

L N M CONTACTING SERVICES (PROPRIETARY) LIMITED (IN LIQUIDATION)

MASTER'S REFERENCE NUMBER C802/2024

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 SPECIAL & GENERAL MEETING OF CREDITORS AND CONTRIBUTORIES TO BE HELD BEFORE THE MAGISTRATE HOPEFIELD ON 19 SEPTEMBER 2025 AT 09H00.

ORDER OF THE COURT AND MEETINGS

Nature of Liquidation	Application in the Western Cape High Court
Date of Provisional Order	23 OCTOBER 2024
Date of Final Order	3 DECEMBER 2024
Provisional Appointees	JOHANNES FREDERICK KLOPPER & MARYKE LANDMAN
Date of 1 st Meeting of Creditors	11 APRIL 2025
Final certificate of appointment	07 MAY 2025
Final Appointees	JOHANNES FREDERICK KLOPPER & MARYKE LANDMAN

GENERAL AND STATUTORY INFORMATION

REGISTRAR OF COMPANIES

The Company is duly registered with the Companies and Intellectual Property Commission (CIPC) under their reference number 2017/427689/07

REGISTERED ADDRESS

According to the records at CIPC the registered address of the company is reflected at 14 Antonio Sieni Street, Langebaan, Western Cape, 7357

DIRECTORS

It appears from our investigations that the following persons served as directors to the company:

Lucinda Janine Liberty - ID 7108020184085

Wayne Hydn Liberty - ID 7210115974089

AUDITORS

According to the information obtained from CIPC in relation to the company would not appear to have appointed auditors of independent reviewers.

We are unable to report under this heading but investigations in this regard will continue.

The director, Mr Wayne Liberty, alleges that one Anna Lourens based in Melkbosstrand in Cape Town attended to keeping the company's accounting records but that she is presently abroad.

SHARE CAPITAL

According to the CIPC records the authorised shares of the company is 1000 ordinary shares of R1 each and of which one share was issued.

BUSINESS OF THE COMPANY

According to CIPC's records the company's business activities were "not restricted".

The company's director explained that the essence of the company's business was an attempt to procure a product known as grizzly from a steel manufacturer and that he would act as a "middle man" in transactions relating to the onward sale of this product to third parties.

SECTION 402(A)

FINANCIAL STATEMENT OF ASSETS AND LIABILITIES

The company's directors failed to provide us with a Statement of Affairs as required in terms of Section 363 of the Companies Act No 61 of 1973 as amended and we are consequently unable to report fully on the company's financial position.

In discussions with one of the directors, Mr Wayne Liberty, he stated that the company had no assets but in his opposing affidavit in the liquidation proceedings he denied under oath that the company was insolvent.

The claims against the company that we were able to ascertain to date are as follows:

- The applicant in the winding up application - Star Choice Trading 38 (Pty) Limited - R1 365 923
- U Loans - R 500 000
- Ermelo Scrap (amount to be verified)

SECTION 402(B)

CAUSES OF THE COMPANY'S FAILURE

The director described the causes of the company's failure as follows:

"The nature of the business was processing and supplying of different kinds of materials to foundries for melting purposes.

We would process through a third party material (metal/steel) in different sizes and grades for a local foundries to use /consume in their melting and fabrication processes.

We had a supply agreement with the client to supply them a certain amount of tonnages per month, a agreement between Star choice was made that they would supply some material, we would see to it that the material was processed and "sold".

This was done, prices of the steel at the time dropped and Star choice wanted more than what was offered. Also with the processing cost there was suddenly a dispute.

My relationship with client was brought into jeopardy after Star choice interfered and my supply agreement was put on hold, this impacted the operations in a negative way.

I received the liquidation application/notice and everything went south from there on. Even to the extent that I was in the process of finalising a international agreement to supply material (Grizzly, it is a by-product of their production and melting process) from Arcelor Mittal to the client abroad that would change the entire dynamic of the business and take us to a different level.

This too (liquidation) has now affected the negotiations and I am currently trying everything humanly possible to change the international clients mind to still afford me a opportunity to continue doing business with them."

SECTION 402(C)

REPORT UNDER SECTION 400(2)

Should any further contraventions come to our attention an additional report will be submitted to the Master of the High Court in regard to such contraventions.

We intend submitting a report to the Master of the High Court in relation to the failure to provide a statement of affairs. However, we are still investigating certain further aspects and if necessary, a detailed report will be submitted to the Master in due course.

SECTION 402(D)

PERSONAL LIABILITIES OF DIRECTORS OR OFFICERS

At this stage we are unable to comment on whether the former director or officer of the company can be held personally liable for the debts of the company. A report will be submitted, should it become necessary.

SECTION 402(E)

LEGAL PROCEEDINGS

As far as we are aware there are no legal proceedings pending by or against the Company, except for normal debt collection.

We have no knowledge of any legal proceedings pending by or against the company

SECTION 402(F)

FURTHER ENQUIRY

At this stage the Liquidators do not intend to convene an Enquiry into the affairs of the company.

However, should any creditor wish to proceed with an Enquiry in terms of the provisions of Section 415 or 417 of the Act they are hereby invited to furnish us with instructions/directions in this regard, they are invited to indemnify us and to proceed in terms of the provision of Section 32(1) of the Insolvency Act should they so wish.

SECTION 402(G)

BOOKS AND RECORDS

No books and records relating to the affairs of the Company have been handed to us and this contravention will be reported to the Master.

SECTION 402(H)

PROGRESS AND PROSPECTS OF LIQUIDATION

Upon the conclusion of the Second Meeting of Creditors, the First and Final Liquidation Account will be lodged.

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.



GENERAL

ESTIMATED DIVIDEND

There appears to be a danger of contribution to the levied onto creditors who submit a claim for proof hence we cannot recommend that creditors submit their claims for proof at this stage.

DATED AT CAPE TOWN ON THIS 5TH DAY OF AUGUST 2025

JOHANNES FREDERICK KLOPPER

MARYKE LANDMAN

**L N M CONTACTING SERVICES (PROPRIETARY) LIMITED
(IN LIQUIDATION)
MASTER’S REFERENCE NUMBER C802/2024**

**RESOLUTIONS SUBMITTED AND ADOPTED AT THE SPECIAL & GENERAL MEETING OF
CREDITORS HELD BEFORE THE MAGISTRATE HOPEFIELD ON 19 SEPTEMBER AT 9H00**

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.

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- 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 That costs of attendance of creditors meetings be costs in the estate.
- 14 That the costs of courier services for purposes of creditors meetings be costs in the estate.
- 15 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.
- 16 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