ZEPHAN PROPERTIES (PTY) LTD (IN BUSINESS RESCUE)

REGISTRATION NUMBER: 2003/020174/07

("ZEPHAN")

ORTHOTOUCH (PTY) LTD (IN BUSINESS RESCUE)

REGISTRATION NUMBER: 2010/004096/07)

("ORTHOTOUCH")

(COLLECTIVELY REFERRED TO AS "THE COMPANIES")

BUSINESS RESCUE STATUS REPORT TO AFFECTED PERSONS AND CIPC IN TERMS OF SECTION 132 (3)(a) AND (b) OF THE COMPANIES ACT, 71 OF 2008 FILED BY THE JOINT BUSINESS RESCUE PRACTITIONERS, THOMAS H SAMONS AND THAKHANI R MAKHUVHA ("THE BRPs")

FOR THE PERIOD ENDED 30 SEPTEMBER 2026

1. BACKGROUND TO THE BUSINESS RESCUE PROCEEDINGS

1.1 The Companies Act 71 of 2008, as amended ("the Act"), and more specifically section 132(3) thereof, provides that where a company's business rescue proceedings have not ended within three months after the start of those proceedings, the practitioner must prepare a report on the progress of the business rescue proceedings and update it at the end of every subsequent month until the end of those proceedings. The report must be delivered to all affected persons.

1.2. The Companies commenced business rescue proceedings on 07 November 2019. On 14 November 2019, Jacques du Toit was appointed as the Business Rescue Practitioner of the Companies. First meetings of employees and creditors were held on 27 November 2019 and on 28 November 2019, respectively. The Business Rescue Plans for the Companies were filed on 31 March 2020 but not put to a vote. Subsequently, special creditors meeting was held on 10 January 2023, and a Claim Registration Site went live on 1 February 2023. The 2nd Creditors meeting was held on 31 March 2023 in which date the Business Rescue Plan was adopted.

1.3. In March 2025, du Toit was terminated as Business Rescue Practitioner of the Companies and on 08 April 2025, Lebogang Mpakati was appointed as BRP

and she subsequently resigned in February 2026. On 4 March 2026, Thomas H Samons and Thakhani R Makhuvha were appointed as Business Rescue Practitioners of the companies.

2. PRIVISIONAL LIQUIDATION AND STATUS OF OTHER LITIGATIONS

2.1. In recent months, we reported on the status of litigious matters on the Companies, and these are on-going and therefore remain relatively unchanged.

2.2. The companies were place under provisional liquidation under case numbers 3201/2023 and 3202/2023 in the Free State Division of the High Court, Bloemfontein ("**the Liquidation Application**").

2.3. This followed the applications brought for the liquidation of the Companies, which resulted in the conversion of the business rescue proceedings into liquidation proceedings in terms of section 132(2)(a)(ii) of the Companies Act 71 of 2008 ("**the Act**").

2.4. The Court further issued a rule nisi calling upon interested parties to show cause on **18 June 2026 at 09h30** why final orders of liquidation should not be granted against the Companies.

2.5. The matter was postponed to **03 September 2026** and on this day, it was further extended to **26 November 2026**. In the August Status report, we highlighted what transpired on 03 September 2026 in respect to the Strauss case as we elaborate further below.

3. Strauss & Another // Zephan Properties (Pty) Ltd (in business rescue) – Case Nos.: 3201/2023 & 3202/2023 (Bloemfontein High Court) ("the Liquidation Application")

3.1. This matter concerns a consolidated application brought for the liquidation of the Companies.

3.2. As previously reported, judgement was delivered on 7 May 2026, in terms of which the Honourable Madam Justice Reinders, inter alia, converted the business rescue proceedings of the Companies into liquidation proceedings and placed both companies under provisional liquidation.

3.3. The rule nisi was initially returnable on 18 June 2026 but was subsequently extended, by agreement between the parties and order of Court, to 3 September 2026, when the applications were to be heard on the opposed motion court roll. A **copy of the court** order extending the rule nisi on 18 June 2026 has now come into our possession and is annexed hereto.

3.4. Prior to the return date, however, on 24 August 2026, the applicants in the PLG Application instituted a further application in the Bloemfontein High Court seeking an extension of the return date of 3 September 2026 pending the determination of the PLG Application and, thereafter, their intended consolidation of the Pretoria and Bloemfontein proceedings (**"the postponement application"**).

3.5. The BRPs opposed the postponement application. In particular, the BRPs' position was that the application had been instituted at a very late stage, notwithstanding the PLG applicants' longstanding knowledge of the liquidation proceedings and the extended return date, and that the resulting urgency was accordingly self-created.

3.6. The BRPs accordingly maintained that the liquidation applications should proceed on 3 September 2026 and that the rules nisi should not be further extended merely to accommodate the pending PLG Application. Accordingly, the question of any further extension of the return date at their instance did not arise for determination on 3 September 2026.

3.7. On 3 September 2026, the matter came before the Honourable Judge van Rhyn in the Bloemfontein High Court. Prior to the commencement of the hearing, the parties' legal representatives met with the Honourable Judge in chambers, during which certain difficulties concerning the state and composition of the physical court file and the corresponding electronic *CaseLines* bundle were identified.

3.8. In the circumstances, the Liquidation Application did not proceed to substantive argument on the return date. No determination was made in respect of the merits of the applications or the costs arising from the proceedings, and the

provisional liquidation orders were neither confirmed nor discharged.

3.9. The rule nisi in respect of both Companies was accordingly further extended to 26 November 2026, to which date the liquidation applications were postponed for further hearing.

3.10. The **litigation status** in respect of the following matters **remains unchanged** as per our last April 2026 Status Report, save for the PLG Affected Creditors Group & Others as delineated in 3.16. below:

3.11. Waxham & Others // Saffy N.O. & Others – Case No.: 9272/2020 (Pretoria High Court) – ("**the Waxham Application**");

3.12. Smith & Others // Georgiou & Others – Case No.: 93417/2019 (Pretoria High Court) – ("**the Smith Application**");

3.13. Geldenhuys & Others // Orthotouch & Others – Case No.: 42334/2014 (Johannesburg High Court) – ("**the Geldenhuys Application**");

3.14. Black // Du Toit N.O. & Others – Case No.: 22347/2022 (Pretoria High Court) – ("**the Black Application**");

3.15. Prinia Asset Management & Another // Zephan & Another – Case No.: 114798/2023 (Johannesburg High Court) – ("**the Prinia Action**").

3.16. The PLG Affected Creditors Group & Others // Zephan Properties (Pty) Ltd (in business rescue) & Others – Case No.: 44345/2023 (Pretoria High Court) – ("**the PLG Application**"); and

3.16.1. On 6 July 2026, the applicants in the PLG Application instituted an urgent application seeking, principally, the transfer of the PLG Application from the Gauteng Division of the High Court, Pretoria, to the Free State Division of the High Court, Bloemfontein, with a view to thereafter seeking its consolidation with the Liquidation Application.

3.16.2. The transfer application was initially brought as a matter of urgency. The applicants subsequently abandoned the issue of urgency and, on 14 July

2026, removed the application from the urgent court roll.

3.16.3. The BRPs delivered their answering affidavit on 6 August 2026, whereafter the applicants delivered their replying affidavit on 17 August 2026. The transfer application accordingly remains pending and, notwithstanding the applicants' subsequent attempt to procure an extension of the return date in the Consolidated Liquidation Application pending its determination, which application was ultimately withdrawn, no hearing date has yet been allocated.

4. CONCLUSION

4.1. As previously indicated, the provisional liquidation orders are the only remaining key impediment to the continued implementation of the adopted Business Rescue Plan, and we await the outcome of the extended court proceedings on 26 November 2026. We remain committed to the lawful implementation of the adopted Business Rescue Plan and to advancing the interests of affected persons in accordance with the objectives contemplated in Chapter 6 of the Companies Act.

4.2. We are mindful of our statutory obligations in terms of Chapter 6 of the Act and will continue to keep affected persons informed of all material developments as matters progress.

4.3. The extended court proceedings to 26 November 2026, will however, influence the estimated implementation date of the Business Rescue Plan which we now realistically look at 31 January 2026 (previously 31 October 2026).

4.4. Our view is that the estimated completion and successful implementation of the Business Rescue Plan remain at between 75% and 100%.

We shall keep the affected parties informed of all material developments.





Thomas H Samons
Senior Business Rescue Practitioner

Thakhani R Makhuvha
Senior Business Rescue Practitioner

IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Case No: **3201/2023**
Case No: **3202/2023**

Before the Honourable Acting Judge **ELS**

On the **18th** day of **JUNE 2026**

In the matter between:

FRANCOIS STRAUSS	1st Applicant
HENRY ARDEN SMITH	2nd Applicant
and	
ORTHOTOUCH (PTY) LTD	1st Respondent
ZEPHAN PROPERTIES (PTY) LTD	2nd Respondent
LUKE BERNARD SAFFY N.O.	3rd Respondent
MICHAEL NICOLAS GEORGIOU	4th Respondent
GEORGE NICOLAS GEORGIOU	5th Respondent
JOHANNES FREDERICK KLOPPER N.O.	6th Respondent
JACQUES DU TOIT N.O. replaced by	
LEBOGANG GRACE MPAKATI N.O.	7th Respondent
DEREK PEDOE COHEN N.O.	8th Respondent
HIGHVELD SYNDICATION NO 15 LIMITED	9th Respondent
HIGHVELD SYNDICATION NO 16 LIMITED	10th Respondent
HIGHVELD SYNDICATION NO 17 LIMITED	11th Respondent

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HIGHVELD SYNDICATION NO 18 LIMITED	12th Respondent
HIGHVELD SYNDICATION NO 19 LIMITED	13th Respondent
HIGHVELD SYNDICATION NO 20 LIMITED	14th Respondent
HIGHVELD SYNDICATION NO 21 LIMITED	15th Respondent
HIGHVELD SYNDICATION NO 22 LIMITED	16th Respondent
COMPANIES AND INTELLECTUAL PROPERTY COMMISSION OF SOUTH AFRICA (CIPC)	17th Respondent

Having considered the documents filed of record and having heard the legal practitioner/s for the parties,

AFTER HEARING COUNSEL FOR THE APPLICANTS AND THE FIRST, SECOND, FIFTH AND SEVENTH RESPONDENTS IT IS ORDERED THAT:

1. The matter relating to the liquidation application and the costs application issued on 2 June 2026 are postponed to the opposed roll on 3 September 2026.

2. The rule *nisi* in respect of the two provisional liquidation orders is extended to 3 September 2026.

3. The Applicant shall file a replying affidavit to the opposing affidavit filed on behalf of the Seventh Respondent dated 15 June 2026 in the liquidation matter, if any, on or before 6 July 2026.

4. Any Respondent intending to oppose the costs application and who deems it necessary to file an answering affidavit, shall do so on or before 22 July 2026.

5. The Applicant shall file a replying affidavit in the costs application, if any, on or before 13 August 2026.

6. Costs in the all the aforesaid matters shall stand over for later adjudication.

BY ORDER OF THIS COURT

COURT REGISTRAR

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION,
BLOEMFONTEIN
Private Bag X20612, Bloemfontein 9300
2026 -06- 23
FSD-DIT 004
REGISTRAR OF THE HIGH COURT
FREE STATE DIVISION
BLOEMFONTEIN

HORN VAN RENSBURG ATTORNEYS
PHATSHOANE HENNEY ATTORNEYS
EG COOPER MAJIEDT INC.
McINTYRE & VAN DER POST INC

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