

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”)

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.

1. Previous status reports contain details of the business rescue proceedings of the companies that began in September 2011 and the appointment of Johannes Frederick (Hans) Klopper as Business Rescue Practitioner (“BRP” or “we”, “our” or “the author”) of the companies at that time. These reports can be found on the following link:
<https://restructuring.bdo.co.za/index.php/rescue/1440>
2. This status report provides an update to former affected persons (HS Investors) regarding the business rescue proceedings of the companies, which commenced in September 2011 under the appointment of Johannes Frederick (Hans) Klopper as Business Rescue Practitioner (BRP). It forms part of a continuous reporting framework and must be read together with prior reports available online.
3. A composite business rescue plan (“BR Plan”) in relation to the companies was adopted on 14 December 2011. The BR Plan introduced Orthotouch Limited (“Orthotouch”) as a central role-player responsible for repaying HS Investors in full by December 2016.
4. It is the BRP’s view that the BR Plan was 100% implemented, subject only to subsequent restructuring developments involving Orthotouch, as detailed in earlier reports.
5. In 2014, Orthotouch experienced financial difficulties and its directors proposed a scheme of arrangement in terms of section 155 of the Companies Act, which was sanctioned by the High Court on 26 November 2014. This gave rise to prolonged litigation.

6. In March 2015, certain parties launched an application to set aside the scheme. The application was heard in November 2024, and judgment was delivered on 25 July 2025 dismissing the application with costs on a punitive scale. Leave to appeal has since been granted, and the matter accordingly remains pending.
7. Further litigation arose from attempts by the same applicants to transfer the matter from Johannesburg to Pretoria, which were unsuccessful and resulted in adverse cost orders. Additional cost-related proceedings involving Messrs G and M Georgiou were decided in favour of Messrs G and M Georgiou in April 2025, also subject to appeal.
8. Orthotouch and Zephan Properties (Pty) Limited (“Zephan”) were placed into business rescue in November 2019, and a business rescue plan was adopted in March 2023 to restructure the affairs of Orthotouch and Zephan.
9. This status report records uncertainty regarding the appointment of the current business rescue practitioners of Orthotouch and Zephan following the disqualification of the previous practitioners.
10. As this status report relates solely to the business rescue proceedings of the companies, the appointment of business rescue practitioners to falls outside its scope.
11. In the meantime, Orthotouch and Zephan have been placed in provisional liquidation. The return date on which interested parties must show cause why final liquidation orders should not be granted has been set for 18 June 2026.
12. In addition, on 15 May 2026, the estate of Mr M. Georgiou, one of the parties to the litigation referred to above, was provisionally sequestrated by the High Court of South Africa. The return date for the hearing of the final sequestration order has been set for September 2026.
13. Previous status reports addressed the so-called “Smith Application” or “DECA case”, which was scheduled to be heard in March 2025. That matter was postponed pending the final determination of the setting-aside application and remains stayed. No developments have occurred since March 2026, save for the insolvency-related proceedings affecting the estate of the late Mr N. Georgiou, the provisional sequestration of the estate of Mr M. Georgiou and the provisional liquidation proceedings relating to Orthotouch and Zephan.
14. The aforesaid insolvency proceedings are likely to result in substantial further delays to the litigation. Should final sequestration and liquidation orders be granted, the administration of the relevant insolvent estates and companies will vest in trustees and liquidators appointed in accordance with the insolvency laws of South Africa. However, any decision concerning the continuation, defence, settlement or abandonment of the pending litigation will require clear directions from creditors in the respective insolvent estates and liquidations. Until creditors have proved claims, participated in the prescribed statutory meetings and provided the necessary directions in terms of adopted resolutions, neither the trustees nor the liquidators will be in a position to take substantive steps in relation to the litigation. The future conduct of the litigation will therefore depend on directions received from creditors in the respective matters, and the processes required to obtain such directions will inevitably result in further delays.
15. The BRP’s appointment relates only to the affairs of the companies, and it is reiterated that the 2011 BR Plan has been fully implemented. The continued existence of the business rescue proceedings is therefore procedural, pending the finalisation of the outstanding litigation.

During June the BRP's attorneys addressed correspondence to the firm of attorneys who persist with the various legal actions in which they clearly stated the BRP's position.

16. In summary, although the restructuring has been completed, the finalisation of the process remains dependent on the conclusion of ongoing litigation, appeals and pending insolvency proceedings.



JF Klopper
Business Rescue Practitioner
DATE: 30 June 2026