ANNEXURE "A"

Insolvent Estate Celia Ann & Steven John Thompson
Master's Reference Number G.63/2018

REPORT BY THE JOINT TRUSTEES, LIEBENBERG DAWID RYK VAN DER MERWE & RENETTE LEATHERN, IN TERMS OF SECTION 81 OF THE INSOLVENCY ACT NO 24 OF 1936, AS AMENDED, ("THE ACT"), TO BE SUBMITTED AT THE SECOND MEETING OF CREDITORS TO BE HELD BEFORE THE MAGISTRATE ROODEPOORT, ON 1 APRIL 2020, AT 09H00.

ORDER OF THE COURT AND MEETINGS

Nature of Application	High Court of South Africa Gauteng Local Division Johannesburg
Date of Sequestration	04 November 2016
Date of Provisional Order	n/a
Date of Final Order	19 February 2018
Provisional Appointees	Liebenberg Dawid Ryk van der Merwe & Renette Leathern
Date of 1st Meeting of Creditors	12 February 2020
Final Appointees	Liebenberg Dawid Ryk van der Merwe & Renette Leathern

SECTION 81(1)(a): ASSETS AND LIABILITIES

On completion of our investigations into the affairs of the estate the financial position of the estate as at the date of sequestration would appear be as follows:

ASSETS	Notes		
Encumbered Assets			
Erf480, Strubensvallei, Ext 4 encumbered to SA Home Loans by way of Mortgage Bond 26905/2011			2 300 000.00
Nissan X Trail 2.5 SE 4x4 encumbered by way of Instalment Sale Agreement to Wesbank Limited			219 420.00
Unencumbered Assets			
West-Melton 250 Ordinary Shares			1 478 000.00
Funds recovered from attorneys trust account			2 047 472-51
LIABILITIES			
Secured Creditors			
SA Home Loans		1 352 124-76	
Wesbank Limited		167 622.69	
Preferent Creditors		UNKNOWN	
Concurrent Creditors			
Applicant		10 244 638.56	
Sub Total		R11 764 386-01	**R6 044 892-51**
Surplus/Deficit			**R5 719 493-50**
TOTAL		R11 764 386-01	R11 764 386-01

NOTES:

1. The immovable property encumbered to SA Home Loans and was sold by private treaty pursuant to an extension of the powers of the joint provisional trustees in terms of Section 80(bis) of the Insolvency Act.
2. The 250 Ordinary Shares of West-Melton were sold pursuant to an extension of the powers of the joint provisional trustees in terms of Section 80(bis) of the Insolvency Act.
3. The motor vehicle was recovered by the secured creditor and they realised the security and paid the funds over to the Trustees.
4. There were assets sold prior to sequestration and the Attorneys acting for the Applicants, attached the funds of the sale and held same in trust until such time as the Trustees were appointed. Upon the appointment of the Trustees, the funds were paid over.
5. These figures as preliminary and subject to change upon receipt of further claims and recovery of assets.

MARITAL STATUS

According to information on hand, the insolvents were married Out of Community of Property.

SECTION 81(1)(b): CAUSES OF INSOLVENCY

According to information received and our initial investigation the following information is available :

The Insolvents were employed at a company called Commercial Shearing. They misappropriated funds during the course of their employment. Commercial Shearing, applied for the sequestration of the Insolvents for a Trustee to be appointed to attach and realise their assets to try and recover funds that were misappropriated.

SECTION 81(1)(c): BOOKS AND RECORDS

We are unable to advise whether the insolvent was required to keep books and records in his personal capacity.

SECTION (81)(1)(d): CONTRAVENTIONS AND OFFENCES

Based on the above, the Insolvents contravened certain provisions of the Act, in that:

1. They have failed to provide us with monthly Income and Expenditure Statements in terms of Section 23(4) of the Act.
2. They have failed to keep me notified at all times of his residential and postal addresses in terms of Section 138(d) read together with Section 23(13) of the Insolvency Act No. 24 of 1936 (as amended).
3. They have failed to provide us with a Statement of Affairs in terms of Section 137(c) read together with Section 16 of the Insolvency Act No. 24 of 1936 (as amended). This conduct on his part has duly hampered us in the course of our duties.
4. They have failed to attend the first meeting of creditors.

SECTION 81(1)(e): ALLOWANCES TO THE INSOLVENTS

No allowances have been made to the insolvents.

SECTION 81(1)(f): TRADING

We are unable to advise whether the insolvent traded in his personal capacity. Hence there is nothing to report under this heading.

SECTION 81(1)(g): LEGAL PROCEEDINGS

The trustees are perusing the recovery of a policy and the necessary legal action will be instituted in due course, if necessary.

SECTION 81(1)(h): UNCOMPLETED CONTRACTS

To the best of our knowledge and belief there is nothing to report under this heading.

SECTION 81(1)(i): FURTHER ADMINISTRATION

We have reported above on the administration of the estate to date and appropriate resolutions will be submitted to this meeting to enable us to wind up the administration of the estate.

We request that this meeting be postponed for the purposes of holding of an enquiry. The Insolvents relocated to Mosselbay and to date have not accounted for their movable assets to the Trustees. The Insolvents also sold assets prior to sequestration and some after, despite an order of court interdicting them from selling movable assets. The Insolvents also have not fully accounted for the funds of these assets.

DIVIDEND PROSPECTS

There is no danger of a contribution and we enclose herewith the necessary claim documents for creditors to complete.

DATED AT ROODEPOORT ON THIS 16TH DAY OF MARCH 2020

LDR VAN DER MERWE	R LEATHERN

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DATED AT ROODEPOORT ON THIS 16TH DAY OF MARCH 2020

LDR VAN DER MERWE

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ANNEXURE "B"

Insolvent Estate Celia Ann & Steven John Thompson

Master's Reference Number G.63/2018

RESOLUTIONS SUBMITTED AND ADOPTED AT THE SECOND MEETING OF CREDITORS HELD BEFORE THE MAGISTRATE ROODEPOORT ON 1 APRIL 2020 AT 09H00.

RESOLVED THAT:-

1. The report of the Trustee, as the case may be, hereinafter referred to as ("the Trustee"), 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 Trustee and/or Trustee be and are hereby confirmed, ratified and approved.
3. The Trustee be and is hereby authorised in his sole and absolute discretion to:

3.1. Take legal advice on any question of law affecting the administration and distribution of the estate;

3.2. Institute or defend on behalf of the estate any action or other legal proceedings of a civil nature for the recovery of monies due to the corporation or otherwise and subject to the provisions of any law relating to criminal procedure, institute any criminal proceedings;

3.3. Hold any enquiry into the affairs of the insolvents and/or any matter relating thereto;

3.3.1. 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;

3.4. Write up the books of the insolvents as may be required, and if necessary, to produce a balance sheet, audited or not, as at the date of sequestration, either for the purpose of investigating the affairs of the insolvents, establishing the claims of creditors, or any other purpose.

4. The Trustee 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 insolvents and/or recording agents and/or any other person who in the sole discretion of the Trustee may be of assistance in the winding-up of the estate in relation to any matter referred to in 3 above and further to pay all the costs thereof of whatsoever nature out of the estate as costs incurred in the sequestration.
5. The Trustee be and is hereby authorised to collection any debts due to the estate 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.

6. The Trustee be and is hereby authorised to dispose of any movable and immovable property of the estate, 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 Trustee 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.
7. The Trustee be and is hereby authorised and empowered in his sole discretion to compromise and admit any claim against the corporation 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, at such amount as may be agreed upon by the Trustee provided that proof thereof has been tendered at a meeting of creditors.
8. The Trustee 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 account.
9. The Trustee be and is hereby authorised to submit to the determination of arbitrators any dispute concerning the estate or any claim or demand by or upon the estate.
10. The Trustee be and is hereby authorised to carry on or discontinue any part of the business of the estate insofar as may be necessary for the beneficial winding-up thereof
11. The Trustee be and is hereby authorised to exercise mutatis mutandis the powers conferred upon a Trustee by Section 35 (uncompleted acquisition of immovable property before sequestration) and 37 (effect of sequestration upon a lease) of the Insolvency Act No 24 of 1936, as amended ("the Act").
12. The Trustee be and is hereby authorised to allow the insolvents to retain for his/her own use the whole or such part of his household furniture and tools and other essential means of subsistence as he may determine.
13. The Trustee be and is hereby authorised to release, as he in his absolute discretion decides, any assets belonging to the solvent spouse which is proved to have acquired or safeguarded as provided for in Section 21(2) of the Insolvency Act No 24 of 1936, as amended.
14. The Trustee be and is hereby authorised to make any allowance out of the estate to the insolvents which he in his sole discretion may deem to be necessary for the support of the insolvents and his/her dependants.
15. The Trustee be and is hereby authorised to perform any act or exercise which he is not expressly empowered to perform in terms of the provisions of the Act.
16. The creditors hereby consent to the trustee's remuneration ("the remuneration") being taxed by The Master of High Court in terms of the Insolvency Act at the higher figure of:

16.1. the prescribed tariff as is contained in the Insolvency Act

16.2. the. increased amount of work done by the trustee in terms of the actual time spent by him or her and his or her staff in the discharge of their duties in the winding-up as is reflected on properly kept timesheets at the charge out tariff of the respective professional and administrative staff and which will be deemed to be good cause for the increase of such remuneration

16.3. the prescribed tariff as is contained in the Insolvency Act

16.4. the. increased amount of work done by the trustee in terms of the actual time spent by him or her and his or her staff in the discharge of their duties in the winding-up as is reflected on properly kept timesheets at the charge out tariff of the respective professional and administrative staff and which will be deemed to be good cause for the increase of such remuneration

17. The remuneration referred to in 16 above may further be increased based on aspects such as:the complexity of the estate in question,

17.2. the degree of difficulty encountered by the trustee in the administration of the estate, and

17.3. particular difficulties experienced by the trustee because of the nature of the assets or some other similar feature connected with the administration of the estate.

18. The further administration of the affairs of the estate be left entirely in the hands of and at the discretion of the Trustee.

q.q. CREDITORS

PRESIDING OFFICER