

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: 117367/2023

In the matter between:

REY, CHRISTOPHER RAYMOND N.O

(ID No: 8502045165088)

Applicant

and

TSK BARTLETT PROPRIETARY LIMITED

(Registration Number: 2000/029267/07)

First Respondent

AFFECTED PERSONS (Per Annexure A)

Second to Seven Hundred

and Eighty Second

Respondents

CONFIRMATORY AFFIDAVIT

I, the undersigned,

CHRISTOPHER RAYMOND REY

do hereby make oath and say that –



- 1 I am a major male, experienced business rescue practitioner, and a director of BDO Business Restructuring Proprietary Limited ("**BDO**"), with my principal place of business situate at Unit B5 Clearview Office Park, Wilhelmina Avenue, Constantia Kloof, Gauteng, 1724.

- 2 The facts herein contained are within my personal knowledge, unless indicated to the contrary, and are to the best of my knowledge and belief both true and correct.

- 3 I am accordingly duly authorised to depose to this affidavit.

- 4 I have read the service affidavit deposed to by Ms Kerisha Reddy and confirm that the contents thereof insofar as they relate to me.

- 5 Specifically, I confirm the manner in which the notice of motion, founding affidavit and annexures FA1 to FA7 (the "**Founding Papers**") were served on the affected persons provided for in annexure A to the founding affidavit *via* substituted service by email.

KNOWN AFFECTED PERSONS

- 6 Section 128(1)(a) of the Companies Act, 71 of 2008, as amended (the "**Companies Act**") defines '*affected person*' as -

- 6.1 shareholders of the Respondent;

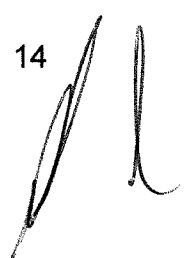
A handwritten signature in black ink, consisting of a stylized 'M' followed by a vertical line and a small flourish at the bottom.

- 6.2 creditors of the Respondent;
- 6.3 any registered trade unions representing employees of the Respondent;
and
- 6.4 any employees of the Respondent.


7 The affected persons are seven hundred and seventy ninth respondents ("**Affected Persons**") of the Company, as defined in section 128 of the Companies Act 71 of 2008 (the "**Companies Act**") and who include creditors of the Company, as well as employees and shareholders with claims against the Company, who voted on the Company's business rescue plan, and that have a direct legal interest in the outcome of these proceedings, with their full known details set out in annexure A to the founding affidavit.

8 To ensure that notice of the Founding Papers was given to the Affected Persons, I circulated a Notice in terms of Section 141(2)(a)(i) of the Companies Act 71 of 2008 (the "**Notice**"), a copy of which is annexed hereto marked "**CR1**" to the Affected Persons *via* email on 10 November 2023 at 15h26. The cover email enclosing the Notice addressed to the Affected Persons is annexed hereto marked "**CR2**".

9 On the morning of 14 November 2023, I advised the Affected Persons *via* email that on 13 November 2023 the registrar of the above Honourable Court informed Werksmans Attorneys that this Application would be heard on 14

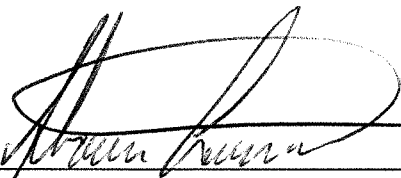
A handwritten signature in black ink, consisting of a stylized, cursive script that appears to be the initials 'M' followed by a flourish.

November 2023 in front of Honourable Acting Justice Strijdom. I attached hereto marked annexure "CR3", the cover email to the Affected Persons.



DEPONENT

I certify that this affidavit was signed and sworn to before me at **JOHANNESBURG** on this the 14th day of **NOVEMBER 2023**, by the deponent after he declared that he knew and understood the contents of this declaration, that he had no objection to taking the prescribed oath and has taken the prescribed oath which he considered binding on his conscience, having complied with regulations contained in Government Notice R1258 of 21 July 1972, as amended.



COMMISSIONER OF OATHS

Name:

SHAUN DAVID LOURENS

Address:

Kommissaris van Ede / Commissioner of Oaths
Praktiserende Prokureur / Practicing Attorney R.S.A
Unit C9 Clearview Office Park, 77 Wilhelmina Avenue
Allensnek, Roodepoort

Capacity:

Tel: 011 675 2881 / Faks/Fax 011 675 2899
Email: shaun@ottokrause.co.za

"CR1"

To All Affected Persons

Per E-mail

10 November 2023

Our Reference: CRR/NS/2023.11.10

Your Reference: TSK Bartlett (Pty) Ltd

Dear Sir/Madam

TSK Bartlett (Pty) Ltd (In Business Rescue) // Notice in terms of Section 144(3)(A), Section 145 (1) and Section 146(A) of the Companies Act No.71 Of 2008, read with Regulation 125 (2)(B) to the Companies Act

1. The above captioned matter refers.
2. The Business Rescue Practitioner ("**the BRP**") of TSK Bartlett (Pty) Ltd ("**the Company**") has in terms of section 141(2)(a)(ii) of the Companies Act No.71 of 2008 ("**the Act**") concluded that there is no reasonable prospect of rescuing *the Company* and has accordingly issued an application seeking the winding up of the affairs of *the Company*.
3. The application has been issued in the Gauteng Local Division of the High Court, Johannesburg seeking an order as contained in the Notice of Motion.
4. In terms of Section 144(3)(a), Section 145 (1) and Section 146(a) of *the Act*, each affected person has, *inter alia*, a right to notice of and participation in any court proceedings and in terms of Regulation 125(2)(b) to *the Act*, *the BRP* must notify each affected person of any such application, in the prescribed manner.
5. In accordance with the aforementioned, kindly refer to the following link in order to view a copy of the application and rule 41 notice: <https://restructuring.bdo.co.za/rescue/4652>.
6. Alternatively, a copy may be obtained from *the BRP's* attorneys of record being:

Werksmans Attorneys
Tel: 011 535 8395
Email: nharduth@werksmans.com
Ref: N Harduth / 2023-117367
7. A copy of this notice and the application shall also be distributed to those employees who have email addresses, and it will also be displayed on notice boards at the head office of *the Company* and at the site offices of the various projects.
8. This notice will be served at the head office of the trade union.

CR




Yours sincerely

A handwritten signature in black ink, appearing to read 'Christopher Rey', written over a faint circular stamp or watermark.

Christopher Rey
Business Rescue Practitioner

Handwritten initials 'PK' in black ink, located in the bottom right corner of the page.

From: businessrescuejhb <businessrescuejhb@bdo.co.za>
Sent: 10 November 2023 15:26
Subject: TSK Bartlett (Pty) Ltd (In Business Rescue) // Notice of Application 2023.11.10
Attachments: Notice to All Affected Persons - Notice of Application 2023.11.10.pdf

To All Affected Persons

RE. TSK Bartlett (Pty) Ltd (in Business Rescue) // Notice of application

1. The above matter refers.
2. Please find attached hereto a notice to affected persons for your attention.

Yours faithfully

Christopher Rey
Business Rescue Practitioner

businessrescuejhb

Business Restructuring
Direct: +27119915500
businessrescuejhb@bdo.co.za

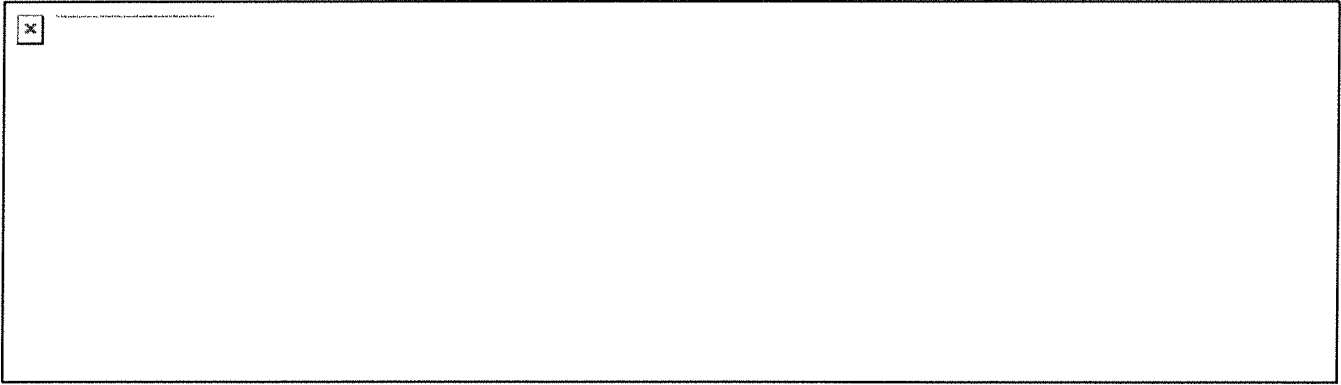
BDO Business Restructuring (Pty) Ltd
Unit B5 Clearview Office Park, 77 Wilhelmina Avenue
Constantia Kloof, Roodepoort, 1724
South Africa
Tel: +27119915500

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Before you print think about the ENVIRONMENT

To All Affected Persons

Per E-mail

14 November 2023

Our Reference: CRR/NS/2023.11.14

Your Reference: TSK Bartlett (Pty) Ltd

Dear Sir/Madam

TSK Bartlett (Pty) Ltd (In Business Rescue) // Notice in terms of Section 144(3)(A), Section 145 (1) and Section 146(A) of the Companies Act No.71 Of 2008, read with Regulation 125 (2)(B) to the Companies Act

1. The above captioned matter refers.
2. The Business Rescue Practitioner (“**the BRP**”) of TSK Bartlett (Pty) Ltd (“**the Company**”) has in terms of section 141(2)(a)(ii) of the Companies Act No.71 of 2008 (“**the Act**”) concluded that there is no reasonable prospect of rescuing *the Company* and has accordingly issued an application seeking the winding up of the affairs of *the Company*.
3. The application has been issued in the Gauteng Local Division of the High Court, Johannesburg seeking an order as contained in the Notice of Motion and In terms of Section 144(3)(a), Section 145 (1) and Section 146(a) of *the Act*, each affected person has, *inter alia*, a right to notice of and participation in any court proceedings and in terms of Regulation 125(2)(b) to *the Act*, *the BRP* must notify each affected person of any such application, in the prescribed manner. A copy of such application was distributed to all affected persons on 10 November 2023.
4. In accordance with the aforementioned, *the BRP* has been informed by his attorneys of record, that the hearing of the urgent application has been allocated by the registrar for hearing today, being the 14th of November 2023, and that the matter will be heard by Strijdom, AJ.
5. A copy of this notice shall also be distributed to all affected persons.

Yours sincerely



Christopher Rey
Business Rescue Practitioner

