded to allow the Company to continue to trade in the short term to realise the stock and seek a purchaser of the business The nature of the Company's stock required that the plants were watered and the fish were fed and tended accordingly It was the Administrators' belief, supported by our professional agents' valuation, that this would achieve a better result for creditors than an immediate winding up of the Company A summary trading account is set out in Appendix 2

Unfortunately, the Company was unable to trade normally within the constraints of an Administration process in particular due to concerns raised by our insurers over certain aspects of the safety of the premises, and consequently, trading ceased on 3 September 2014 and all employees were made redundant An extensive sales process was undertaken by ES with approx 400 parties being contacted No offers were received for the whole of the business and assets and therefore, ES sought to realise the remaining stock via auction The residual stock and some limited chattel were subsequently sold post cessation of trading

### 4.2. Post Appointment Strategy

**Trading**

As outlined in Section 4 1, a sale of the business as a going concern was not possible and trading ceased on 3 September 2014, members of the Administrators' staff attended the premises, closed them and all employees were made redundant The major trade creditors holding valid retention of title claims removed their stock whilst being supervised by the Administrators' agents The remaining unencumbered stock and other chattel assets were advertised by our agents for sale via an auction The Administrators have provided the employees with necessary assistance to enable them to claim their entitlements in terms of arrears of pay, holiday pay, redundancy and pay in lieu of notice

A trading surplus of £8,306 was achieved

**Freehold property**

The Company traded from freehold premises at Bulcote, Nottingham which comprise approximately 2 5 acres of land

Agents, ES Group Limited, have been instructed to value the site, advise the Joint Administrators in relation to a proposed marketing strategy and instructed to place the property on the open market for sale

The valuation placed on the property by ES is commercially sensitive as its disclosure could potentially prejudice the value achieved in any future sale and, therefore, it is being withheld at this time

In accordance with our insurers' requirements, appropriate security measures have been put in place to protect the property

The Administrators' staff are in the process of collating creditors' claims and have handled a number of creditor and customer queries as they have arisen These principally relate to telephone calls and correspondence concerning retention of title claims

The Administrators' solicitors, Nelsons, have been assisting the Administrators with post-appointment matters where necessary, particularly in relation to the retention of title claims

## 5. DIRECTORS' STATEMENT OF AFFAIRS

### 5.1 Introduction

In accordance with Paragraph 47(1) of Schedule B1 of the Act the Director has provided to the Administrators a Statement of Affairs for the Company as at 26 August 2014, a copy of which is attached at Appendix 3 It has been filed at Companies House

The Administrators make the following comments in relation to the statement of affairs

- it makes no provision for the cost of realisation or Administration (including agents, legal and other professional fees),
- pursuant to Rule 2 30(1) the estimated to realise figure attributable to the freehold land and buildings has not been disclosed because the Administrators think that to do so would prejudice the financial outcome of the Administration, and
- no adjustment has been made to unsecured trade creditor balances to reflect the value of stock returned under the retention of title claims

There are a number of different classes of creditors within the Company These include

- **Secured creditors** HSBC Bank plc holds fixed and floating charge debenture security over the assets of the Company and as such is paid in priority to other creditors The Bank has recently provided the necessary security documents for Nelsons to complete their review and advise us regarding the validity

- **Preferential creditors** This relates to employees' accrued holiday pay and is paid in priority to unsecured creditors out of net floating charge realisations before the PP and before payment to the secured floating chargeholder

- **Unsecured creditors** These rank behind secured and preferential creditors and receive any surplus available from net realisations

### 5.2. Secured creditors

The Company's debt owed to the Bank at appointment was £102,392 08 The Bank holds debenture security and various legal charges

On present estimates it is anticipated that the Secured Creditor will be paid in full

### 5.3. Preferential Creditors

Only preferential claims are anticipated in respect of holiday pay All wages arrears were paid during the Administration process as an expense of the Administration

### 5.4. The Prescribed Part

The Secured Creditor is likely to be paid in full from the realisation of fixed charge assets and therefore the PP provisions will not apply

## 5.5. Unsecured Claims

As summarised in Section 5 1, in accordance with Paragraph 47(1) of Schedule B1 of the Act the Director has provided to the Administrators a Statement of Affairs for the Company as at 26 August 2014, a copy of which is attached at Appendix 3 The most recent accounting information available for the Company is summarised at section 2 1

A Proof of Debt form is attached at Appendix 9

After discharging the costs of the Administration, it is anticipated that realisations from assets will be sufficient to fully repay the Bank It is also anticipated that a dividend to the unsecured creditors of the Company will be paid although it is not possible to quantify the likely amount of any dividend at this early stage in the proceedings, as it is largely dependent upon the price achieved for sale of the Company's property

## 5.6. Approval of the Administrators' Proposals

In accordance with Rule 2 48 of the Act and in order to minimise the costs of the Administration we are seeking to obtain approval of the Administrators' proposals and associated resolutions by correspondence rather than convening a physical meeting

In order for creditors to vote on the proposals and the associated resolutions, the following forms must be completed and received by the Administrators by midday on 3 November 2014

1 Form 2 25B - Notice of conduct of business by correspondence (Appendix 7)
2 Claim for Voting Purposes (Appendix 6)

As part of Resolution 5 on Form 2 25B, a creditor can nominate a person to serve on a creditors' committee, if the creditors as a whole resolve to form such a committee

Although the Administrators would encourage as many creditors as possible to vote on the proposals/resolutions, you are not legally required to vote, and by not voting you would not prejudice your claim against the Company or your entitlement to receive any dividend which may be payable to creditors

As the Administrators are seeking to obtain approval of their proposals and associated resolutions by correspondence, we will not be convening, unless requested to do so, a physical meeting of creditors Should creditors of the Company whose total debts amount to at least 10% of the total debts of the Company, wish to request a meeting be held they should complete the attached Form 2 21B (Appendix 8) and return it within the deadline stated

A deposit of £500 towards the costs of convening any such creditors' meeting should be enclosed with the request, in accordance with Rule 2 37(3) of the Rules

## 6 JOINT ADMINISTRATORS' PRE-ADMINISTRATION COSTS

### 6 1 Introduction

A Statement of Pre-Administration costs is provided at Appendix 4

Pre-Administration costs are defined as the remuneration charged and expenses incurred by the Administrators (or other person qualified to act as such) before the company entered into Administration but with a view to its doing so

### 6 2. Approval of costs

Determination of whether and to what extent the unpaid Pre-Administration costs are approved for payment shall be determined by the creditors committee, should one be constituted, or, in the absence of such, by the creditors

The following resolution regarding the basis of the Administrators' Pre-Administration costs is included in the matter being put to the general body of creditors in the attached Notice of Conduct of Business by Correspondence

Resolution That the Administrators' Pre-Administration Costs as detailed at Appendix 4 of the Administrators' Proposals be approved and that the Administrators be authorised to draw their Costs, plus VAT from the Administration estate

## 7. JOINT ADMINISTRATORS' REMUNERATION AND EXPENSES

### 7.1. Introduction

In accordance with Rule 2 106(5) the following resolutions regarding the basis of the Administrators' remuneration are included in the proposals being put to creditors in the attached Notice of Business by Correspondence The resolutions will be for approval of a creditors committee, should one be constituted, or, in the absence of such, by approval of the creditors

| | |
|---|---|
| Resolution | That the Joint Administrators' remuneration be fixed by reference to the time properly given by the Joint Administrators and their staff in attending to matters arising in the Administration, calculated at the prevailing standard hourly charge out rates used by Deloitte at the time when the work is performed (plus VAT), and that the Administrators' expenses be agreed |
| Resolution | That the Joint Administrators' disbursements for mileage be fixed by reference to mileage properly incurred by the Joint Administrators and their staff in attending to matters arising in the Administration, calculated at the prevailing standard mileage rate of up to 45p used by Deloitte at the time when the mileage is incurred (presently up to 45p per mile, plus VAT where applicable) |

The Administrators' time costs incurred to date to which report made up total £68,326 25 which represents 190 hours at an average rate of £359 61, this time is charged in six minute increments These time costs are analysed at Appendix 5, where the work for the Company has been categorised into the following task headings and sub categories

- **Administration and Planning** includes such tasks as case planning and set-up, appointment notification, statutory reporting, compliance, cashiering, accounting and administrative functions

- **Realisation of Assets** includes such tasks as identifying and securing assets, dealing with the sale of business, property issues, activities in relation to other fixed assets, stock, debtors and any related legal issues

- **Investigation** includes such tasks as reporting on the Director's conduct, investigating any antecedent transactions and any other investigations that may be deemed appropriate

- **Trading** includes tasks such as planning, preparation of cash flow and other trading forecasts, strategy, managing day one site visit and corresponding with suppliers and customers

- **Creditors** include such tasks as creditor set up, communication and meetings, reviewing and agreeing preferential and unsecured claims, retention of title issues, corresponding with the Secured Creditor, obtaining advice in relation to security granted to the Bank Also, dealing with trade creditors, dealing with customer creditors and submitting documentation to HM Revenue & Customs

- **Other matters** include employee related issues, VAT and corporation tax issues

The range of charge out rates for the separate categories of staff is based on our charge out rates as summarised below Manager rates include all grades of assistant manager

| Grade | Aug 2014 £ | Sept 2014 Onwards £ |
|---|---|---|
| **Partners/Directors** | 605 to 950 | 615 to 970 |
| **Managers** | 305 to 720 | 310 to 735 |
| **Assistants and Support Staff** | 155 to 305 | 160 to 310 |

The above bands are specific to the Restructuring Services department partners and staff In certain circumstances the use of specialists from other Deloitte departments such as Tax/VAT, Corporate Finance or Deloitte Real Estate may be required on the case These departments may charge rates that fall outside the Restructuring Services department bands quoted above so, where such specialists have performed work on the case, average rates may also fall outside the Restructuring Services department bands

All partners and technical staff (including cashiers) assigned to the case recorded their time spent working on the case on a computerised time recording system Time spent by secretarial staff working on the assignment has not been recorded or recovered The appropriate staff have been assigned to work on each aspect of the case based upon their seniority and experience, having regard to the complexity of the relevant work, the financial value of the assets being realised and/or claims agreed

As at 1 September 2014 charge out rates were subject to an average increase of 2% and are set out in the above table

"A Creditors' Guide to Administrators' Remuneration" is available for download at www deloitte com/uk/sip-9-england-and-wales

Should you require a paper copy, please send your request in writing to the Administrators at the address on the front of this report and this will be provided to you at no cost

## 7.2. Administrators' Disbursements

A summary of the Administrators' expenses which relate to direct expenses such as travel are set out below Please note that the Administrators' expenses for mileage are calculated by reference to mileage properly incurred by the Administrators and their staff in attending to matters arising in the Administration, at the prevailing standard mileage rate used by Deloitte at the time when the mileage is incurred (presently up to 45p per mile) No expenses have been drawn to date

| Nature of expenses | Total Incurred £ | Paid £ | Outstanding £ |
|---|---|---|---|
| Postal Redirection | 350 00 | - | 350 00 |
| Mileage | 203 73 | - | 203 73 |
| Parking | 3 00 | - | 3 00 |
| Company Website | 75 00 | - | 75 00 |
| Electrical Installation report | 184 00 | - | 184 00 |
| **Total** | **815.73** | - | **815.73** |

### 7.3. Other Professional Costs

To advise on appropriate legal matters and to prepare required legal documentation to assist the Director with obtaining the Administration appointment, the Administrators instructed Nelsons, a firm of lawyers with the appropriate expertise and experience in dealing with these types of Administrations All legal fees are based upon their recorded time costs incurred at their standard hourly charge out rates and will be reviewed before being approved for payment

In addition, ES, a firm of agents, were instructed by the Administrators to undertake inventories and valuations of the property, plant and equipment, fixtures and fittings and other chattel assets where appropriate and to provide specialist planning advice in relation to the freehold property

To date no professional fees have been invoiced All professional fees will be reviewed by the Administrators before being approved for payment

### 7.4. Creditors' right to request information

Any secured creditor or, unsecured creditor with the support of at least 5% in value of the unsecured creditors or, with leave of the Court, may, in writing, request the Administrators to provide additional information regarding remuneration or expenses to that already supplied within this document Such requests must be made within 21 days of receipt of this report, in accordance with Rule 2 47(1)(fa) and 2 48A of the Rules

### 7.5. Creditors' right to challenge Remuneration and/or Expenses

Any secured creditor or, unsecured creditor with the support of at least 10% in value of the unsecured creditors or, with leave of the Court, may apply to the Court for one or more orders (in accordance with Rule 2 109(4) of the Rules), challenging the amount or the basis of remuneration which the Administrators are entitled to charge or otherwise challenging some or all of the expenses incurred Such applications must be made within eight weeks of receipt by the applicant(s) of the report detailing the remuneration and/or expenses being complained of, in accordance with Rule 2 109 of the Rules

## 8. OTHER MATTERS AND INFORMATION TO ASSIST CREDITORS

### 8.1. Director's conduct

As part of our statutory duties, the Administrators will consider the conduct of the Director and any person they consider a shadow or de facto director in relation to their management of the affairs of the Company and the causes of failure and will submit a confidential report to the Insolvency Service, a division of the Department for Business, Innovation and Skills

As part of our investigations the Administrators will consider, among other matters, the following

- statutory compliance issues,
- misfeasance or breach of duty, and
- antecedent transactions (including transactions at an under value and preferences)

Creditors who wish to draw any matters to our attention should write to the Administrators at the address given on the front of this report

### 8.2. SIP13 (E&W) – Transactions with connected parties

In accordance with the guidance given in SIP13 (E&W), we confirm that there have been the following transactions with Mr G R Stephenson, a director and connected party during the period of this report

- Sale of residual aquatic centre dry stock and roasted coffee for £550,
- Sale of Christmas stock (decoration and lights) and sundry office equipment for £250, and
- Sale of remaining fish tanks and plants for £100

Our agents, ES, recommended acceptance of the Director's offer for these residual stocks because there were no other interested parties and the items would have been a cost to the Administration to dispose of them ES are currently holding the proceeds from these disposals which will be paid across shortly

We are not currently aware of any transactions with connected parties in the two years prior to our appointment

Should creditors have information regarding any such transactions they should forward details in writing to the Administrators to the address on the front of this report

### 8.3. Exit Routes from Administration

In accordance with the provisions of the Act incorporated by the Enterprise Act 2002, all Administrations automatically come to an end after one year, unless an extension is granted by the Court or with consent of the creditors

There are several exit routes which are available to the Administrators such as,

- an application to Court,
- filing a notice in Court and with the Registrar of Companies confirming that the purpose of Administration has been sufficiently achieved, or
- in the event that the Company has no property remaining to be realised the Administrators may notify the Registrar of Companies to that effect at which time the appointment of the Administrators ceases and three months following that date the company is deemed to be dissolved

In addition the Administrators could propose to place the Company into Creditors' Voluntary Liquidation, a Compulsory Liquidation or a Company Voluntary Arrangement Reference will be made in the resolutions within this report as to the exit route most suitable to the circumstances of the Administration

The exit route chosen in relation to the Company will largely depend on the circumstances of the Administration As a distribution to unsecured creditors is currently envisaged, then it is likely that the Administration will exit via a Creditors' Voluntary Liquidation as this offers the most costs effective route to make such a distribution The choice of the most appropriate exit route will be kept under review by the Administrators

### 8.4. EC Regulations

As stated in the Administration Order in respect of the Company, Council Regulation (EC) No 1346/2000 applies and these are the main proceedings as defined in Article 3(1) of that Regulation

### 8 5. Third Party Assets

Should you believe that you own items that may have been present at the Company's former trading premises at the date of appointment please contact the Administrators as soon as possible

## 9. STATEMENT OF PROPOSALS PURSUANT TO PARAGRAPH 49 OF SCHEDULE B1 OF THE INSOLVENCY ACT 1986 (AS AMENDED)

**Flynn Holdings Limited** **Court Case No. 8338 of 2014**

**In Administration**

The Administrators' proposals are as follows

1 the Administrators continue to manage the affairs and any remaining assets of the Company and the settlement of all Administration expenses,

2 the Administrators continue with their enquiries into the conduct of the Director of the Company and continue to assist any regulatory authorities with their investigation into the affairs of the Company,

3 the Administrators be authorised to agree the claims of the secured, preferential and unsecured creditors against the Company unless the Administrators conclude, in their reasonable opinion, that the Company will have no assets available for distribution,

4 the Administrators be authorised to distribute funds to the secured and preferential creditors as and when claims are agreed and funds permit and, in relation to distributions to unsecured creditors, if the Court gives permission following an appropriate application,

5 that, in the event the creditors of the Company so determine, a Creditors' Committee be appointed in respect of the Company comprising of not more than five and not less than three creditors of the Company,

6 that the Creditors' Committee, if one is appointed, be asked to agree that the basis of the Administrators' remuneration to be fixed by reference to the time properly given by the Administrators and their staff in attending to matters arising in the Administration, calculated at the prevailing standard hourly charge out rates used by Deloitte at the time when the work is performed, plus VAT, and asked to agree the Administrators' expenses,

7 that, if a Creditors' Committee is not appointed that the creditors agree that the basis of the Administrators' remuneration be fixed by reference to the time properly given by the Administrators' and their staff in attending to matters arising in the Administration, calculated at the prevailing standard hourly charge out rates used by Deloitte at the time when the work is performed, plus VAT, and that the Administrators' expenses be agreed,

8 that, if a Creditors' Committee is not appointed that the creditors shall fix, the Administrators' disbursements for mileage to be fixed by reference to mileage properly incurred by the Administrators and their staff in attending to matters arising during the Administration, calculated at the prevailing standard mileage rate used by Deloitte at the time when mileage is incurred (presently up to 45p per mile), plus VAT where applicable and for a website fixed cost of £500 for the set up and maintenance of uploading statutory notifications to creditors to such website for the duration of the engagement, including that of any follow on engagement where appropriate), plus VAT where applicable,

9 that, if a Creditors' Committee is not appointed, the Administrators' Pre Administration Costs and expenses as detailed in Appendix 4 of the Administrators' Proposals be approved And that the Administrators be authorised to draw their costs, and expenses, plus VAT, from the Administration estate,

10 that, following the realisation of assets and resolution of all matters in the Administration, and as quickly and efficiently as is reasonably practicable, the Administrators implement the most cost effective steps formally to conclude the Administration This may include the distribution of funds to unsecured creditors (provided Court permission is obtained) and then the dissolution of the Company or alternatively, seeking to put the Company into Creditors' Voluntary Liquidation ("CVL") or Compulsory Liquidation, depending on which option will result in a better realisation for creditors, and Christopher James Farrington and Dominic Lee Zoong Wong be appointed Joint Liquidators,

11 that, if the Company were to be placed into CVL, the Administrators propose to be appointed Liquidators and any Creditors' Committee appointed will become the Liquidation Committee pursuant to Rule 4 174A of the Rules and that the basis of the Liquidators' remuneration be fixed by reference to the time properly given by the Liquidators' and their staff in attending to matters arising in the Liquidation, calculated at the prevailing standard hourly charge out rates used by Deloitte at the time when the work is performed, plus VAT As per Paragraph 83(7) of Schedule B1 of the Act and Rule 2 117A(2)(b) of the Rules, the creditors may nominate a different person to be Liquidator(s) provided the nomination is made before the proposals are approved by creditors For the purposes of Section 231 of the Act the Liquidators will each be authorised to carry out all functions, duties and powers either jointly or severally, and

12 in the absence of a Creditors' Committee, the creditors of the Company agree that the Administrators be discharged from liability per Paragraph 98 of Schedule B1 of the Act immediately upon the Administrators filing their final report to creditors and vacating office

Yours faithfully
For and on behalf of Flynn Holdings Limited
Christopher James Farrington and Dominic Lee Zoong Wong
Administrators of the Company - In Administration
Deloitte LLP
1 Woodborough Road
Nottingham
NG1 3FG

**Christopher James Farrington and Dominic Lee Zoong Wong were appointed Joint Administrators of Flynn Holdings Limited on 26 August 2014. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company and contract without personal liability.**

**All licensed Insolvency Practitioners of Deloitte are licensed in the UK to act as Insolvency Practitioners.**

**FLYNN HOLDINGS LIMITED (IN ADMINISTRATION)**

**STATUTORY INFORMATION**

| Company Name | Flynn Holdings Limited |
|---|---|
| Proceedings | Flynn Holdings Limited In Administration |
| Court | The High Court of Justice, Chancery Division, Birmingham District Registry |
| Court Reference | 8338 of 2014 |
| Date of Appointment | 26 August 2014 |
| Joint Administrators | Christopher James Farrington and Dominic Lee Zoong Wong<br>Deloitte LLP<br>1 Woodborough Road<br>Nottingham<br>NG1 3FG |
| Registered office Address | c/o Deloitte LLP<br>Four Brindleyplace<br>Birmingham<br>B1 2HZ |
| Company Number | 04336125 |
| Incorporation Date | 7 December 2001 |
| Company Secretary | No information |
| Bankers | HSBC Bank plc, Commercial Recovery Unit, Level 16, HSBC Bank,8 Canada Square,<br>London, E14 5HQ |
| Appointment by | The Company |
| Directors at date of Appointment | Guy Russell Stephenson |
| Director's Shareholdings | 75% |

**Flynn Holdings Limited**
**(In Administration)**
**Joint Administrators' Receipts and Payments Account**
**26 August 2014 to 30 September 2014**

| | | |
|---|---|---|
| **RECEIPTS** | | |
| Trading Surplus | C | 8,306 36 |
| Stock and sundry chattel assets | | 900 00 |
| Cash at bank | A | 5,790 42 |
| | | **14,996.78** |
| **PAYMENTS** | | |
| Professional fees | | 265 00 |
| Advertising | | 84 60 |
| Bank charges | | 0 20 |
| | | **349 80** |
| **Balance in hand** | | **14,646 98** |
| | | **14,996 78** |
| **Made up as follows** | | |
| Bank account | A | 16,419 58 |
| VAT payable | B | (2,742 52) |
| VAT receivable | B | 69 92 |
| Held by ES Group | | 900 00 |
| | | **14,646 98** |

**Notes**

A Cash at bank represents funds held in the Company's bank account on the date of the Administration All funds held by the Administrators are banked in interest bearing accounts

B The Company is registered for VAT and the above receipts and payments are shown net of VAT

C Trading account for the period 26 August 2014 to 3 September 2014

**FINAL TRADING ACCOUNT**

| | Notes | £ |
|---|---|---|
| **RECEIPTS** | | |
| Sales | | 13,712 62 |
| | | **13,712.62** |
| **PAYMENTS** | | |
| Wages | | 5,229 49 |
| Sundry Payments | | 176 77 |
| | | **5,406.26** |
| **Trading Surplus / (Deficit)** | | **8,306.36** |

D Should any creditor wish to request information or challenge remuneration and/or expenses please see section 7 4 and 7 5 of the report

E The statement of affairs has not been provided as its disclosure could potentially prejudice the value achieved in any future sale

## DIRECTORS' STATEMENT OF AFFAIRS

Rule 2 29 Form 2 14B

# Statement of affairs

| Name of Company<br>Flynn Holdings Limited | Company number<br>4336125 |
|---|---|
| In the High Court of Justice Chancery Division<br>Birmingham District Registry | Court case number<br>8338 of 2014 |

(a) Insert name and address of registered office of the company

Statement as to the affairs of (a)
Flynn Holdings Limited
Four Brindleyplace, Birmingham B1 2HZ

(b) Insert date

on the (b) 26 August 2014 the date that the company entered administration

**Statement of Truth**

I believe that the facts stated in this statement of affairs are a full, true and complete statement of the affairs of the above named company as at (b) 26 August 2014 the date that the company entered administration

Full name Guy Russell Stephenson

Signed [signature]

Dated 6th October 2014

**APPENDIX 3**

**A – Summary of Assets**

| Assets | Book Value £ | Estimated to Realise £ |
|---|---|---|
| Assets subject to fixed charge | | |
| Freehold land and buildings | 200,086 | N/A |
| Less due to HSBC Bank plc | (102,392) | (102,392) |
| Estimated surplus | 97,694 | N/A |
| Assets subject to floating charge | | |
| Stock and sundry chattel assets | 70,500 | 7 750 |
| Uncharged assets | | |
| None | | - |
| Estimated total assets available for preferential creditors | 168 194 | N/A |

Signature ____________ Date 6th Oct 2014

## A1 – Summary of Liabilities

| | | Estimated to realise £ |
|---|---|---|
| **Estimated total assets available for preferential Creditors (carried from page A)** | £ | N/ A |
| | £ | |
| **Liabilities** | | |
| Preferential creditors - accrued holiday pay | 8,331 | 8,331 |
| **Estimated deficiency/surplus as regards preferential creditors** | £ | N/A |
| | £ | |
| Estimated prescribed part of net property where applicable (to carry forward) | | – |
| **Estimated total assets available for floating charge holders** | £ | N/A |
| | £ | |
| Debts secured by floating charges | | |
| **Estimated deficiency/surplus of assets after floating charges** | £ | N/A |
| | £ | |
| Estimated prescribed part of net property where applicable (brought down) | | – |
| **Total assets available to unsecured creditors** | £ | N/A |
| | £ | |
| Unsecured non-preferential claims | | |
| Trade creditors | 21 977 | |
| Family loan | 45,145 | |
| HMRC estimated liability | 147,427 | |
| Redundancy pay | 31,540 | |
| Pay in lieu of notice | 14,733 | 260,822 |
| Estimated deficiency after floating charge where applicable (brought down) | | – |
| **Estimated deficiency/surplus as regards creditors** | £ | N/A |
| | £ | |
| Issued and called up capital | | 1 000 |
| **Estimated total deficiency/surplus as regards members** | £ | N/A |

Signature [signature] Date 6th Oct 2014

# COMPANY CREDITORS

**Note:** You must include all creditors and identify all creditors under hire-purchase, chattel leasing or conditional sale agreements *and* customers claiming amounts paid in advance of the supply of goods or services *and* creditors claiming retention of title over property in the company's possession

| Name of creditor or Claimant | Address (with postcode) | Amount of debt £ | Details of any security held by creditor | Date security given | Value of security £ |
|---|---|---|---|---|---|
| See listing attached | | | | | |
| | | | | | |
| | | | | | |
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| | | | | | |

6th Oct 2014

**APPENDIX 4**

## STATEMENT OF PRE-ADMINISTRATION COSTS

**Pursuant to Rule 2.33(2)(ka) of the Insolvency (Amendment) Rules 2010**

### 1 GENERAL

Pre-Administration Costs are defined as the fees charged and expenses incurred by the Administrators (or other person qualified to act as such) before the Company entered into Administration but with a view to its doing so

This Statement gives a detailed analysis of the Pre-Administration Costs for the Company incurred by the Administrators

### 2 APPROVAL

The following resolution regarding the basis of the Administrators' Pre-Administration costs is included in the matter being put to the general body of creditors in the attached Notice of Conduct of Business by Correspondence

Resolution That the Administrators Pre-Administration Costs as detailed at Appendix 4 of the Administrators' Proposals be approved and that the Administrators be authorised to draw their Costs, plus VAT from the Administration estate

### 3 PRE-APPOINTMENT FEES AND EXPENSES INCURRED BY THE ADMINISTRATORS

The pre-appointment costs were incurred to enable the Administrators to plan and prepare the Administration strategy to ensure that the duties of the Administrators were fulfilled efficiently subsequent to their appointment and to undertake further administrative tasks, which are necessary for placing the Company into Administration

### 4 ANALYSIS OF TIME INCURRED

The time incurred by the Administrators and their staff for the pre-appointment period from 18 August 2014 to 21 August 2014, are summarised in the table below An analysis of the time spent by work function is below

**Flynn Holdings Limited - In Administration**

**Timecosts from 19/08/2014 to 25/08/2014**

| | Partners & Directors | | Assistant Directors | | Managers | | Assistant Managers | | TOTAL | | Average rate/h |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Hours | Cost (£) | Hours | Cost (£) | Hours | Cost (£) | Hours | Cost (£) | Hours | Cost (£) | Cost (£) |
| Administration and Planning | | | | | | | | | | | |
| Cashiering and Statutory Filing | - | | - | | | | | | | | - |
| Case Management and Closure | 4 40 | 2,864 00 | 35 75 | 16 623.75 | 2.10 | 840.00 | 2.00 | 630.00 | 44 25 | 20,957 75 | 473.62 |
| Initial Actions | | - | - | - | | | - | | | - | - |
| Liaison with Other Insolvency Practitioners | - | - | | - | - | | | | | - | - |
| General Reporting | - | - | | - | | | - | - | | | - |
| | 4.40 | 2,864.00 | 35.75 | 16,623.75 | 2.10 | 840.00 | 2.00 | 630 00 | 44.25 | 20,957 75 | 473.62 |
| | - | - | - | - | | - | - | | - | - | - |
| TOTAL HOURS & COST | 4.40 | 2,864.00 | 35.75 | 16,623.75 | 2.10 | 840.00 | 2.00 | 630.00 | 44.25 | 20 957 75 | 473.62 |
| FEES DRAWN | | | | | | | | | | NIL | |

**Administration and planning** includes initial planning and case set up, preparation of cashflow and trading forecasts, liaising with Lawyers on our appointment as Administrators, internal planning to assign and brief appropriate members of the Administrators team to work on the assignment, initial meeting and liaising with the Company to gather information necessary to plan the Administration and consider which of the statutory purposes could be achieved

## 5 ANALYSIS OF EXPENSES INCURRED

The expenses incurred by the Administrators prior to the Administration are as follows

| Nature of expenses | Total Incurred £ | Paid £ | Outstanding £ |
|---|---|---|---|
| Mileage | 55 66 | - | 55 66 |
| **Total** | **55.66** | **-** | **55.66** |

All Pre-Administration expenses incurred were unpaid at the date of appointment Approval from creditors is required before payment can be made

## FLYNN HOLDINGS LIMITED
## (IN ADMINISTRATION)

## ADMINISTRATORS' TIME COSTS FOR THE PERIOD 26 AUGUST 2014 TO 30 SEPTEMBER 2014

| | Partners & Directors | | Assistant Directors | | Managers | | Assistant Managers | | Assistants & Support | | TOTAL | | Average rate/h |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Hours | Cost (£) | Hours | Cost (£) | Hours | Cost (£) | Hours | Cost (£) | Hours | Cost (£) | Hours | Cost (£) | Cost (£) |
| **Administration and Planning** | | | | | | | | | | | | | |
| Cashiering and Statutory Filing | | - | | | 0.30 | 150.50 | 2.40 | 878.50 | 1.30 | 370.00 | 4.00 | 1,399.00 | 349.75 |
| Case Management and Closure | 2.10 | 1 471.00 | | | 0.20 | 99.00 | 1.10 | 348.00 | 2.30 | 520.00 | 5.70 | 2 438.00 | 427.72 |
| Initial Actions | 0.50 | 322.50 | - | | 8.50 | 3 400.00 | 1.00 | 317.50 | 4.50 | 915.00 | 14.50 | 4 955.00 | 341.72 |
| Liaison with Other Insolvency Practitioners | | - | | | | - | - | - | - | - | - | - | - |
| General Reporting | | | 1.50 | 712.50 | | - | 7.20 | 2 304.00 | | | 8.70 | 3,016.50 | 346.72 |
| | 2.60 | 1,793.50 | 1.50 | 712.50 | 9.00 | 3,649.50 | 11.70 | 3,848.00 | 8.10 | 1,805.00 | 32.90 | 11,808.50 | 358.92 |
| **Investigations** | | | | | | | | | | | | | |
| Investigations | | - | | | | | | - | - | - | | - | |
| Reports on Directors' Conduct | - | - | - | | - | - | | | - | - | - | - | - |
| | - | | - | - | | | | | - | | | - | |
| **Trading** | | | | | | | | | | | | | |
| Day 1 Control of Trading | | - | 5.50 | 2 557.50 | | | | - | 0.40 | 78.00 | 5.90 | 2,635.50 | 446.69 |
| Ongoing Trading | 0.90 | 594.00 | - | | | - | - | - | 1.10 | 218.00 | 2.00 | 812.00 | 406.00 |
| Monitoring Trading | | | 14.00 | 6 600.00 | | - | 1.50 | 480.00 | - | | 15.50 | 7 080.00 | 456.77 |
| Closure of Trade | | | 9.50 | 4 512.50 | | | - | - | | | 9.50 | 4 512.50 | 475.00 |
| | 0.90 | 594.00 | 29.00 | 13,670.00 | - | - | 1.50 | 480.00 | 1.50 | 296.00 | 32.90 | 16,040.00 | 457.14 |
| **Realisation of Assets** | | | | | | | | | | | | | |
| Book Debts | - | | | - | - | | | | - | - | - | - | |
| Other Assets (e.g. Stock) | 1.50 | 990.00 | 0.75 | 356.25 | | | | - | 4.40 | 880.00 | 6.65 | 2,226.25 | 334.77 |
| Chattel Assets | - | - | - | - | | - | | - | - | - | | - | |
| Property - Freehold and Leasehold | | - | 37.00 | 17 420.00 | - | - | - | - | 12.85 | 2 570.00 | 49.95 | 19 990.00 | 400.20 |
| Retention of Title | 0.50 | 330.00 | 3.75 | 1 781.25 | - | | | - | 35.80 | 7 160.00 | 40.05 | 9 271.25 | 231.49 |
| Sale of Business / Assets | 0.50 | 330.00 | 4.50 | 2 137.50 | - | - | - | - | 1.00 | 200.00 | 6.00 | 2,667.50 | 444.58 |
| Third Party Assets | - | | - | | - | | - | - | | - | | - | - |
| | 2.60 | 1,650.00 | 48.00 | 21,695.00 | - | - | - | - | 54.15 | 10,810.00 | 102.65 | 34,155.00 | 332.73 |
| **Creditors** | | | | | | | | | | | | | |
| Employees | - | - | | | | | 14.50 | 4 640.00 | 1.00 | 210.00 | 15.50 | 4 850.00 | 312.90 |
| Preferential | - | - | - | | | - | - | - | | - | | - | |
| Secured | - | - | 1.25 | 593.75 | | | - | - | - | - | 1.25 | 593.75 | 475.00 |
| Shareholders | | - | - | - | - | | - | - | - | | | - | - |
| Unsecured | - | - | - | | - | - | 2.50 | 795.00 | 1.10 | 220.00 | 3.60 | 1 015.00 | 281.94 |
| | - | | 1.25 | 593.75 | - | - | 17.00 | 5 435.00 | 2.10 | 430.00 | 20.35 | 6,458.75 | 317.38 |
| **Case Specific Matters** | | | | | | | | | | | | | |
| Litigation | - | - | | | - | | - | - | - | | - | - | |
| Pensions | | - | | | - | | - | - | | - | - | | |
| VAT | 0.60 | 565.00 | | | | - | - | - | - | | 0.60 | 565.00 | 941.67 |
| Tax | - | - | | - | 0.20 | 107.00 | 0.40 | 192.00 | - | | 0.60 | 299.00 | 498.33 |
| | 0.60 | 565.00 | - | | 0.20 | 107.00 | 0.40 | 192.00 | - | | 1.20 | 864.00 | 720.00 |
| **TOTAL HOURS & COST** | 6.60 | 4,602.50 | 77.75 | 36,671.25 | 9.20 | 3,756.50 | 30.60 | 9,855.00 | 65.85 | 13,341.00 | 190.00 | 68,326.25 | 359.61 |
| **FEES DRAWN** | | | | | | | | | | | | NIL | |

(ADML2010-027)

**CLAIM FOR VOTING PURPOSES**

**Flynn Holdings Limited - In Administration**

Date of Administration 26 August 2014

| | | |
|---|---|---|
| 1 | Name of Creditor | |
| 2 | Address of Creditor | |
| 3 | Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the date of the Order | £ |
| 4 | Details of any document by reference to which the debt can be substantiated (Note the Administrator may call for any document or evidence to substantiate the claim at his discretion) | |
| 4 | If total amount above includes outstanding uncapitalised interest, please state amount | £ |
| 6 | Particulars of how and when debt incurred | |
| 7 | Particulars of any security held, the value of the security and the date it was given | £ |
| 8 | Signature of creditor or person authorised to act on his behalf | |
| | Name in BLOCK LETTERS | |
| | Position with or relation to creditor | |

*(For Office Use Only)*

Admitted to vote for

Date Administrator

APPENDIX 7

Rule 2.48

Form 2.25B

# Notice of conduct of business by correspondence

| Name of Company | Company number |
|---|---|
| Flynn Holdings Limited | 04336125 |
| In the High Court of Justice, Chancery Division, Birmingham District Registry (full name of court) | Court case number 8338 of 2014 |

(a) Insert full name(s) and address(es) of administrator(s)

Notice is hereby given by (a)

Christopher James Farrington
Deloitte LLP
Four Brindleyplace
Birmingham
B1 2HZ

Dominic Lee Zoong Wong
Deloitte LLP
Four Brindleyplace
Birmingham
B1 2HZ

(b) Insert full name and address of registered office of the company

to the creditors of (b) Flynn Holdings Limited, c/o Deloitte LLP, Four Brindleyplace, Birmingham, B1 2HZ

(c) Insert number of resolutions enclosed

that, pursuant to paragraph 58 of Schedule B1 to the Insolvency Act 1986, enclosed are (c) 12 resolutions for your consideration Please indicate below whether you are in favour or against each resolution

(d) Insert address to which form is to be delivered

This form must be received at (d) Deloitte LLP, Four Brindleyplace, Birmingham, B1 2HZ

(e) Insert closing date

**by midday on (e) 3 November 2014** in order to be counted
It must be accompanied by details in writing of your claim unless those details have already been submitted for the purpose of a meeting of creditors Failure to do so will lead to your vote(s) being disregarded

Repeat as necessary

*Delete as appropriate

Resolution (1) I am *in Favour / Against
Resolution (2) I am *in Favour / Against
Resolution (3) I am *in Favour / Against
Resolution (4) I am *in Favour / Against
Resolution (5) I am *in Favour / Against

For the appointment to the creditors committee of ____________________
From ____________________
Representing ____________________

Resolution (6) I am *in Favour / Against
Resolution (7) I am *in Favour / Against
Resolution (8) I am *in Favour / Against
Resolution (9) I am *in Favour / Against
Resolution (10) I am *in Favour / Against
Resolution (11) I am *in Favour / Against
Resolution (12) I am *in Favour / Against

Name of creditor____________________

Signature of creditor____________________
(if signing on behalf of creditor, state capacity e g director/solicitor)

If you require any further details or clarification prior to returning your votes, please contact us at the address above

Signed Joint / Administrator(s)
Dated

APPENDIX 8

Form 2.21B

Rule 2.37

# Creditor's request for a meeting

| Name of Company | Company number |
|---|---|
| Flynn Holdings Limited | 04336125 |

| In the | Court case number |
|---|---|
| High Court of Justice, Chancery Division, Birmingham District Registry (full name of court) | 8338 of 2014 |

(a) Insert full name and address of the creditor making the request

I (a)

(b) Insert full name and address of registered office of the company

request a meeting of the creditors of (b)
Flynn Holdings Limited

c/o Deloitte LLP
Four Brindleyplace
Birmingham
B1 2HZ

(c) Insert amount of claim

My claim in the administration is (c)

(d) Insert full name(s) and address(es) of creditors concurring with the request (if any) and their claims in the administration if the requesting creditor's claim is below the required 10%

(d)

concur with the above request, and I attach copies of their written confirmation of concurrence

(e) Insert details of the purpose of the meeting

The purpose of the meeting is (e)

Signed

_______________________________

Dated

_______________________________