

## NOTICE OF A DECISION BEING SOUGHT TO BE MADE BY MEMBERS BY A DECISION BY CORRESPONDENCE

**Ashley House Plc. (Registered number: 02563627) (“the Company”)**

### **Court details:**

Court Name: High Court of Justice, Business and Property Courts in Leeds Insolvency  
and Companies List (CHD)  
Court Number: CR-2020-LDS-000634

### **Office-holder details:**

Julian Pitts and Bob Maxwell, both of Begbies Traynor (Central) LLP were appointed as Joint Nominees of the Company on 29 July 2020.

This notice is given pursuant to Section 3 of the Insolvency Act 1986 and Rule 2.25 of the Insolvency (England & Wales) Rules 2016 (“the Rules”).

### **THE PROPOSED DECISION**

The Joint Nominees are seeking that the following decision be made on 18 August 2020 at 12 noon by the Company’s members by correspondence:

1. *That the directors’ proposal for a Company Voluntary Arrangement be approved.*

### **ENSURING YOUR VOTE ON THE PROPOSED DECISION IS COUNTED**

A voting form is enclosed with this notice. In order for votes on the Proposed Decision to be counted, members must deliver the attached voting form to Begbies Traynor (Central) LLP, Fourth Floor, Toronto Square, Toronto Street, Leeds, LS1 2HJ by 12.00 noon on 17 August 2020.

The attention of members is drawn to the effect of the provisions of the Rules concerning members’ voting rights, the requisite majority of members for passing resolutions and rights to appeal a decision of the Nominees’ pursuant to Rules 2.35, 2.36 and 15.35 of the Rules respectively, as follows:

#### **Members’ voting rights**

**2.35.**—(1) A member is entitled to vote according to the rights attaching to the member’s shares in accordance with the articles of the company.

(2) A member’s shares include any other interest that person may have as a member of the company.

(3) The value of a member for the purposes of voting is determined by reference to the number of votes conferred on that member by the company’s articles.

#### **Requisite majorities of members**

**2.36.**—(1) A resolution is passed by members by correspondence or at a meeting of the company when a majority (in value) of those voting have voted in favour of it.

(2) This is subject to any express provision to the contrary in the articles.

(3) A resolution is not passed by correspondence unless at least one member has voted in favour of it.

**Appeals against decisions under this Chapter**

15.35.—(1) A decision of the convener or chair under this Chapter is subject to appeal to the court by a creditor, by a contributory, or by the bankrupt or debtor (as applicable).

(2) In a proposed CVA, an appeal against a decision under this Chapter may also be made by a member of the company.

(3) If the decision is reversed or varied, or votes are declared invalid, the court may order another decision procedure to be initiated or make such order as it thinks just but, in a CVA or IVA, the court may only make an order if it considers that the circumstances which led to the appeal give rise to unfair prejudice or material irregularity.

(4) An appeal under this rule may not be made later than 21 days after the decision date.

(5) However, the previous paragraph does not apply in a proposed CVA or IVA, where an appeal may not be made after the end of the period of 28 days beginning with the day—

(a) in a proposed CVA, on which the first of the reports required by section 4(6) or paragraph 30(3) of Schedule A1 was filed with the court; or

(b) in a proposed IVA—

(i) where an interim order has not been obtained, on which the notice of the result of the consideration of the proposal required by section 259(1)(a) has been given, or

(ii) otherwise, on which the report required by section 259(1)(b) is made to the court.

(6) The person who made the decision is not personally liable for costs incurred by any person in relation to an appeal under this rule unless the court makes an order to that effect.

(7) The court may not make an order under paragraph (6) if the person who made the decision in a winding up by the court or a bankruptcy is the official receiver or a person nominated by the official receiver.

**Contact details**

Documents required to be delivered to the Nominees pursuant to this notice can be sent by post to Begbies Traynor, Fourth Floor, Toronto Square, Toronto Street, Leeds, LS1 2HJ, or alternatively by e-mail to [william.baxter@btguk.com](mailto:william.baxter@btguk.com). Any person who requires further information may contact William Baxter by telephone on 0113 244 0044.

Dated: 30 July 2020



Signed: ..... ..

**Julian Pitts**  
**Joint Nominee**