

**INSOLVENT ESTATE RONALD RICHARD & LORNA MAJORIE FOURIE (“the Insolvents”)**

**(IDENTITY NUMBERS 790928 6012 088 & 780810 0069 086)**

**MASTER’S REFERENCE NUMBER T.807/2016**

REPORT BY THE TRUSTEE 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 MASTER OF THE HIGH COURT, PRETORIA, ON 06 DECEMBER 2016 AT 10H00.

**ORDER OF THE COURT AND MEETINGS**

Nature of Application	Application in The North Gauteng High Court, Pretoria (Republic of South Africa)
Date of Sequestration	26 April 2016
Provisional Appointee	Lebogane Grace Mpakati
Provisional Certificate of Appointment	19 May 2016
Date of 1 <sup>st</sup> meeting of creditors	11 October 2016
Final Appointee	Lebogane Grace Mpakati
Final Certificate of Appointment	12 October 2016

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

I am unable to locate the whereabouts of the insolvents and are therefore not in a position to report into the affairs of the estate or the financial position of the estate as at the date of sequestration.

**MARITAL STATUS**

The insolvent’s marital status is unknown.

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

I am unable to comment to the causes of insolvency as I have not met with the insolvents.

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

I am unable to advise whether the insolvents were required to keep books and records in their personal capacity.

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Based on the above, the Insolvent 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. The insolvents have also not submitted as Statement of Affairs in terms of Section 137(c) of the Act.
3. The insolvents have also not attended the meetings of creditors, in terms of Section 138 of the Act.
4. They have failed to notify the Trustee of their change of address in terms of Section 23(13) of the Act.

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

No allowance have been made to the Insolvents, in terms of Section 79 of the Insolvency Act No. 24 of 1936 (as amended).

**SECTION 81(1)(f) : TRADING**

I am unable to comment under this heading

**SECTION 81(1)(g) : LEGAL PROCEEDINGS**

I am unable to comment under this heading

**SECTION 81(1)(h) : UNCOMPLETED CONTRACTS**

I am unable to comment under this heading

**SECTION 81(1)(i) : FURTHER ADMINISTRATION**

There are no further matters in which I require the directors of creditors, save those more conveniently dealt with in the Resolutions attached hereto, on which creditors will be asked to vote at this meeting.

**DIVIDEND PROSPECTS**

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At this stage there appears to be a definite danger of contribution to be levied on creditors who submit a claim for proof.

SIGNED AT ROODEPOORT ON THIS THE 23<sup>rd</sup> DAY OF NOVEMBER 2016.



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LEBOGANE GRACE MPAKATI

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**RESOLUTIONS SUBMITTED AND ADOPTED AT THE SECOND MEETING OF CREDITORS HELD BEFORE THE MASTER OF THE HIGH COURT PRETORIA ON 6 DECEMBER 2016.**

**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 heretofore 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 insolvent and/or any matter relating thereto;
  - 3.4. 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;
  - 3.5. Write up the books of the insolvent 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 insolvent, 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 insolvent 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.

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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 insolvent 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.

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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 insolvent which he in his sole discretion may deem to be necessary for the support of the insolvent 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.
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.

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q.q. CREDITORS

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PRESIDING OFFICER