

Companies and Intellectual Property Commission
Republic of South Africa

Form CoR 123.2

About this Form

- This form is issued in terms of section 129 and 131 of the Companies Act, 2008, and Regulation 123 of the Companies Regulations, 2011.
- This notice must be published to every affected person within
 - (a) 2 business days after it has been filed, if the company appointed the Practitioner; or
 - (b) 5 business days after the court order, in such a case.
- If this notice is issued following a company appointment, any affected person may apply to a court in terms of section 130 for an order setting aside the appointment, or requiring the practitioner to provide security.
- The fee for filing this notice is R0.

Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Postal Address
P O Box 429
Pretoria
0001
Republic of South Africa
Tel: 086 100 2472

www.cipc.co.za

Notice of Appointment of Business Rescue Practitioner

Date: 13 July 2015

Customer Code: LDRVDM

Concerning

(Name and Registration Number of Company)

Name: *ELITHENI COAL (PTY) LTD*

Registration number: *2001/002173/07*

The above named company commenced business rescue proceedings on 8 July 2015.

The following person has been appointed as the business rescue practitioner:

JOHANNES FREDERICK KLOPPER AND ANTHONY NORMAN FLYNN

By the company in terms of section 129 (3) (b).

By the court in terms of section 131 (5)

KOMMISSIE VIR MAATSKAPPE EN INTELLEKTUELE EIENDOM	
ONDERNEEMINGSREDDING	
2015 -07- 13	No: 02
BUSINESS RESCUE	
COMPANIES AND INTELLECTUAL PROPERTY COMMISSION	

Name and Title of person signing on behalf of the Company

STONE PHUMELELE SIZANI - DEPUTY CHAIRMAN

Authorised Signature:

INDEPENDENT ADVISORY

Independent Advisory (Pty) Limited (Reg No 2002/025164/07)
Blaauwklip Office Park Block 2 Webers Valley Road Jamestown
Stellenbosch 7600 (Also at Roodepoort)
P O Box 820 Stellenbosch 7599
Telephone: (021) 880 5400
International: (+27) 21 880 5400
Fax: (021) 880 5430
Website: www.corprecover.co.za

Your Ref:

Our Ref: **A N FLYNN**

Direct Line: **021 – 880 5400**

Direct Fax: **086 541 2321**

Cell Phone: **082 446 3757**

Direct E-Mail: **tonyf@corprecover.co.za**

Date: **08 July 2015**

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

ACCEPTANCE LETTER – PROPOSED BUSINESS RESCUE
ELITHENI COAL (PTY) LIMITED (THE COMPANY):
REGISTRATION NUMBER : 2001/002173/07



1. The above matter refers.
2. I, Anthony Norman Flynn hereby confirm that:
 - 2.1. I have been, from time to time, on an ad hoc basis, licensed as Senior Business Rescue Practitioner in other matters;
 - 2.2. I am not subject to an order of probation in terms of section 162 (7) of the Companies Act 71 of 2008 ("the Act");
 - 2.3. I am not disqualified from acting as a director of the company in terms of section 69 (8) of the Act;
 - 2.4. I do not have a relationship with the company such as to would lead a reasonable and informed third party to conclude that my integrity, impartiality or objectivity is compromised by the relationship;
 - 2.5. I am not related to a person who has a relationship contemplated in 2.4 above.
 - 2.6. I presently have the necessary capacity to accept this appointment; and

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Austria (Vienna) Brazil (Sao Paulo) Cayman Islands (Grand Cayman) Czech Republic (Prague) France (Paris) Germany (Hamburg) Great Britain (London)
Hungary (Budapest) India (New Delhi) Italy (Rome) Mexico (Mexico City) Netherlands (Amsterdam) Poland (Warsaw) Republic of China (Hong Kong) Perth
(Australia) Romania (Bucharest) Russia (Moscow) South Africa (Johannesburg) Spain (Barcelona) Sweden (Stockholm) USA (New York)

Directors:

JF Klopper* B Com B Proc R Pieters* B Econ LDR Van der Merwe* B Com LLB
MJ Maseko B Juris LLB HA Plaatjies* B Juris LLB

* Member of the Southern African Restructuring and Insolvency Practitioners' Association ("SARIPA")
Level Five B-BBEE Contributor

- 2.7.1 hereby accept the appointment as Business Rescue Practitioner by the abovementioned Company.
- 2.8. I come to affairs of this company as a complete stranger and understand that it is in financial distress and that my function as Business Rescue Practitioner would be to develop and implement a Business Rescue plan, if approved, to rescue the company by restructuring its affairs, business, property, debt and other liabilities and equity in a manner that maximises the likelihood of the company continuing in existence or otherwise results in a better return for the company's creditors or shareholders than would result from the immediate liquidation of the company.
- 2.9. Insofar as the company's business, in particular, is concerned I am advised from my limited exposure to the company's affairs by virtue of my independence, that the Company is conducting business of coal mining.
- 2.10. I confirm that the nature of the company's business is such that it does not differ from the affairs of many companies that I have restructured during past two years in terms of the provisions Chapter 6 of the Companies Act 71 of 2008 and Section 311 of the Companies Act 61 of 1973 over many years prior to the enactment of the Companies Act 71 of 2008.
3. I trust that you will find the above in order.

Yours faithfully,


A N FLYNN

KOMMISSIE VIR MAATSKAPPE EN INTELLEKTUELE EIENDOM	
ONDERNEEMINGUREDDING	
2015 -07- 13	No: 02
BUSINESS RESCUE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION	

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Perth (Australia) Romania (Bucharest) Russia (Moscow) South Africa (Johannesburg) Spain (Barcelona) Sweden (Stockholm) USA (New York)

Directors:

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**I N D E P E N D E N T
A D V I S O R Y**

Independent Trustees (Pty) Limited (Reg No 2002/025164/07)
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Stellenbosch 7600 (Also at Roodepoort)
P O Box 820 Stellenbosch 7599
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Website: www.corprecover.co.za

Your Ref:

Our Ref: **J F KLOPPER**

Direct Line: **021 – 880 5400**

Direct Fax: **086 541 2321**

Cell Phone: **082 446 3757**

Direct E-Mail: **hansk@corprecover.co.za**

Date: **08 July 2015**

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

ACCEPTANCE LETTER – PROPOSED BUSINESS RESCUE
MARINA LANDSCAPING (PTY) LIMITED (THE COMPANY)
REGISTRATION NUMBER : 2005/041721/07



1. The above matter refers.
2. I, Johannes Frederick Klopper hereby confirm that:
 - 2.1. I have been, from time to time, on an ad hoc basis, licensed as Senior Business Rescue Practitioner in other matters;
 - 2.2. I am not subject to an order of probation in terms of section 162 (7) of the Companies Act 71 of 2008 ("the Act");
 - 2.3. I am not disqualified from acting as a director of the company in terms of section 69 (8) of the Act;
 - 2.4. I do not have a relationship with the company such as to would lead a reasonable and informed third party to conclude that my integrity, impartiality or objectivity is compromised by the relationship;
 - 2.5. I am not related to a person who has a relationship contemplated in 2.4 above.
 - 2.6. I presently have the necessary capacity to accept this appointment; and

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MJ Maseko B Juris LLB HA Ptaatjies* B Juris LLB

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Level Five B-BBEE Contributor

2.7.1 hereby accept the appointment as Business Rescue Practitioner by the abovementioned Company.

2.8. I come to affairs of this company as a complete stranger and understand that it is in financial distress and that my function as Business Rescue Practitioner would be to develop and implement a Business Rescue plan, if approved, to rescue the company by restructuring its affairs, business, property, debt and other liabilities and equity in a manner that maximises the likelihood of the company continuing in existence or otherwise results in a better return for the company's creditors or shareholders than would result from the immediate liquidation of the company.

2.9. Insofar as the company's business, in particular, is concerned I am advised from my limited exposure to the company's affairs by virtue of my independence, that the Company is conducting business of coal mining.

2.10. I confirm that the nature of the company's business is such that it does not differ from the affairs of many companies that I have restructured during past two years in terms of the provisions Chapter 6 of the Companies Act 71 of 2008 and Section 311 of the Companies Act 61 of 1973 over many years prior to the enactment of the Companies Act 71 of 2008.

3. I trust that you will find the above in order.

Yours faithfully,



JF KLOPPER



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