



Du Toit Business  
**RESCUE PRACTICE**

70 CARMINE DRIVE  
BURGUNDY ESTATE  
TEL: 021 948 2224  
[info@dtbbusinessrescue.co.za](mailto:info@dtbbusinessrescue.co.za)  
[www.dtbbusinessrescue.co.za](http://www.dtbbusinessrescue.co.za)

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TO AFFECTED PARTIES

10 March 2021

Dear Sirs

**ZEPHAN PROPERTIES (PTY) LTD (IN BUSINESS RESCUE) & ORTHOTOUCH (PTY) LTD (IN BUSINESS RESCUE) // HIGHVELD SYNDICATION INVESTORS – VARIOUS LEGAL PROCEEDINGS**

1. The above matters refer.
2. I address this letter to you, in my capacity as the duly appointed business rescue practitioner for Zephan (Pty) Ltd (in business rescue) (“Zephan”) and Orthotouch (Pty) Ltd (in business rescue) (“Orthotouch”), in accordance with the provisions of Regulation 125 of the Companies Act 71 of 2008 (“the Act”).
3. This notice is addressed to you in your capacity as an affected person in the business rescue proceedings of Orthotouch and Zephan, as defined in section 128(1)(a) of the Act, quoted hereunder for ease of reference:  
  
“affected person”, in relation to a company, means –
  - (i) a shareholder or creditor of the company;
  - (ii) any registered trade union representing employees of the company; and
  - (iii) if any of the employees of the company are not represented by a registered trade union, each of those employees or their respective representatives.”
4. I further draw your attention to the provisions contained in section 145(1)(a) and (b):  
  
“Each creditor is entitled to –
  - (a) notice of each court proceedings, decision, meeting or other relevant event concerning the business rescue proceedings;
  - (b) participate in any court proceedings arising during the business rescue proceedings;”
5. Pursuant to the above, I have provided a complete list of the active court actions / applications below which I, as the business rescue practitioner of Zephan and / or Orthotouch, have been required to defend / oppose, and a list of the documents which have been filed to date, which I



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currently have in my possession. I further provide a Dropbox link below, which contains all court documentation filed in each matter (in my possession) set out herein.

<https://www.dropbox.com/sh/jymhjz585wxyqcb/AADTQHbYuDXfn27WoQorBNxwa?dl=0>

6. Herewith the list of each matter and the documentation filed to date in my possession:

**A) BRIAN JOHN WAXHAM & 4 OTHERS // NICOLAS GEORGIU & OTHERS – CASE NO.: 9272/2020**

6.1.a Notice of Motion;

6.2.a Founding Affidavit, with Annexures “CA1” to “CA4”;

6.3.a First, Third, Fourth and Fifth Respondent’s Answering Affidavit;

6.4.a Confirmatory Affidavit filed by J R Chemaly;

6.5.a First, Third, Fourth and Fifth Respondent’s Notice in terms of Uniform Rule 6(15);

6.6.a Applicant’s Replying Affidavit, with Annexures “RA1” to “RA5”;

6.7.a Supplementary Founding Affidavit, with Annexures “CA4” to “CA19”;

6.8.a First, Third and Fifth Applicant’s Confirmatory Affidavits;

6.9.a Second Respondent’s Notice of Substitution as Attorneys of Record;

6.10.a Second Respondent’s Reply to Applicants’ Notice in terms of Rule 37(4)

6.11.a Second Respondent’s Notice of Intention to Oppose Relief Sought in terms of Section 133(1)(b) of the Act;

6.12.a Second Respondent’s Notice in terms of Rule 35(11), (12) and (14);

6.13.a First, Third, Fourth and Fifth Respondents’ Further Affidavit, with Annexures “SA1” to “SA11”;

6.14.a First, Third, Fourth and Fifth Respondents’ Notice in terms of Rule 6(15) in respect of the Applicants’ Replying Affidavit;

6.15.a Applicants’ Further Supplementary Founding Affidavit, with Annexures “SF1” to “SF8”;



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- 6.16.a First, Third, Fourth and Fifth Respondents' Notice in terms of Rule 30(2)(b);
  - 6.17.a First, Third, Fourth and Fifth Respondents' Notice of Intention to Oppose;
  - 6.18.a Applicant's Conditional Counter-Application;
  - 6.19.a Applicant's Opposing Affidavit – Rule 30(1) Application.
- B) HENRY ARDEN SMITH & 11 OTHERS // NICOLAS GEORGIU & 21 OTHERS – CASE NO.: 93417/2019**
- 6.1.b Notice of Motion;
  - 6.2.b Founding Affidavit;
  - 6.3.b Third Respondent's Notice in terms of Rule 35(12);
  - 6.4.b Third Respondent's Notice of Removal and Reinstatement;
  - 6.5.b Third Respondent's Notice in terms of Rule 35(12);
  - 6.6.b Confirmatory Affidavit – Steyn, Hoffman, Strauss, Hanekom and Rossouw;
  - 6.7.b Eighth and Tenth Respondents' Notice of Intention to Oppose Relief South in terms of Section 133(1)(b) of the Companies Act;
  - 6.8.b Eighth and Tenth Respondents' Notice in terms of Rule 35(11), (12) and (14);
  - 6.9.b Applicant's Reply to Eighth and Tenth Respondents' Notice in terms of Rule 35(11), (12) and (14);
  - 6.10.b Draft Particulars of Claim of Applicants;
  - 6.11.b First, Eleventh, Twelfth and Thirteenth Respondents' Answering Affidavit, with Annexures "NG1" to "NG11";
  - 6.12.b First, Third, Fourth and Fifth Respondents' Notice in terms of Rule 30(2)(b);
  - 6.13.b Notice of Motion (for leave to file RMB documents to supplement case);
  - 6.14.b Founding Affidavit, with Annexures "JT1" to "JT8";



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- 6.15.b Confirmatory Affidavit – Stander;
  - 6.16.b Notice of Intention to Amend Notice of Motion (re leave to file RMB documents to supplement case);
  - 6.17.b Supplementary Founding Affidavit, with Annexures “SFA1” to “SFA2”;
  - 6.18.b Confirmatory Affidavit – Theron;
  - 6.19.b Fourth and Fifth Respondents’ Answering Affidavit, with Annexures “HK1” to “HK76”
  - C) LE GRANGE INC & 4 OTHERS // KLOPPER FREDERICK JOHANNES N.O. & 21 OTHERS – CASE NO.: 70859/2019**
    - 6.1.c Notice of Motion;
    - 6.2.c Founding Affidavit, with Annexures “A” to “L”;
    - 6.3.c Second Respondent’s Answering Affidavit, with Annexures “AA1” to “AA32”;
    - 6.4.c Twelfth and Thirteenth Notice of Opposition
  - D) JURIE JOHANNES GELDENHUYS & 2 OTHERS // ORTHOTOUCH LTD & 26 OTHERS – CASE NO.: 42334/2014**
    - 6.1.d Notice of Application to have Court Order Set Aside, Alternatively for Leave to Appeal;
    - 6.2.d Founding Affidavit, with Annexures “RA1” to “RA6.B”;
    - 6.3.d Confirmatory Affidavits – Cochrane, Papandonis, Theron, Lamprecht, Hancke, Jordaan, Lombaard and Volk;
    - 6.4.d Supplementary Founding Affidavit, with Annexures “RA7” to “RA12”;
    - 6.5.d First Respondent’s Conditional Counter Application;
    - 6.6.d First Respondent’s Answering Affidavit, with Annexures “NG1” to “NG20”.
  - E) SHARON ANN VLOK & 8 OTHERS // NICOLAS GEORGIU & 21 OTHERS – CASE NO.: 80811/2014**
    - 6.1.e Notice of Motion;
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- 6.2.e Further Supplementary Founding Affidavit – Re Details of Opt-In Claimants, with Annexures “SF1” to “SF8”;
  - 6.3.e First, Third, Fourth and Fifth Respondents’ Notice in terms of Rule 30(2)(b);
  - 6.4.e First, Third, Fourth and Fifth Respondents’ Notice of Intention to Oppose;
  - 6.5.e First, Third, Fourth and Fifth Respondents’ Notice of Motion – Application in terms of Rule 30(1);
  - 6.6.e First, Third, Fourth and Fifth Respondents’ Founding Affidavit – Re Application in terms of Rule 30(1), with Annexures “FA1” to “FA6”;
  7. Applicant’s Conditional Counter-Application;
  8. Applicant’s Opposing Affidavit – Rule 30(1) Application.

VARIOUS MATTERS INVOLVING ZEPHAN AND ORTHOTOUCH INSTITUTED BY CLIENTS OF LE GRANGE ATTORNEYS BASED ON THE TERMS OF THE BUY-BACK AGREEMENTS PERTAINING TO HIGHVELD SYNDICATION COMPANIES 21 AND 22

9. Kindly see below a list of matters wherein I have served and filed Notices of Substitution of Attorneys of Record for Zephan and/or Orthotouch:
  - 9.1. CATHORINA ELIZABETH COMBRINK // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 7287/2017
  - 9.2. JOEY KEEVE & 2 OTHERS // ZEPHAN (PTY) LTD & 7 OTHERS - CASE NO.: 8072/2017
  - 9.3. WILLEM JACOBUS HOUGH // ZEPHAN (PTY) LTD & 6 OTHERS - 13731/2017
  - 9.4. GOTTLIEB JOHANNES NIEMAND & ANOTHER // ZEPHAN (PTY) LTD & 6 OTHERS - 14713/2017
  - 9.5. HEMS ENGINEERING (PTY) LTD // ZEPHAN (PTY) LTD & 6 OTHERS - CASE NO.: 14817/2017
  - 9.6. ELGENE LOUW // ZEPHAN (PTY) LTD & 6 OTHERS - CASE NO.: 16099/2017
  - 9.7. PETRONELLA KOTZE N.O // ZEPHAN (PTY) LTD & 7 OTHERS – CASE NO.: 16100/2017



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- 9.8. ISABELLA CATHARINA GREWAR // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 16545/2017
  - 9.9. GHIA GELDERBLOEM // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 18837/2017
  - 9.10. MORNE JORDAAN // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 18838/2017
  - 9.11. JOHANN BENJAMIN GELDERBLOEM & ANOTHER // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 18839/2017
  - 9.12. JAMES PETRUS JOUBERT // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 19931/2017
  - 9.13. MARK ERIC PRIOR N.O // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 20746 2017
  - 9.14. JACOB HERMAN // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 20857/2017
  - 9.15. JAN PETRUS BURGER // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 20858 /2017
  - 9.16. JACOBUS ANDRIES PETRUS DU TOIT // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 20859/2017
  - 9.17. EDITH LORAIN EDWARDS // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 21825/2017
  - 9.18. HIMARI EIENDOMME (EDMS) BPK & ANOTHER // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 22798/2017
  - 9.19. MARIE ELIZABETH ENGELBRECHT N.O. & 2 OTHERS // ZEPHAN (PTY) LTD & 8 OTHERS – CASE NO.: 22799/2017
  - 9.20. ENGELA MARIA VAN DER MERWE & ANOTHER // ZEPHAN (PTY) LTD & 7 OTHERS – CASE NO.: 25448/2017
  - 9.21. WILHELMINA MARIA LIEBENBERG // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 27355/2017
  - 9.22. HENDRIKA SUSANNA GROENEWALD // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 28462/2017
  - 9.23. PHILLIPUS DANIEL OLIVIER N.O. & ANOTHER // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 28463/2017



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- 9.24. CORNELIA JOHANNA LOURENS // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 29865/2017
  - 9.25. CECILIA STEPHANI JOUBERT // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 29928/2017
  - 9.26. HERMANUS ARNOLDUS VAN NIEKERK & ANOTHER // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 30831/2017
  - 9.27. ANSA ANTOINETTE GROVÉ // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 30833/2017
  - 9.28. TERTIUS IGNACIO FERREIRA // ZEPHAN (PTY) LTD & 7 OTHERS – CASE NO.: 31420/2017
  - 9.29. PIETER OPPERMAN // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 32972/2017
  - 9.30. DANKBAARHEID TRUST // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 32974/2017
  - 9.31. ALBERT ROARTY // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 34459/2017
  - 9.32. ZEPHAN (PTY) LTD & 4 OTHERS // CELIA REEDER IN RE CELIA REEDER // ZEPHAN (PTY) LTD & 7 OTHERS – CASE NO.: 35379/2017
  - 9.33. WILHELMINA JACOBA STEMMET // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 35381/2017
  - 9.34. CAREL PIETER DE JAGER N.O. & 5 OTHERS // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 35991/2016
  - 9.35. ZEPHAN (PTY) LTD & 4 OTHERS // ANNA CRISTINA CRONJE IN RE ANNA CRISTINA CRONJE // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 38346/2017
  - 9.36. ARLETTE ANNA ALBERTA REUTER // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 38726/2017
  - 9.37. SYDNEY CLARENCE WILLIAM POOLE // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 39109/2016
  - 9.38. ABRAHAM JOHANNES VIJOEN YSSEL // ZEPHAN (PTY) LTD & 8 OTHERS – CASE NO.: 41187/2017
  - 9.39. JOHANNA SOPHIA STRIK // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 45301/2017



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- 9.40. DEPHNE STRIK // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 45926/2017
  - 9.41. ANDRE MYNHARDT & ANOTHER // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 46901/2019
  - 9.42. JOAO JOSE PIDADE DOS SANTOS & 2 OTHERS // ZEPHAN (PTY) LTD & 7 OTHERS – CASE NO.: 47715/2017
  - 9.43. ROBERT DANIEL GROENWALD // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 51718/2017
  - 9.44. ALMA MAY BENADE // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 52770/2017
  - 9.45. CECILIA MARIA SMIT // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 53633/2017
  - 9.46. ZEPHAN (PTY) LTD & 4 OTHERS // MARLEESE DOROTHEA LEMMER & ANOTHER IN RE MARLEESE DOROTHEA LEMMER & ANOTHER // ZEPHAN (PTY) LTD & 7 OTHERS – CASE NO.: 53636/2017
  - 9.47. JOHN GEORGE JOSLING & ANOTHER // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 53706/2017
  - 9.48. MAGDALENA ALBERTHA STRAUSS // ZEPHAN (PTY) LTD & 7 OTHERS – CASE NO.: 59706/2017
  - 9.49. LINDA DIANE WAMBACH & ANOTHER // ZEPHAN (PTY) LTD & 8 OTHERS – CASE NO.: 69237/2017
  - 9.50. NICOLAS FRANCOIS NEL N.O. & 3 OTHERS // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 87732/2016
  - 9.51. NICOLAS FRANCOIS NEL N.O. & 3 OTHERS // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 87733/2016
  - 9.52. NICOLAS FRANCOIS NEL N.O. & 3 OTHERS // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 87734/2016
  - 9.53. NICOLAS FRANCOIS NEL N.O. & 3 OTHERS // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 87735/2016





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- 9.54. NICOLAS FRANCOIS NEL N.O. & OTHERS // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 87736/2016
- 9.55. KIRK OELOFSE // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 88459/2016
- 9.56. SYDNEY CLARENCE WILLIAM POOLE // ZEPHAN (PTY) LTD & 2 OTHERS – CASE NO.: 88587/2016
- 9.57. CHRISTOFFEL JACOBUS STEENKAMP // ZEPHAN (PTY) LTD & 6 OTHERS – CASE NO.: 90800/2016
10. Please note that all of the court process which I have in my possession or control in the abovementioned matters, can be obtained from the Dropbox link provided above.
11. Please note that as Business Rescue Practitioner of the Companies, I have applied for a Declaratory order in regard to the Business Rescue Process going which will be disclosed in a separate notice.
12. Should you have any difficulty accessing the documents kindly send an email to Sanja Elzerman, Administrative Manager, [admin@orthotouch.co.za](mailto:admin@orthotouch.co.za), contact telephone number 087 997 0545.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Jacques du Toit', written over a large, light-colored oval scribble.

Jacques du Toit  
Senior Business Rescue Practitioner  
(In terms of Section 138 and Regulation 127(2) of the Companies Act, Act 71 of 2008)  
(B. PROC, DIP. TAX, ATTORNEY, NOTARY, CONVEYANCER)