

25 May 2020

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ILZE EICHSTÄDT ATTORNEYS

FOR ATTN: ILZE EICHSTÄDT

E-MAIL: ilze@eichstadtattorneys.co.za

Dear Madam

ORTHOTOUCH (PTY) LTD (IN BUSINESS RESCUE) & ZEPHAN (PTY) LTD (IN BUSINESS RESCUE)
OUTSTANDING INTEREST PAYMENTS: CERTAIN HIGHVELD SYNDICATION INVESTORS

1. We direct this letter (“this letter”/ “the letter”) to you on the instructions of Mr Jacques du Toit. the duly appointed Business Rescue Practitioner the abovementioned companies (“our client”).
 - 1.1. At the outset, we record that we do not intend dealing with all the issues raised, whether by correspondence or process, in this or related matters. Our failure to do so should not, in any way, be construed as a waiver of our client’s rights to deal therewith at the appropriate time and in the appropriate forum if it becomes necessary.
2. Our client provided us with correspondence he received from your offices and amongst others a formal letter dated **19 May 2020**. We also received copies of similar further letters sent to various other attorneys, amongst others O’Donovan Attorneys and Carol Coetze Attorneys, respectively. Curiously Enslin and Fourie attorneys demands the same amount and we are aware that there are numerous other claimants seeking to lay claim to the same amount of monies.
 - 2.1. Zephan (Pty) Ltd was placed in business rescue on **7 November 2019** and our client was duly appointed as Business rescue Practitioner on **14 November 2019**. This date was well before the date of **29 November 2019** when the appeal was dismissed.
 - 2.2. All parties, inclusive of you and / or your clients, received notice of Zephan being placed in Business Rescue within the stipulated period as set out in the Company’s Act.

Associates:

Johan Victor BA (Comm) (NWU (Potch)), LLB (US)

Chelsea Wolffs LLB (UNISA)

Chris Jordan BA (Social Dynamics), LLB, LLM (*Cum laude*) (US)

Candidate Attorney:

Nozipho Hlongwane LLB (NWU (Potch))



- 2.3. In paragraph **9** of your letter under response you demanded from our client that the monies held by Carol Coetzee should be paid into your Trust Account no later than **Friday, 29 May 2020**.
- 2.4. It is not our place to lecture you on the intricacies of the Companies Act and Chapter **6** thereof. Moreover, Section **133** of the Act is noticeably clear as to the general moratorium on legal proceedings against a company in Business Rescue.
- 2.5. Not that it is important in the current context but is unclear how your clients' claims could be for the alleged **R1,1 million**.
 - 2.5.1. Only a very small portion of the **R1,1 million** (allegedly irregularly transferred to the account of Zephan (Pty) Ltd (in Business Rescue)) was ever earmarked for your clients. It is in any event categorically denied that the funds were irregularly transferred to Zephan's account. Any further court procedures instituted by you against our client as threatened will vigorously be opposed.
- 3. We are furthermore instructed to request that all further communication in this regard would be directed to our offices, for the attention of the undersigned only, (at the email address johan@jvaa.co.za) and that you will not contact, approach or address our client directly in whatsoever manner or form for whatever reason until this matter is resolved. In the event that you do decide to take legal steps kindly take note that our offices are the appointed address to be used for service of any and all process in terms of Uniform High Court Rule 4(1)(aA).
- 4. All our client's rights are expressly reserved.

Yours faithfully,

JOHAN VICTOR ATTORNEYS, LITIGATORS
PER: JOHAN VICTOR

Sent electronically therefore not signed in original.

A signed original of this letter can be obtained on personal request at the physical address of our offices as printed above.