

TO ALL KNOWN CREDITORS AND AFFECTED PERSONS

BUSINESS RESCUE PROCEEDINGS:

KLEINFONTEIN COLLIERY (PTY) LTD - ("THE COMPANY")

REGISTRATION NUMBER: 2003/017639/07

Notices to Creditors and Affected Persons in compliance with various provisions of Chapter 6 of the Companies Act No. 71 of 2008 ("the Act")

1. These notices are addressed to all Affected Persons in compliance with the various provisions of Chapter 6 of the Act.
2. On 24 January 2020 the board of directors of the Company resolved to file for Business Rescue. A copy of the resolution as well as the sworn statement setting out the reasons for the resolution are attached hereto ("**Resolution and Sworn Statement**").
3. The Resolution and Sworn Statement referred to above were filed with the Companies and Intellectual Property Commission ("**CIPC**") on 24 January 2020. A copy of the notice as filed with CIPC is attached hereto ("**COR 123.1**").
4. Liebenberg Dawid Ryk van der Merwe and Kurt Robert Knoop have now been appointed by the Company and licensed by CIPC as the Business Rescue Practitioners' ("**BRPs**") of the Company.
5. In addition, please find attached hereto the following documentation:
 - a. a notice, as contemplated in Section 129 of the Act, informing you of the appointment of the Business Rescue Practitioners' for the Company ("**COR 123.2**");
 - b. the certificates' evidencing that the BRPs' have been licensed by CIPC ("**BR Certificates**");
 - c. a notice convening the first meeting of Creditors and Affected Persons, in terms of Section 147 (1) of the Act ("**Notice of 1st meeting**");

BDO Business Restructuring (Pty) Ltd
Registration number: 2002/025164/07
VAT number: 4610217830

National Executive: PR Badrick • HN Bhaga-Muljee • S Dansie • BJ de Wet • HCS Lopes • E Singh • SM Somaroo • ME Stewart (Chief Executive)
• IM Scott • MS Willimott

Directors: JF Klopper • HCS Lopes • R Pieters • H Plaatjies • IM Scott • S Somaroo • LDR van der Merwe • MS Willimott

National Head of Advisory: HCS Lopes

BDO Business Restructuring (Pty) Ltd, a South African company, is an affiliated company of BDO South Africa Inc., a South African company, which in turn is a member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms. BDO is the brand name for the BDO network and for each of the BDO Member Firms.



- d. an agenda for the above-mentioned meeting in terms of Section 147 (2) (b) of the Act is also attached ("**Agenda**").
6. The Act is not prescriptive with regard to the submission of claim documents in support of a claim against the Company, neither as to the format of such a claim, nor the time period for the submission of a claim.
7. Section 147 states that a creditor may lodge a claim at the 1st meeting of Creditors and Affected Persons, clearly indicating that the submission is not mandatory and can as such be submitted to the BRPs' at any stage during the business rescue proceedings.
8. For those creditors who wish to lodge a claim either prior to or after the meeting we would propose the following:
- a. Any claim should at the very least be supported by an affidavit deposed to by an authorised individual;
 - b. The claim document and its supporting documents can be sent to the BRPs' electronically at any time for consideration;
 - c. You are welcome to utilise your own format, but for your convenience we attach a concept claim document ("**Claim form**").
9. If creditors wish to submit their claim documents for purposes of the convened first meeting on 5 February 2020, please see to it that your claim document is sent to businessrescuejhb@bdo.co.za at least 24 hours before the meeting to give the BRP sufficient time to consider such claims.

Yours faithfully

LDR VAN DER MERWE
BUSINESS RESCUE PRACTITIONER

KR KNOOP
BUSINESS RESCUE PRACTITIONER