Insert Address

Insert Date

Our ref:

Your ref:

Dear Sirs

**[Insert name of company - in compulsory liquidation (the Company)**

I refer to [your letter / our telephone conversation] of [date] about your retention of title claim.

The liquidation means that no action or proceeding shall be proceeded with or commenced against the company or its property, except by leave of the court and subject to any such terms as the court may impose.

Please complete and return the enclosed questionnaire with all relevant supporting information so we can assess the validity of your claim.

If you have any queries, please contact my colleague [Name] on [Tel number].

Yours faithfully

[Signatory name]

for and on behalf of [Special Manager name]

Special Manager

Enclosure Retention of title questionnaire

*[xxxx], [xxxx] and [xxxx] have been appointed as special managers by the High Court to help manage the affairs, business and property of the Company, in accordance with the powers and duties contained in the order appointing them. The Special Managers act as agents of the Company, without personal liability.  All are licensed in the United Kingdom to act as Insolvency Practitioners by the Institute of Chartered Accountants in England and Wales.  The Special Managers are bound by the Insolvency Code of Ethics which can be found at:* [*https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics*](https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics)*.*

*The special managers are Data Controllers of personal data as defined by the Data Protection Act 1998. PricewaterhouseCoopers LLP will act as Data Processor on their instructions. Personal data will be kept secure and processed only for matters relating to the administration.*

**- in compulsory liquidation**

**Retention of title claim questionnaire**

It is essential you answer the questions below as fully as possible so that we can investigate your retention of title claim properly without lengthy correspondence.

Date questionnaire sent out: Enter relevant date

|  |  |  |
| --- | --- | --- |
| SUPPLIER |  | SUPPLIER’S SOLICITOR |
| Name: |  | Name: |
| Address: |  | Address: |
|  |  |  |
|  |  |  |
|  |  |  |
| Email: |  | Email: |
| Telephone: |  | Telephone: |
| Name of contact: |  | Name of contact: |

1. Do your terms and conditions of sale contain a retention of title clause?

(Tick box)

🞏 NO - If not please do not submit this questionnaire

🞏 YES - Please provide a copy of your terms and conditions

1. How and when were your terms and conditions communicated to the company?

🞏 EXPRESS WRITTEN AGREEMENT (Please provide a copy)

🞏 WRITTEN NOTICE PRIOR TO DELIVERY (Please forward a blank, original set of documents containing your terms and conditions

🞏 OTHER (Please provide details)

1. What written evidence do you have that your terms and conditions were accepted by the company?
2. When did you start trading with the company?
3. Have you attended at the company’s premises and produced an inventory and valuation of your identifiable goods found there? The inventory should be signed by a representative of your firm and the liquidators.
4. Does the Company have on its premises any goods supplied by you to which your retention of title clause applies?

🞏 NO

🞏 YES (Please provide details)

1. Give full details of how you can identify the goods on the Company’s premises as having been supplied by you?
2. Can the goods on the inventory be identified as having been supplied on specific invoices?

🞏 NO

🞏 YES If so, please explain how such a reconciliation can be made and provide a schedule identifying inventory goods against specific UNPAID invoices in the following format.

|  |  |  |  |
| --- | --- | --- | --- |
| Invoice number | Invoice date | Inventory item | Item Value (£) |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| Total value of retention of title claim |  |  |  |

1. How much does the Company owe you?

£\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Are you a customer of the company?

🞏 NO

🞏 YES If so, please advise how much you owe to the Company £\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Are the balances between you and the company usually subject to set off?

🞏 NO 🞏 YES 🞏 N/A

1. Please provide a copy of the company’s ledger account with you for the last 12 months.
2. Please supply copies of (and state below the references of:
   1. the order(s)
   2. acknowledgement(s) of the order(s)
   3. your delivery note(s)
   4. your invoice(s)

relating to the goods claimed.

1. If the order was not made in writing, please state:
2. how the order(s) was/were placed
3. the date(s) of the order(s)
4. who placed the order(s)
5. the date(s) the goods were delivered

This questionnaire should be returned when completed to Enter full address.