
MB Auto Rentals and Sales Pty Ltd (in liquidation)

Master's Reference Number G1027.2017

REPORT SUBMITTED BY THE JOINT LIQUIDATORS IN TERMS OF SECTION 402 OF THE COMPANIES ACT NO 61 OF 1973 AS AMENDED TO BE SUBMITTED AT A SECOND MEETING OF CREDITORS AND CONTRIBUTORIES TO BE HELD BEFORE THE MASTER OF THE HIGH COURT, JOHANNESBURG ON 22 NOVEMBER 2018 AT 10H00.

ORDER OF THE COURT AND MEETINGS

Nature of Liquidation	Application High Court of South Africa Gauteng Local Division JHB
Date of Provisional Order	31 October 2017
Date of Final Order	06 December 2017
Provisional Appointees	Liebenberg Dawid Ryk van der Merwe & Nomandla Ndabeni
Date of 1 st Meeting of Creditors	21 May 2018
Final Appointees	Liebenberg Dawid Ryk van der Merwe & Nomandla Ndabeni

GENERAL AND STATUTORY INFORMATION

Registrar of Companies

The Company was duly registered with the Registrar of Companies under their reference number 2016/092680/07.

Registered Address

The registered address of the company was at 41 Italian Road, Newlands, Johannesburg, 1739.

Directors

It appears from my investigations the following persons were directors:

- Martin Karel Beneke (deceased)

Share Capital

We have not been able to obtain the statutory documentation of the company and cannot comment under this heading.



Business of the Company

The company would source and purchase used motor vehicles which it would then sell for a profit.

SECTION 402(a)

Financial Statement of Assets and Liabilities

According to information available to us the following would appear to represent the financial position of the Company as at the date of liquidation:

ASSETS	Notes		
<u>Encumbered Assets</u>			0.00
<u>Unencumbered Assets</u>			0.00
LIABILITIES			
<u>Secured Creditors</u>		0.00	
<u>Preferent Creditors</u>		unknown	
<u>Concurrent Creditors</u>			
Applicant		100 000.00	
Surplus/Deficit			100 000.00
TOTAL		R100 000.00	R100 000.00

NOTES:

1. These figures are subject to change and verification.

SECTION 402(b)

Causes of The Company's Failure

The sole director passed away as a result the entity could not continue trading.

SECTION 402(c)

Report Under Section 400(2)

We have not met with the director of the company hence we are unable to report under this heading.

SECTION 402(d)

Personal Liabilities of Directors or Officers

We have not met with the director of the company hence we are unable to report under this heading.

SECTION 402(e)

Legal Proceedings

We have not met with the director of the company hence we are unable to report under this heading.

SECTION 402(f)

Further Enquiry

The liquidators do not intend to hold an enquiry at present. Creditors will be informed if the liquidators decide to proceed with an enquiry into the affairs of the company.

SECTION 402(g)

Books and Records

No books and records were handed to the liquidators.

SECTION 402(h)

Progress and Prospects of Liquidation

After the closure of the second meeting of creditors, we will draft the Liquidation and Contribution Account.

SECTION 402(i)

Matters Requiring Further Directions of Creditors and Contributories

Such directions as we desire, and sanction of the actions taken by the Provisional Liquidators and Liquidators to date, are contained in the Resolutions to be submitted for consideration and adoption, are attached hereto.

DATED AT ROODEPOORT ON THIS 1ST DAY OF NOVEMBER 2018.



LDR VAN DER MERWE

N NDABENI

SECTION 402(e)

Legal Proceedings

We have not met with the director of the company hence we are unable to report under this heading.

SECTION 402(f)

Further Enquiry

The liquidators do not intend to hold an enquiry at present. Creditors will be informed if the liquidators decide to proceed with an enquiry into the affairs of the company.

SECTION 402(g)

Books and Records

No books and records were handed to the liquidators.

SECTION 402(h)

Progress and Prospects of Liquidation

After the closure of the second meeting of creditors, we will draft the Liquidation and Contribution Account.

SECTION 402(i)

Matters Requiring Further Directions of Creditors and Contributories

Such directions as we desire, and sanction of the actions taken by the Provisional Liquidators and Liquidators to date, are contained in the Resolutions to be submitted for consideration and adoption, are attached hereto.

DATED AT ROODEPOORT ON THIS 1ST DAY OF NOVEMBER 2018.

LDR VAN DER MERWE



N NDABENI

**MB Auto Rentals and Sales Pty Ltd (in liquidation)
Master’s Reference Number G1027.2017**

RESOLUTIONS SUBMITTED AND ADOPTED AT THE SECOND MEETING OF CREDITORS HELD BEFORE THE MASTER OF THE HIGH COURT, JOHANNESBURG ON 22 NOVEMBER 2018 AT 10H00.

RESOLVED THAT:

- 1 The report of Liquidator or Joint Liquidators, as the case may be, hereinafter referred to as (the Liquidator”), as submitted be received and adopted and all his actions referred to therein be and are hereby confirmed, ratified and approved.
- 2 All actions of whatsoever nature hereto-before taken by the Provisional Liquidator and/or Liquidator be and are hereby confirmed, ratified and approved.
- 3 The Liquidator be granted the authority and is vested with all the powers mentioned in Section 386(4)(a) - (i) of the Companies Act No 61 of 1973, as amended, such powers to be exercised at his sole and absolute discretion.
- 4 The Liquidator be and is hereby authorised in his sole and absolute discretion to:
 - 4.1 Take legal advice on any question of law affecting the administration and distribution of the company;
 - 4.2 Institute or defend on behalf of the company any action or other legal proceedings of a civil nature for the recovery of monies due to the company or otherwise and subject to the provisions of any law relating to criminal procedure, institute any criminal proceedings;
 - 4.3 Hold any enquiry into the affairs of the company and/or any matter relating thereto;
 - 4.4 Investigate and institute legal proceedings for the recovery of any voidable or undue preferences, voidable dispositions of property or any other impeachable transactions of whatsoever nature and to abandon same at any time;
 - 4.5 Write up the books of the company as may be required, and if necessary, to produce a balance sheet, audited or not, as at the date of liquidation, either for the purpose of investigating the affairs of the company, establishing the claims of creditors, or any other purpose.
- 5 The Liquidator be and is hereby authorised in his sole and absolute discretion to employ and engage the services of attorneys and/or counsel (senior and/or junior) and/or accountants and/or bookkeepers and/or any employee of the insolvent and/or recording agents and/or any other person who in the sole discretion of the Liquidator may be of assistance in the winding-up of the

- company in relation to any matter referred to in 4 above and further to pay all the costs thereof of whatsoever nature out of the estate as costs incurred in the liquidation.
- 6 The Liquidator be and is hereby authorised to collection any debts due to the company and for the purpose thereof to sell or compound or compromise any of these debts for such sum and upon such terms and conditions as he in his sole discretion may deem fit, and to accept any part of the debt in settlement thereof, and to grant an extension of time for the payment of any such debt, and to abandon any debt which he in his sole discretion may deem to be irrecoverable.
 - 7 The Liquidator be and is hereby authorised to dispose of any movable and immovable property of the company, whether in his possession or under his control now or to come into his possession or under his control in the future by public auction, private treaty or public tender upon such terms and conditions as he in his sole and absolute discretion shall determine and to abandon any such assets for which he can find no purchaser or abandon them to a secured creditor at the value placed thereon by such creditor or at such value as is agreed upon by the Liquidator and the creditor if such creditor's claim is secured by such assets and to sign all such documents as may be necessary to give effect to such disposition.
 - 8 The Liquidator be and is hereby authorised and empowered in his sole discretion to compromise and admit any claim against the company of whatsoever nature and howsoever arising and whether disputed or not and whether actual, contingent, prospective, conditional, unconditional, assessed, unassessed, liquidated or unliquidated as a liquidated claim in terms of Section 78(3) of the Insolvency Act No 24 of 1936 as amended, read with Section 339 of the Companies Act No 61 of 1973, as amended, at such amount as may be agreed upon by the Liquidator, provided that proof thereof has been tendered at a meeting of creditors.
 - 9 The Liquidator be and is hereby authorised to make application for the destruction of books and records of the estate six months after the confirmation of the Final Liquidation and Distribution Account.
 - 10 The Liquidator be and is hereby authorised to perform any act or exercise any power for which he is not expressly required by the Companies Act No 61 of 1973, as amended, to obtain the leave of the Court.
 - 11 The Liquidator be and is hereby authorised to submit to the determination of arbitrators any dispute concerning the company or any claim or demand by or upon the company.
 - 12 The Liquidator be and is hereby authorised to carry on or discontinue any part of the business of the company insofar as may be necessary for the beneficial winding-up thereof.
 - 13 The Liquidator be and is hereby authorised to exercise *mutatis mutandis* the powers conferred upon a Liquidator by Section 35 (uncompleted acquisition of immovable property before liquidation) and 37 (effect of liquidation upon a lease) of the Insolvency Act No 24 of 1936, as amended, read with Section 339 of the Companies Act No 61 of 1973, as amended.



14 The further administration of the affairs of the company be left entirely in the hands and at the discretion of the Liquidator.

q.q. CREDITORS

q.q. DIRECTORS /
SHAREHOLDERS

PRESIDING OFFICER