



🏠 Freshmarket Local (Pty) Ltd
Shop 6 Cnr Rivonia and
Leeukop Road Sunninghill,
Sandton, JHB 2191
☎️ 011 234 2783
👥

TO: ALL KNOWN AFFECTED PERSONS/CREDITORS OF FRESHMARKET LOCAL (PTY) LTD (IN BUSINESS RESCUE)

Dear Sir / Madam,

RE: NOTICE OF FIRST MEETING OF CREDITORS IN TERMS OF SECTION 147 OF THE COMPANIES ACT 71 OF 2008

1. We address this notice to you on behalf of Freshmarket Local (Pty) Ltd (In Business Rescue) (“the **Company**”) and in compliance with the provisions of the Companies Act 71 of 2008 (“the **Act**”).
2. We hereby provide you with notice of the first meeting of creditors in terms of section 147 of the Act:

Date: 17 November 2021

Time: 11h00

Platform: MS Teams – see link below:

https://teams.microsoft.com/l/meetupjoin/19%3ameeting_NDIwNzQ5OWItYTE5S00Yzc4LWE00DYtMDU2ZDU2MGFiNmUx%40thread.v2/0?context=%7b%22Tid%22%3a%22f2baa26e-f801-428b-88e7-6133ca000ebb%22%2c%22Oid%22%3a%22f7f43ba6-e51e-45a3-8d2e20de0a821dbd%22%7d

Should any party not be able to participate in the meeting by way of MS Teams, please advise us by no later than 15 November 2021 by sending an e-mail to earendse@bdo.co.za or

br2@cassimlaw.co.za in order for us to make alternative arrangements for you to attend at designated facilities, subject to compliance with the regulations.

3. The agenda of the meeting is as follows:

- 3.1 Welcome and apologies;
- 3.2 Background ;
- 3.3 The business rescue process;
- 3.4 Prospects of rescuing the company;
- 3.5 Determination of whether a creditors' committee should be appointed;
- 3.6 Opportunity to prove claims;
- 3.7 General;
- 3.8 Closing.

4. The Act is not prescriptive regarding the submission of claim documents in support of a claim against the Company neither as to the format of such claim, nor the time period of the submission of a claim.

5. Creditors may lodge claims at this meeting. Claims should be received by the BRP prior to the second meeting of creditors.

6. For creditors who wish to lodge a claim either prior to or after the meeting we propose the following:

6.1 any claim should at the very least be supported by an affidavit deposed to by an authorised individual;

6.2 the claim documents and the supporting documents can be sent to us electronically at any time for consideration to br@cassimlaw.co.za and br2@cassimlaw.co.za. We will revert to you as soon as possible after verifying the claim against the records of the company; and

6.3 you are welcome to utilise your own format, but for your convenience we attach a concept claim document.

Yours sincerely,

MESSRS. ZAHEER CASSIM AND JOHANNES FREDERICK KLOPPER

JOINT BUSINESS RESCUE PRACTITIONERS

Notice signed electronically. A signed copy will be provided on request.

Directors S. Parmasur, S. Pillay

CLAIM FORM

BEËDIGDE VERKLARING tot bewys van 'n ander vordering as 'n vordering.
AFFIDAVIT for the proof of any claim other than a claim.

IN DIE SAAK (7) VAN
IN THE MATTER (7) OF

FRESHMARKET LOCAL (PTY) LTD

("The Company")("Die Maatskappy") (7)

NAAM VAN SKULDEISER
NAME IN FULL OF CREDITOR

("Die Skuldeisers") ("The Creditor")

Tel: _____ Fax: _____ Cell: _____ Email: _____

VOLLEDIGE ADRES
ADDRESS IN FULL

POSBUS NR
PO BOX NO

TOTALE BEDRAG VAN VORDERING R
TOTAL AMOUNT OF CLAIM

Ek, (1)

verklaar hiermee onder eed:
do hereby make an oath and say:

I, (1)

Dat ek die (2)

is van (3)

That I am (2)

of (3)

Dat ek persoonlik kennis dra van die feite hierin uiteengesit.

That I have personal knowledge of the facts hereinafter stated.

Dat (4) **FRESHMARKET LOCAL (PTY) LTD**

That (4)

Welke Maatskappy/Beslote Korporasie onder Ondernemingsredding (7) is, op die dag van die begin van die Ondernemingsreddings proses (7) en nou nog
Which Company/Close Corporation has been placed Under Business Rescue (7) was at the date of Business Rescue
verskuldig is aan die Skuldeiser vir die som van (woorde)

(7) and still is truly indebted to the Creditor in the sum of (words)

Vir (5)

For (5)

Dat voormelde skuld ontstaan het op die wyse en op die datum soos op die hierby aangehegte rekening uiteengesit, wat voldoen aan die vereistes
That the said debt arose in the manner and at the time set forth in the annexed account, complying with the provisions of Section 44(6) of

Van Artikel 44(6) van Wet 24 van 1936.

Act 24 of 1936

Dat geen ander persoon buiten die Maatskappy/Beslote Korporasie vir die voormelde skuld of enige deel daarvan aanspreeklik is nie (behalwe as borg)
That no other person besides the Company/Close Corporation is liable (otherwise than as surety) for the said debt or any part thereof.

Dat nóg die Skuldeiser nóg enige ander persoon, volgens my wete, namens die Skuldeiser enige sekuriteit vir die voormelde skuld of enige deel
That the Creditor has not, nor any other person, to my knowledge on the Creditor's behalf received any security for that said debt or any part

Daarvan ontvang het nie, behalwe (6)

welke sekuriteit ek waardeer teen

Thereof save and except (6)

which security I value at

Handtekening van Deponent (8)

Signature of Deponent (8)

Ek sertifiseer hiermee dat die deponent verklaar het dat hy/sy die inhoud van hierdie verklaring verstaan en begryp en dat dit die waarheid is na die beste van sy/haar kennis en wete, welke
I hereby certify that the Deponent has acknowledged that he/she knows and understands the contents of this affidavit which was signed and sworn before me

Verklaring voor my geteken en beëdig is te

At

op hierdie _____ dag van _____ 20 _____, en dat daar voldoen is aan die bepalings vervat
on the _____ day of _____ 20 _____, the regulations contained in Government Gazette

In Goewermentskennisgewing Nr. R1258 van 21 Julie 1972, soos gewysig, en Goewermentskennisgewing Nr. R1648 van 19 Augustus 1977, soos gewysig.
Notice No R1258 of 21 July 1972, as amended, and Government Gazette Notice No R1648 of 19 August 1977, as amended, having been complied with.

Volle naam en adres van Kommissaris
Full name and address of Commissioner

KOMMISSARIS VAN EDE/COMMISSIONER OF OATHS

NOTAS:

- Volle Naam.
- Dui hier die verwantskap met die krediteur aan bv. Bestuurder, Direkteur, ens. of skrap indien deponent die krediteur is.
- Volle naam van krediteur.
- Naam van Maatskappy/Beslote Korporasie.
- Soort transaksie bv. Goedere verkoop en gelewer.
- Meld hier aard, of besonderhede en waarde van verbande ander sekuriteit (indien enige)
- Skrap en parafeer die alternatiewe woorde soos nodig.
- 'n Persoon wat optree namens 'n Maatskappy/Beslote Korporasie moet die verklaring persoonlik teken.

NOTES:

- Full name.
- Here state the relation of the deponent to the creditor, as Manager, Director, etc., or strike out if the deponent is the creditor.
- Full name of creditor.
- Name of Company/Close Corporation.
- Type of transaction e.g. goods sold and delivered.
- Here insert nature, particulars and value of mortgage, pledge or other security (if any).
- Strike out and initial the alternative words not required.
- A Deponent acting on behalf of a Company/Close Corporation must personally sign the Affidavit.

STATEMENT OF ACCOUNT

In the case of the claim being in respect of goods sold and delivered on an open account.
This statement should be completed in every respect and attached to your claim document.

Name and Address of Creditor:

Name of Company/Close Corporation
under Business Rescue:

FRESHMARKET LOCAL (PTY) LTD

Brief Description of goods Supplied:

DETAILS OF SALES

Date	Invoice No.	Amount	Monthly Totals (Not Progressive)

TOTAL DEBITS "A" R

DETAILS OF PAYMENTS RECEIVED AND CREDITS ALLOWED

Date	Payments or Credits (Specify)	Amount	Monthly Totals (Not Progressive)

TOTAL DEBITS "B" R

AMOUNT OF CLAIM AS PER AFFIDAVIT i.e. "A" LESS "B" R

- NOTE:
- (1) If no payments were received or credits given, state "NIL" under "B".
 - (2) "A" and "B" must reflect full period of trading or for period of 12 months before date of sequestration, whichever is the lesser.
 - (3) A brief description of goods sold must be given i.e. Groceries, Clothing etc.

**PROKURASIE VIR DIE BEWYS VAN EISE ENS.
POWER OF ATTORNEY TO PROVE CLAIMS ETC.**

Ek, die ondergetekende
I, the undersigned

in my hoedanigheid as
in my capacity as

van
of

(Hierna verwys as die genoemde Skuldeiser) benoem, konstitueer en stel hierby aan
(Hereinafter referred to as the said Creditor) do hereby nominate constitute and appoint

met Mag van Substitusie om die genoemde Skuldeiser se wettige Prokureur en Agent te wees, en in die genoemde
with power of substitution to be the said Creditor's lawful Attorney and Agent in the said Creditor's name, place and
Skuldeiser se naam en namens die genoemde Skuldeiser alle vergaderings van Skuldeisers by te woon, in die saak van
stead, to attend all meetings of Creditors in the matter of

FRESHMARKET LOCAL (PTY) LTD

en om namens die genoemde skuldeiser, die genoemde Skuldeiser se eis te bewys, en om namens die genoemde Skuld-
on the said Creditor's behalf to prove the said Creditor's claim to exercise on the said Creditor's behalf all voting and other
eiser te stem en om alle magte uit te oefen ten opsigte van sodanige eis of ten opsigte van enige aanbod van Komposisie
powers in respect of such claim or in relation to any offer of Composition and generally to act on the said Creditor's behalf

en om in die algemeen op te tree namens die genoemde Skuldeiser op alle vergaderings van die Maatskappy in alle sake
at all meetings of the Company in all matters and things in which the said Creditor's interests are concerned, hereby

waarin die genoemde Skuldeiser belange het, en hiermee goedkeur en bekragtig wat ook al die wat ook al die Prokureur
promising to ratify and confirm whatsoever the Agent may do or perform by virtue of these presents.

en Agent besluit.

GEDATEER hierdie dag van 20
DATED AT this day of 20

AS GETUIES:
AS WITNESSES:

1. _____

HANDTEKENING/SIGNATURE

2. _____

NOTES FOR COMPLETION OF CLAIM FORMS

1. AFFIDAVIT

1.1. Completion And Signature

The Commissioner of Oaths must print his full name and business address below his signature and state his designation and the area for which he holds his appointment or by which office held by him if he holds his appointment *ex officio*.

Alterations must be initialled by declarant and Commissioner of Oaths.

1.2. SECURITY

If security is claimed, then the amount at which the creditor values such security must be inserted. A secured creditor who relies upon his security should state that fact on the Affidavit above the signature of the Declarant. (See 2.5 below).

1.3. Promissory Notes Etc.

Where the claim is in respect of Promissory Notes, Bills of Exchange or Cheques, the appropriate Affidavit form should then be completed which can be obtained by request from the Liquidator/Trustee.

2. SUPPORTING VOUCHERS

2.1. Goods Supplied on Open Account

A detailed Statement as per attached, supporting the Affidavit must be attached to the claim, showing the monthly total and a brief description of the purchases and the payments for the full period of trading or for a period of 12 months immediately prior to the date of sequestration/liquidation, whichever is the lesser.

Furnish explanations why any item is dated after date of Business Rescue.

2.2. Money Lent

Annex detailed statement of account plus Acknowledgement of Debt or receipts or paid cheques.

2.3. Interest

Must be calculated to date of Business Rescue. Rate of interest and periods must be shown. (No interest is claimable on open accounts unless an agreement by the debtor to pay such interest is annexed).

2.4. Legal Charges

Annex Attorney's Taxed Bill of Costs which must show dates of the items therein.

2.5. Mortgage Bonds and HP Agreements

Annex original documents and detailed statements. Refer 1.2 above re valuation of security and 2.3 above re calculation of interest.

2.6. Rent

Annex original lease (if any) and detailed statement of rent due to date of Business Rescue showing rental and periods.

2.7. Suretyships

Annex original documents and detailed statement of claim against principal debtor.

3. POWER OF ATTORNEY

Where a limited Company/Close Corporation proves a claim, the Power of Attorney must be signed by a Director or any other person authorised by Resolution and a copy of such Resolution, as per enclosed documents must be annexed to the Power of Attorney.

4. VOTING

Should you be unable to attend the meeting, and you are prepared to agree to a representative to be appointed by the General Body of Creditors, may we suggest that the POWER OF ATTORNEY be completed with the relevant portion left blank and initialled.

**(PTY) LIMITED/CLOSE CORPORATION
(EDMS) BEPERK/BESLOTE KORPORASIE**

**CERTIFIED EXTRACT FROM THE MINUTES OF A MEETING OF DIRECTORS/MEMBERS OF THE
ABOVEMENTIONED COMPANY/CLOSE CORPORATION HELD
GESERTIFISEERDE UITTREKSEL VAN DIE NOTULE VAN 'N VERGADERING VAN DIE DIREKTEURE/LEDE
VAN BOVERMELDE MAATSKAPPY/BESLOTE KORPORASIE,**

AT
GEHOU TE

ON THE DAY OF 20
OP DIE DAG VAN 20

IT WAS RESOLVED:
DIT IS BESLUIT:

That Mr.
Dat Mnr

A director/secretary/accountant/ member
'n direkteur/sekretaris/rekenmeester/lid

of the Company/Close Corporation, be and is hereby authorised and empowered to sign all the necessary
van die Maatskappy/Beslote Korporasie, is en word hiermee gemagtig om alle nodige dokumente te onderteken

documents to enable the Company/Close Corporation to prove its claim against
om die Maatskappy/Beslote Korporasie In staat te stel om hulle eis te bewys teen

FRESHMARKET LOCAL (PTY) LTD
.....

To attend meetings of creditors of the said Estate, and to speak and vote on behalf of the Company/Close
En om alle vergaderings van skuldeisers van die genoemde Boedel, by te woon en te stem names die

Corporation, with power, in his discretion to substitute and appoint any other persons to attend such meetings on Maatskappy/Beslote Korporasie in sy diskressie, met mag van substitusie, en om enige persoon of persone to

the Company's/Close Corporation's behalf and to vote thereat.

benoem om sodanige vergaderings namens die Maatskappy/Beslote Korporasie by te woon en daar te stem.

.....
CERTIFIED A TRUE COPY
GESERTIFISSEER 'N WARE AFSKRIF

.....
AUTHORISED OFFICIAL
GEMAGTIGDE AMPTENAAR