

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 is addressed to former affected persons (“HS Investors” or “you”) who invested in the companies prior to 2011.
3. Previous reports submitted and contained on the website which can be found on the abovementioned website must be read in conjunction with this status report.
4. This status report must be read as a status report in respect of each of the companies.

BUSINESS RESCUE PLAN (“BR Plan” or “plan”)

5. A composite business rescue plan in relation to the companies was adopted on 14 December 2011 and the implementation of that plan was dealt with in previous reports.
6. We have previously reported that the BR Plan introduced Orthotouch Limited (Orthotouch) as a role-player, which was responsible for making full payment to HS Investors by December 2016.

7. This BR Plan was in the opinion of the BRP 100% implemented subject to the further restructuring of Orthotouch as described herein and in previous status reports.
8. The pending judgment referred to paragraphs 10 - 12 may have an effect on the status of the implementation of the BR Plan.

THE NOVEMBER 2014 SCHEME OF ARRANGEMENT

9. More than a decade ago, in October 2014, Orthotouch's directors decided that the company needed to be restructured and proposed a scheme of arrangement ("the scheme") under section 155 of the Act. The scheme was sanctioned by the High Court of South Africa on 26 November 2014, and the reasons for restructuring were set out in the scheme document. This has been dealt with in previous status reports also to be read as if incorporated herein.
10. In March 2015, almost a decade ago, an application to set aside the scheme which was sanctioned in relation to Orthotouch on 12 November 2022 by certain applicants represented by Jacques Theron ("Theron"), an attorney from Stellenbosch. ("the setting aside application").
11. This setting aside application was set down for hearing in the Johannesburg High Court on 13 November 2024. The matter was heard and judgement was reserved.
12. Judgement has still not been handed down and it is expected that judgement will only be handed down during the first part of 2025.

ORTOTOUCH AND ZEPHAN PLACED UNDER BUSINESS RESCUE

13. In November 2019, Orthotouch and Zephan Properties (Pty) Limited ("Zephan") were placed under business rescue by its directors, with Jacques du Toit appointed as the Business Rescue Practitioner for both Orthotouch and Zephan. A business rescue plan in relation to these companies was adopted in March 2023 whereby its affairs were again, in addition to the restructuring of Orthotouch's affairs in terms of the scheme, restructured.
14. However, ongoing litigation, driven by Theron and Ilzé Eichstädt attorneys ("Eichstädt") have caused significant delays in the finalisation of the business rescue proceedings of Orthotouch and Zephan. Applications by certain purported HS Investors groupings and purportedly represented by Eichstädt out of the High Court in Pretoria and by Theron's clients out of the Bloemfontein High Court, to set the adopted business rescue plan aside and to convert the business rescue proceedings to liquidation were launched.

THE SMITH APPLICATION OR THE SO CALLED “DECA CASE”

15. We remind HS Investors that the Smith Application (the so called “DECA case”) was postponed to 3 March 2025.
16. During February 2025 Theron addressed correspondence to the other parties in that matter promoting the further postponement of this matter at the hearing thereof on 3 March 2025.



JF KLOPPER

BUSINESS RESCUE PRACTITIONER

DATE: 28 FEBRUARY 2025