

Made on behalf of

Initials and surname of witness

No. of statement of this witness
(if more than one)Identifying initials and number
of each exhibit (if any)

Date of statement

M.A. BENHAM

MAB 1

10.01.14.

Claim No.

**IN THE HIGH COURT OF JUSTICE OF THE ISLE OF MAN
CIVIL DIVISION**

CHANCERY

PROCEDURE

Parties

TARGUS INVESTMENTS LIMITED

Claimant

BANNERS BROKER INTERNATIONAL LIMITED

Defendant

Full name of witness	MILES ANDREW BENHAM
Address ¹	49 VICTORIA STREET, DOUGLAS, ISLE OF MAN
Position held and name of firm or employer ²	DIRECTOR, MANNBENHAM ADVOCATES LIMITED
Occupation or description	ADVOCATE

¹ Place of residence or, if witness is making statement in a professional, business or other occupational capacity, work address

² Complete if witness is making statement in a professional, business or other occupational capacity

Please indicate with an 'X' here if witness is a party an employee of a party

Statement³

(use numbered paragraphs)

1. I am a practicing Isle of Man Advocate and one of the directors and shareholders of MannBenham Advocates Limited an incorporated legal practice. I was admitted to the Isle of Man Bar on 25th September 1996 and was licensed as a Notary Public on 2nd January 2002.
2. The other directors and shareholders of MannBenham Advocates Limited are Timothy Allan Mann and Caroline (Carly) Patricia Stratton.
3. I make this affidavit in respect of the application by Targus Investments Limited for the winding up of Banners Broker International Limited ("Banners Broker"). In so far as the content of this witness statement is within my personal knowledge it is true and in so far it is not within my personal knowledge it is true to the best of my knowledge information and belief.
4. I can confirm that I am agreeable to being appointed a liquidator of Banners Broker jointly with Advocate Timothy Allan Mann.
5. By way of background I was contacted by a Benjamin Lo of Berkeley Corporate Services Limited a licensed Belize corporate service provider and a Ted Nham who advised they were trying to find a corporate service provider for Banners Broker.
6. I was advised that OCRA had ceased to provide corporate services to Banners Broker and that it had no registered office.
7. I was advised that OCRA hold around US\$6 million on behalf of Banners Broker in an escrow bank account and that this is the main asset of the company.
8. I was advised that there is a claim against Banners Broker in the Isle of Man High Court which seeks over £2 million and that this is being defended by the company.
9. I was further advised that despite enquiries by Benjamin Lo, no Isle of Man corporate service provider would agree to provide administrative services to the company and that the company had ceased to operate.
10. A search of the companies registry reveals that Banner Brokers has only one director being a Christopher Smith who I understand is the beneficial owner.
11. While my practice was unable to assist with the provision of corporate administration services I explained to Mr Lo and Mr Nham that if the company could not find an administrator and had ceased to trade then the correct course of action may be for the shareholder of Banners Broker to seek that the company be formally wound up by the Isle of Man High Court.

³ The statement must comply with Schedule 8.1 to the Rules of the High Court 2009. Continue on a separate sheet or sheets if necessary (but each page must be numbered, and the last page must contain the above statement of truth and be signed by the witness).

12. I confirmed that Timothy Mann and myself would be prepared to act as independent court appointed liquidators if the company were to be wound up.
13. I advised that as independent court appointed liquidators our costs would be paid from the assets of the company subject to the approval of the Court and I explained that we would charge our time on a time spent basis at our normal commercial rates. I exhibit marked "**MAB 1**" a sheet that sets out our normal charge out rates and if appointed a liquidator I would seek that the court approves these rates.

Fitness to act as Liquidator

14. I have both the necessary knowledge and experience of the law, practice and procedure of winding up a company under Isle of Man law and I am aware of the duties of a liquidator.
15. I have since qualification as an advocate provided legal advice and assistance on matters of insolvency law to creditors, members and liquidators.
16. I have acted as the liquidators advocate on a number of quite complex liquidations from commencement to completion which have necessitated advice to the liquidator on the practice and procedure of the winding up of a company under the Isle of Man Companies Act 1931 and the Companies (Winding up) Rules 1934.
17. In representing creditors and contributories I have dealt with a variety of insolvency issues and advised on the practice and procedure of the liquidation process.
18. Prior to qualifying as an Isle of Man advocate I obtained a BA Honours degree in Accounting and Finance in 1990 and worked at a local leading firm of Chartered Accountants where amongst other things I assisted on a junior level with various winding up cases.
19. My discussions and enquiries lead me to believe that the liquidation of Banners Broker will require a significant amount of legal work and that the liquidation will have a heavy legal emphasis and I note that the company is already involved in litigation proceedings.
20. Clearly accounting services will be required in the liquidation. MannBenham employs the services of a full time Chartered Accountant, Hamish Hockings and if appointed liquidator I would propose to use the services of Mr Hockings to assist with accounting matters. If specialist services such as those of a forensic accountant are required then the liquidators would seek to engage a suitable firm to provide that service.

If you need to continue on a separate sheet please use prescribed form – 'HCC CONTINUATION SHEET'

I believe that the facts stated in this witness statement are true.

Date	10.01.14	Signature	<i>Muhammad</i>
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MannBenham Advocates Limited

Hourly Rates

Our charges will be calculated on an hourly rate basis in units of 6 minutes for the work carried out on the matter at the following rates.

<u>Name</u>		<u>Rate per hour</u>
Timothy Mann	Director	£425
Miles Benham	Director	£375
Carly Stratton	Director	£275
Timothy Henwood		£250
Junior Advocate		£210
Solicitor		£250
Accountant		£250
Compliance Officer/ MLRO		£150
Trainee Advocate		£150
Paralegal/Administrator		£100
Secretarial time		£ 45

The above rates are exclusive of VAT and disbursements.

The above rates normally include secretarial time and secretarial time is only charged where as a matter of urgency secretaries have to work outside normal office hours or they have to undertake something unusual or extraordinary on your matter.