

ORTHOTOUCH

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NOTICE REGARDING THE LIQUIDATION AND DISTRIBUTION ACCOUNT PREPARED BY THE RECEIVER IN ORTHOTOUCH PROPRIETARY LIMITED (“ORTHOTOUCH”) AND PRESENTLY LYING FOR INSPECTION.

- 1 All interested parties are advised that Orthotouch Limited has not been placed under liquidation.
- 2 The Liquidation and Distribution (“L&D”) Account presently lying for inspection is that account which pertains only to the restructure of Orthotouch Limited under and in terms of the Scheme of Arrangement which was sanctioned by the High Court on 26 November 2014.
- 3 The L&D account has been issued by the Receiver in terms of Clause 4 of the Scheme documents.
- 4 A copy of Clause 4 is attached hereto and interested parties are referred in particular to Clause 4.2 which reads as follows:

“Such account shall, inter alia, reflect the name of each and every trade creditor or HS Investor whose claim has been duly proved or admitted, the amount of the claim and the amount of the dividend or other rights to be awarded to such trade creditor or HS Investor under the account.”
- 5 It is unfortunate that the name of the account has caused so much confusion.
- 6 The L&D Account is voluminous and it would be immensely costly for the Receiver to distribute it as has been requested by certain parties, even if he were authorized to do so.
- 7 The Receiver is also not authorized to extend the period for which the L&D Account lies for inspection.
- 8 With respect, the only matter of concern might be the manner in which the investment of any party or parties may have been reflected in the account.
- 9 We appreciate the difficulty that some interested parties may have in timeously preparing and forwarding a Power of Attorney.
- 10 This office is prepared (on being reasonably satisfied that the request is bona fide), without any prejudice to its rights and solely in an endeavour to assist seemingly bona fide requesters who lodge their requests in writing, to provide said requesters with information reasonably requested by them.
- 11 Any requests in this regard must be forwarded to: admin@orthotouch.co.za
- 12 Regrettably the time available has not allowed for this notice to be translated into the Afrikaans language.

4 LIQUIDATION AND DISTRIBUTION ACCOUNT

- 4.1 As soon as reasonably possible after final determination of the claims of trade creditors and HS Investors, and the implementation of this arrangement, the Receiver shall, draw a liquidation and distribution account ("the account") as if he was a liquidator under a winding-up order, or otherwise in the discretion of the Receiver, in a manner fitting the purposes of this arrangement.
- 4.2 Such account shall, inter alia, reflect the name of each and every trade creditor or HS Investor whose claim has been duly proved or admitted, the amount of the claim and the amount of the dividend or other rights to be awarded to such trade creditor or HS Investor under the account.
- 4.3 Notice by email shall be given by the Receiver to the Company, the HS Companies, financial proposer, and to all known trade creditors and HS Investors of the Company and the HS Companies, that the account is lying for inspection for a period of 7 (seven) days calculated from the third business day succeeding that upon which the notice is despatched, but the failure of the Receiver to give such notice shall in no way entitle any person to initiate a late objection nor shall such failure invalidate such account or any distribution made pursuant thereto.
- 4.4 Any person objecting to the account shall be obliged to lodge notice of his objection (stating the full grounds thereof) with the Receiver before the expiry of the period of 7 (seven) days referred to in 4.3 above, failing which the account shall be deemed to be accepted by all interested parties. The Receiver shall rule on any objection so lodged and shall give the creditor written notice of his ruling, which notice shall be delivered by email.
- 4.5 Any objector referred to in 4.4 above, or any other person, aggrieved by any ruling of the Receiver, shall be entitled to institute review proceedings in the Court within 14 (fourteen) days of the receipt by the trade creditor or HS Investor concerned of the notice referred to in 4.3 above. Failing institution of review proceedings as aforesaid the right of objection shall lapse and the objector shall be deemed to have accepted the account.
- 4.6 Notwithstanding any provision to the contrary contained in 4.1 above and 4.5 above inclusive, the Receiver shall be entitled to prepare a liquidation and distribution account in respect of payment of dividends or awarding of other rights, in terms of the arrangement, to trade

creditors and HS Investors, despite finality not yet having been reached regarding the nature and extent of the claims of trade creditors and HS Investors or the identity of all concurrent trade creditors and HS Investors, subject to the Receiver having made proper provision for the payment of any dividend or the award of other rights, due to any trade creditor or HS Investor whose claim has not yet been admitted.