



VAN ROOYEN-FISHER TRUSTEES BK/CC
INSOLVENSIE PRAKTISYNS / INSOLVENCY PRACTITIONERS
CK 1997 / 062134 / 23

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MY VERW / MY REF:

U VERW / YOUR REF:

SECOND MEETING REPORT

TYREX PROCUREMENT SERVICES AND SITE SUPPLIES CC- IN LIQUIDATION

MASTER'S REFERENCE NUMBER: C1313/21

**REPORT OF THE LIQUIDATORS, J.A. FISHER & AI VILAKAZI TO BE
SUBMITTED AT THE SECOND MEETING OF CREDITORS AND MEMBERS
TO BE HELD BEFORE THE MAGISTRATE, SOMERSET-WEST ON 8
SEPTEMBER 2022 AT 09H00.**

The above Close Corporation was placed in Liquidation by ways of an order of the High Court of South Africa, Western Cape Division, Cape Town on 17 November 2021. JA Fisher & AI Vilakazi were appointed as Co-Liquidators by the Master of the High Court, Johannesburg on 6 December 2021.



MEMBER: JA FISHER (B.IURIS.B.PROC)
OFFICE MANAGER - NESIBANYONI

MEMBER OF THE ASSOCIATION OF INSOLVENCY PRACTITIONERS OF SOUTHERN AFRICA
IN ASSOCIATION WITH BB. MAHLATSI TRUSTEES

BACKGROUND & GENERAL INFORMATION:

1. Registration of the Close Corporation

The Corporation was incorporated under Certificate of Registration number 2004/028946/23.

2. Registered address of the Close Corporation

The registered address at date of liquidation was 179 Helderberg College Road, Helena Heights, Somerset West, Western Cape.

3. The accounting officers of the Close Corporation

According to information obtained from CIPC, the auditor on record is D De Beer from PO Box 7470, Birchleigh.

4. The Members of the Close Corporation

In terms of the Statement of Affairs, the member of the Corporation, at date of liquidation was Melissa Rex with ID: 8002180004082.

5. Reason for the failure of the Close Corporation

This aspect is still under investigation.

SECTION 79(c) – REPORT IN TERMS OF SECTION 400(2) OF THE COMPANIES ACT NUMBER 61 OF 1973, AS AMENDED (Read with Section 66 of the Close Corporations Act)

No need for a further enquiry exists at this stage unless creditors instruct the co-liquidators to have further enquiries.

SECTION 79(d) (1)(2)(3) – PERSONAL LIABILITIES OF THE MEMBERS AND/OR OFFICERS IN RESPECT OF

This matter is still under investigation.

SECTION 79 (e) – LEGAL PROCEEDINGS

We have no knowledge of any legal proceedings, which may have been pending or may be instituted by or against the corporation at the date of commencement of the winding –up order, other than for the recovery of the debt in the normal course of business.

SECTION 79(f) – FURTHER ENQUIRY IN REGARD TO ANY MATTER RELATING TO THE FORMATION OR FAILURE OF THE CORPORATION OR CONDUCT OF ITS BUSINESS

No need for a further enquiry exists at this stage, unless creditors instruct the co-liquidators to have further enquiries.

SECTION 79(g) – BOOKS & RECORDS

No books and records have been received at this stage and we can therefore not comment on the formalities of the books and records.

SECTION 79(h) – PROGRESS AND PROSPECTS OF WINDING UP

We intend on closing this meeting to enable us to finalize the administration.

SECTION 79(i) – OTHER MATTERS REQUIRING THE DIRECTIONS OF CREDITORS

A copy of the relevant Resolutions is accordingly attached for consideration and is to be adopted at this meeting in conjunction with this report.

DATED AT PRETORIA THIS 22ND DAY OF AUGUST 2022



J.A. FISHER
CO-LIQUIDATOR



AL VILAKAZI
CO-LIQUIDATOR

Van Rooyen Fisher Trustees
PO Box 2230
PRETORIA
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Tel: (012) 346 7430
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**TYREX PROCUREMENT SERVICES AND SITE SUPPLIES CC – C1313/21
FIRST AND SECOND MEETING TO BE HELD AT MAGISTRATE SOMERSET WEST ON 8 SEPTEMBER 2022**

HIERMEE WORD BESLUIT

1. Dat die verslag van die Likwidateur(s) aanvaar word en dat sy/hulle handeinge soos daarin genoem goeakeur en bekragtig word;
2. Dat die handelinge van die voorlopige likwidateur(s) en likwidateur(s) om regsadvies te bekom en die indiensneming van regspraktisyne soos hy/hulle nodig geag het vir die administrasie van die boedele tot datum, gemagtig en goedgekeur word en dat die koste daaraan verbonde betaal word uit die fondse van die boedel as deel van die administrasiekostes;
3. Dat die likwidateur(s) gemagtig word om die dienste van regspraktisyne verder te bekom soos hy/hulle van tyd tot tyd mag benodig in die belang van die boedel en dat die koste betaal te word uit die fondse van die boedel as deel van die administrasiekoste;
4. Dat die likwidateur(s) gemagtig word om enige regsgeginge aanhangende te maak of te verdeel en/of opsporings- invorderingsagente aan te stel ten einde skulde of bates aan die boedel verskuldig, in te vorder of ten opsigte van enige ander saak rakende die boedel, insluitende die hou van ondersoek of ondervragings kragtens die Insolvenswet 1936, soos gewysig, soos hy/hulle mag nodig ag en om vir sodanige doel van die dienste van regspraktisyne van sy/hulle keuse gebruik te maak en om hulle rekenings as koste van administrasie te betaal en welke rekeninge nie nodig sal wees om te takseer nie maar 'n fooi goedgekeur deur die likwidateur(s) sal betaalbaar wees.
5. Dat die likwidateur(s) gemagtig word om enige aksies deur of teen die boedel reeds aanhangende gemaak of gemaak staan te word, te stak of 'n kompromis daarvoor aan te gaan, op sulke terme en voorwaardes as wat hy/hulle mag goeoddink;
6. Dat indien kostes aangegaan word vir die gebruik van 'n bandopneemmasjien waar die staat nie die diens kosteloos verskaf nie, die koste hieraan verbonde en die kostes om afskrifte van die hofrekords te verkry as koste van die boedel beskou word en toegelaat word;

IT IS HEREBY RESOLVED

- 1 That the report of the Liquidator(s) and his/their actions as referred to therein be and are hereby approved, ratified and confirmed.
- 2 That the actions of the provisional Liquidator(s) and Liquidator(s) in engaging the services of attorneys and/or counsel on such matters as he/they found necessary in the administration of the estate to date, are hereby approved, ratified and confirmed and the costs thereof be paid out of the funds of the estate as part of the costs of administration.
- 3 That the Liquidator(s) be and is/are hereby authorised to engage whatever further legal assistance he/they may require in the interests of the state and that the costs thereof be paid out of the funds of the estate as part of the costs of administration.
- 4 That the liquidator(s) be and is/are hereby authorised to institute or defend legal action and/or employ the services of a tracing agent or debtor collector in order to collect debts owing to the estate or in respect of any other matter affecting the state including the holding of enquiries or examinations in terms of the Insolvency Act, 1793 as amended, as he/they may deem fit, and for such purposes to employ the services of attorneys and/or counsel of his/their choice and to pay the costs out of funds of the estate as part of the costs of administration which accounts do not have to be taxed but a fee approved by the liquidator(s) will be payable.
- 5 That the Liquidator(s) be and is/are hereby authorised to settle or compromise any legal proceedings whether instituted or to be instituted by or against the estate, on such terms and conditions and for such amount as he/they in his/their discretion may deem fit.
- 6 That should costs be incurred for the use of a tape recorder where the state does not supply the service free of charge, the costs thereof and the cost for obtaining copies of the Court records will be deemed part of the administration costs of the estate.

7. Dat die Likwidateur(s) gemagtig word om enige roerende of onroerende eiendom van die boedel van watter beskrywing ookal en uitsluitende Uitsaande skulde per publieke veiling, tender of uit die hand te verkoop op sodanige wyse en voorwaardes as wat hy/hulle mag goedding;
8. Dat die Likwidateur(s) gemagtig word om enige verband ten gunste van die boedel te kanselleer;
9. Dat die Likwidateur(s) gemagtig word om afstand te doen van enige skuld of deel van 'n skuld wat betaalbaar is aan die boedel en wat volgens sy/hulle oordeel onverhaalbaar is;
10. Dat die Likwidateur(s) gemagtig word om van die dienste van afslaers of agente gebruik te maak om die bates van die boedel van die hand te sit en om die verkoopsvoorwaardes en manier van advertering na sy/hulle goeddunke te betaal;
11. Dat die Likwidateur(s) gemagtig word om in sy/hulle diskresie skikkings aan te gaan en eise hetsy gelikwideerd al dan nie teen die boedel, voortspruitend uit 'n waarborg of enige ander oorsaak, as 'n gelikwideerde eis kragtens Artikel 78(3) van die Insolvensiewet, soos gewysig, toe te laat teen 'n bedrag waartoe beide die betrokke krediteur(e) en die Likwidateur(s) ooreenkom, op voorwaarde dat bewys daarvan aangebied is by 'n vergadering van skuldeisers;
12. Dat die Likwidateur(s) gemagtig word om oordrag te gee aan kopers van onroerende eiendom wat vanaf die boedel gekoop is op 'n datum voor insolvensie of om toe te stem tot die kansellasië van sodanige verkoop of om toe te stem tot die plaasvervanging van nuwe kopers in terme van bestaande koopkontrakte;
13. Dat die Likwidateur(s) gemagtig word om in sy/hulle diskresie enige bate of bates van die boedel waar geen koper vir sodanige bate(s) gevind kan word nie prys te gee en te verlaat;
14. Dat die Likwidateur(s) gemagtig word om huurkontrakte te kanselleer ten opsigte van geboue of enige ander voorwerp;
7. That the Liquidator(s) be and is/are hereby authorised to sell any movable or immovable property of the estate of whatsoever description and including outstanding debts by public auction, public tender or private treaty in such manner, upon such terms and conditions and for such amounts as he/they may deem fit.
8. That the liquidator(s) be and is/are hereby authorised to consent to the cancellation of any bond passed in favour of the estate.
9. That the Liquidator(s) be and is/are hereby authorised to abandon any amount or any part of an amount due to the estate as he/they has/have been unable to recover or dispose of as he/they may deem fit.
10. That the Liquidator(s) be and is/are hereby authorised to engage the services of auctioneers or agents to sell the assets of the estate and to determine the conditions of sale and manner of advertising in his/their discretion.
11. That the Liquidator(s) be and is/are hereby authorised and empowered in his/their discretion to compromise or admit any claim against the estate, whether liquidated or unliquidated, arising from any guarantee or any other cause whatsoever, as a liquidated claim in terms of Section 78(3) of the Insolvency Act, as amended, at such amount as may be agreed upon between creditor(s) concerned and the Liquidator(s) provided that proof thereof has been tendered at a meeting of creditors.
12. That the Liquidator(s) be and is/are hereby authorised to transfer to the purchaser thereof any immovable property sold by the estate prior to its Liquidation or to agree to the cancellation of any such sale and to re-sell such property or to agree to the substitution of an new purchase under any existing Deed of Sale.
13. That the liquidator(s) be and is/are hereby authorised to abandon any asset or assets of the estate where no purchaser for the asset(s) can be found.
14. That the Liquidator(s) be and is/are hereby authorised to terminate leases in leases in respect of premises or of any other object entered into by the estate

15. Dat die Likwidateur(s) gemagtig word om, indien nodig lenings aan te gaan vir geld, met of sonder om sekuriteit te bied en dat alle rente betaalbaar op sodanige lenings administrasiekoste teen die boedel sal wees.

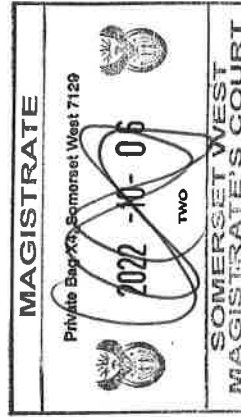
16. Dat die likwidateur(s) gemagtig word om van die dienste gebruik te maak van boekhouders, rekenmeester en enige ander persoon wie hy/hulle vir die boedel se doel mag benodig en dat die koste daarvan 'n administrasiekoste van die boedel sal wees;

17. Dat die verdere administrasie van die boedel in die bande van die Likwidateur(s) gelaat word.

15. That the Liquidator(s) be and is/are hereby authorised to, if necessary, borrow moneys with or without providing security therefore and that the interest Payable on such loans shall be paid as costs of administration of the estate.

16. That the Liquidator(s) be and is/are hereby authorised to engage the services of bookkeepers, accountants, auditors or any other person for any purpose in an about the affairs of the estate which he/they may require and the costs so incurred to be paid as costs of administration of the estate.

17. That the future administration of the estate be left in the hands of and to the Discretion of the Liquidator(s).



Joshua Leon Lutges de Crediter 1