

HIGHVELD SYNDICATION NO 15 LIMITED: REGISTRATION NUMBER (2003/031064/06)  
HIGHVELD SYNDICATION NO. 16 LIMITED REGISTRATION NUMBER: (2003/031129/06)  
HIGHVELD SYNDICATION NO. 17 LIMITED, REGISTRATION NUMBER: (2003/025913/06)  
HIGHVELD SYNDICATION NO. 18 LIMITED, REGISTRATION NUMBER: (2003/030778/06)  
HIGHVELD SYNDICATION NO. 19 LIMITED, REGISTRATION NUMBER: (2003/030144/06)  
HIGHVELD SYNDICATION NO. 20 LIMITED, REGISTRATION NUMBER: (2005/029425/06)  
HIGHVELD SYNDICATION NO. 21 LIMITED, REGISTRATION NUMBER: (2005/027601/06)  
HIGHVELD SYNDICATION NO. 22 LIMITED, REGISTRATION NUMBER: (2005/027390/06)

(“the companies”)

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**BUSINESS RESCUE STATUS REPORT IN TERMS OF SECTIONS 132 OF THE COMPANIES ACT, 71 OF 2008 (“THE ACT”) READ WITH REGULATION 125 OF THE ACT FILED BY THE BUSINESS RESCUE PRACTITIONER JF KLOPPER AND A NOTICE IN TERMS OF SECTIONS 145 AND 146 OF THE ACT.**

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1. The companies were placed under business rescue in September 2011 and Johannes Frederick Kloppe was appointed as Business Rescue Practitioner (“BRP”) of the companies at the time.
2. A Business Rescue Plan (“the Plan”) in respect of the companies was published on 30 November 2011 and adopted by affected persons (“HS Investors”) on 14 December 2011.
3. The most significant development in December 2021 was in relation to the Smith Application, being the DECA Case (being the applicants’ legal team’s acronym for what they refer to as a Derivative Class Action).
4. The applicant (Mr Smith), in October 2021, filed a replying affidavit dealing only with the answering affidavits of the late Mr Nic Georgiou and his sons, Mr George Georgiou and Michael Georgiou and which he referred to as their “Main Replying Affidavit”.
5. In terms of a directive issued by the case manager appointed in relation to Smith Application / the DECA case under case number 93417/19, Judge Janse van Nieuwenhuizen, Smith was directed to file his “composite” replying affidavit dealing with the answering affidavits by all the respondents i.e. the Georgiou’s, the BRP of Zephan and Orthotouch (Jacques du Toit) and others including the BRP, by 28 October 2021.
6. However, Smith and his co-applicants ignored Judge Janse van Nieuwenhuizen’s aforesaid directive and served a so-called “Applicant’ Supplementary Replying Affidavit” by email on 15 December 2021.

7. This affidavit was served without leave of the Court having been obtained and the BRP denies that that applicants have any entitlement to file this affidavit and will regard the affidavit as *pro non scripto* (as never written) until leave from the Court has been obtained for its filing.



**JF KLOPPER**

**BUSINESS RESCUE PRACTITIONER**

**Date: 31 December 2021**