

INSOLVENT ESTATE : M E SIEDA ("the Insolvent")

MASTER'S REFERENCE NUMBER : T4862/02

**Report by the joint Trustees, JOHANNES FREDERICK KLOPPER and LIEZEL MAGRIETHA PONT,
in terms of Section 81 of the Insolvency Act No. 24 of 1936 (as amended) ("the Act"), to be
submitted at the second meeting of creditors to be held before the Master of the High Court,
Pretoria on Monday, 17 May 2004 at 10:00**

INTRODUCTION

In a sequestration application, a final Order was granted against the abovementioned estate by the Honourable High Court of South Africa (Transvaal Provincial Division) on 26 November 2002. The Master of the High Court, Pretoria appointed us as provisional trustees on 14 February 2003. Our appointment was made final on 1 April 2004, after the first meeting of creditors was held before the Master of the High Court, Pretoria on Monday, 17 November 2003.

SECTION 81(1)(a) : ASSETS AND LIABILITIES

- 1 On completion of our investigations into the affairs of the estate the financial position of the estate as at the date of sequestration would be as follows:

ASSETS		AMOUNT (R)
Immovable Property		
Unit 104, Block B, Parkzicht (<i>Bachelor Unit</i>), 239 Minnaar Street, Sunnyside, Pretoria (Per valuation)		20,000.00
LIABILITIES:	AMOUNT (R)	
Secured Creditor (approximate)	60,000.00	
Preferent Creditor (unknown)		
Concurrent Creditors (unknown)		
Shortfall		40,000.00
TOTAL	60,000.00	60,000.00

- 2 These figures are subject to change and verification.

MARITAL STATUS

The Insolvent is not married.

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SECTION 81(1)(b) : CAUSES OF INSOLVENCY

The sequestration application was brought by the Body Corporate of Parkzicht on the basis that the Insolvent failed to pay his monthly levies. According to information provided to us, the Insolvent does not reside in the premises. We have not been able to trace the Insolvent and therefore have no idea as to his whereabouts.

SECTION 81(1)(c) : BOOKS AND RECORDS

We have no knowledge whether the Insolvent did or did not maintain books and records in his personal capacity.

SECTION (81)(1)(d) : CONTRAVENTIONS AND OFFENCES

Based on the above, the Insolvent contravened certain provisions of the Act, in that:

1. He has not submitted a Statement of Affairs as is required in terms of Section 16 of the Act;
2. He has failed to provide us with monthly Income and Expenditure Statements in terms of Section 23(4) of the Act;
3. The Insolvent did not keep us informed of his residential and postal addresses in terms of Section 23(13) of the Act.

SECTION 81(1)(e) : ALLOWANCES TO THE INSOLVENT

There is nothing to report under this heading.

SECTION 81(1)(f) : TRADING

There is nothing to report under this heading.

SECTION 81(1)(g) : LEGAL PROCEEDINGS

There does not appear to be any legal actions, which were pending by or against the estate as at the date of sequestration, except for normal debt recovery.

SECTION 81(1)(h) : UNCOMPLETED CONTRACTS

To the best of our knowledge and belief there is nothing to report under this heading.

SECTION 81(1)(i) : FURTHER ADMINISTRATION

We have reported on the administration of the estate to date and appropriate resolutions will be submitted to this meeting to enable us to wind up the administration of the estate.

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DIVIDEND PROSPECTS

Based on the figures available to us at this stage, it is clear that there is a definite danger of a contribution being levied upon concurrent creditors.

SIGNED at RANDBURG on this 21st day of April 2004.

J F KLOPPER

L M PONT

JOINT TRUSTEES

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**RESOLUTIONS SUBMITTED AND ADOPTED AT THE SECOND MEETING OF CREDITORS HELD
BEFORE THE MASTER OF THE HIGH COURT, PRETORIA ON MONDAY, 17 MAY 2004 AT 10:00**

RESOLVED THAT:

- 1 The report of the Trustee, as the case may be, hereinafter referred to as ("the Trustee"), as submitted be received and adopted and all his actions referred to therein be and are hereby confirmed, ratified and approved.

- 2 All actions of whatsoever nature heretobefore taken by the Provisional Trustee and/or Trustee be and are hereby confirmed, ratified and approved.

- 3 The Trustee be and is hereby authorised in his sole and absolute discretion to:
 - 3.1 Take legal advice on any question of law affecting the administration and distribution of the estate;

 - 3.2 Institute or defend on behalf of the estate any action or other legal proceedings of a civil nature for the recovery of monies due to the corporation or otherwise and subject to the provisions of any law relating to criminal procedure, institute any criminal proceedings;

 - 3.3 Hold any enquiry into the affairs of the insolvent and/or any matter relating thereto;

 - 3.4 Investigate and institute legal proceedings for the recovery of any voidable or undue preferences, voidable dispositions of property or any other impeachable transactions of whatsoever nature and to abandon same at any time;

 - 3.5 Write up the books of the insolvent as may be required, and if necessary, to produce a balance sheet, audited or not, as at the date of sequestration, either for the purpose of investigating the affairs of the insolvent, establishing the claims of creditors, or any other purpose.

- 4 The Trustee be and is hereby authorised in his sole and absolute discretion to employ and engage the services of attorneys and/or counsel (senior and/or junior) and/or accountants and/or bookkeepers and/or any employee of the insolvent and/or recording agents and/or any other person who in the sole discretion of the Trustee may be of assistance in the winding-up of the estate in relation to any matter

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referred to in 3 above and further to pay all the costs thereof of whatsoever nature out of the estate as costs incurred in the sequestration.

- 5 The Trustee be and is hereby authorised to collection any debts due to the estate and for the purpose thereof to sell or compound or compromise any of these debts for such sum and upon such terms and conditions as he in his sole discretion may deem fit, and to accept any part of the debt in settlement thereof, and to grant an extension of time for the payment of any such debt, and to abandon any debt which he in his sole discretion may deem to be irrecoverable.

- 6 The Trustee be and is hereby authorised to dispose of any movable and immovable property of the estate, whether in his possession or under his control now or to come into his possession or under his control in the future by public auction, private treaty or public tender upon such terms and conditions as he in his sole and absolute discretion shall determine and to abandon any such assets for which he can find no purchaser or abandon them to a secured creditor at the value placed thereon by such creditor or at such value as is agreed upon by the Trustee and the creditor if such creditor's claim is secured by such assets and to sign all such documents as may be necessary to give effect to such disposition.

- 7 The Trustee be and is hereby authorised and empowered in his sole discretion to compromise and admit any claim against the corporation of whatsoever nature and howsoever arising and whether disputed or not and whether actual, contingent, prospective, conditional, unconditional, assessed, unassessed, liquidated or unliquidated as a liquidated claim in terms of Section 78(3) of the Insolvency Act No 24 of 1936 as amended, at such amount as may be agreed upon by the Trustee provided that proof thereof has been tendered at a meeting of creditors.

- 8 The Trustee be and is hereby authorised to make application for the destruction of books and records of the estate six months after the confirmation of the final account.

- 9 The Trustee be and is hereby authorised to submit to the determination of arbitrators any dispute concerning the estate or any claim or demand by or upon the estate.

- 10 The Trustee be and is hereby authorised to carry on or discontinue any part of the business of the estate insofar as may be necessary for the beneficial winding-up thereof

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- 11 The Trustee be and is hereby authorised to exercise *mutatis mutandis* the powers conferred upon a Trustee by Section 35 (uncompleted acquisition of immovable property before sequestration) and 37 (effect of sequestration upon a lease) of the Insolvency Act No 24 of 1936, as amended ("the Act").
- 12 The Trustee be and is hereby authorised to allow the insolvent to retain for his/her own use the whole or such part of his household furniture and tools and other essential means of subsistence as he may determine.
- 13 The Trustee be and is hereby authorised to release, as he in his absolute discretion decides, any assets belonging to the solvent spouse which is proved to have acquired or safeguarded as provided for in Section 21(2) of the Insolvency Act No 24 of 1936, as amended.
- 14 The Trustee be and is hereby authorised to make any allowance out of the estate to the insolvent which he in his sole discretion may deem to be necessary for the support of the insolvent and his/her dependants.
- 15 The Trustee be and is hereby authorised to perform any act or exercise which he is not expressly empowered to perform in terms of the provisions of the Act.
- 16 The further administration of the affairs of the estate be left entirely in the hands of and at the discretion of the Trustee.

q.q. CREDITORS