

- Delivered by Email To:**
- All known Creditors of Tongaat Hulett Developments Proprietary Limited (in business rescue)
 - Companies and Intellectual Property Commission
- Displayed:**
- Registered office and principal place of business of the Company
- Published:**
- On the website maintained by Tongaat Hulett and accessible to Affected Persons
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01 November 2022

NOTICE TO ALL KNOWN CREDITORS ("Creditors") OF TONGAAT HULETT DEVELOPMENTS PROPRIETARY LIMITED (IN BUSINESS RESCUE) ("Company")

1. NOTICE TO ALL KNOWN CREDITORS OF THE COMPANY REGARDING THE FIRST MEETING OF CREDITORS IN RESPECT OF THE BUSINESS RESCUE PROCEEDINGS OF IN TERMS OF SECTION 147(1) OF THE COMPANIES ACT 71 OF 2008, AS AMENDED

- 1.1. As Creditors, you are aware from the previous correspondence sent to Affected Persons of the Company, in accordance with the provisions set forth in section 129 of the Companies Act 71 of 2008, as amended ("**Companies Act**"), the Company voluntarily commenced business rescue proceedings, and Messrs. Trevor John Murgatroyd, Petrus (Peter) Francois van den Steen and Gerhard Conrad Albertyn were appointed as the joint business rescue practitioners of the Company ("**BRPs**"), on **27 October 2022**.
- 1.2. Section 147 of Chapter Six of the Companies Act, sets forth the following provisions:
- 147(1) – *"Within 10 business days after being appointed, the practitioner must convene, and preside over, a first meeting of creditors..."*; and
 - 147(2) – *"The practitioner must give notice of the first meeting of creditors to every creditor of the company whose name and address is known to or can reasonably be obtained by the practitioner..."*.
- 1.3. In this regard, due to the significant number of Creditors of the Company and the logistics associated with Creditors being required to travel to one location to attend the First Meeting of Creditors in terms of Section 147(1) ("**First Meeting**"), the BRPs have determined that the First Meeting of Creditors in respect of the Business Rescue Proceedings of the Company should be convened virtually and not in person at a specified venue.

1.4. Accordingly, notice is hereby given to Creditors that the First Meeting will be convened via a Digital Platform as a Virtual Live Event Meeting at the date and time set out below –

Date: Tuesday 08 November 2022
Time: 10h00 – 11h00
Meeting Type: Virtual
Venue: Digital Platform Virtual Live Event Meeting accessible via the link to be sent out to Creditors before 04 November 2022.

1.5. In accordance with the provisions of section 147(2) of the Companies Act, please see the Agenda for the Virtual Meeting included herein as "**Annexure A**".

2. SUBMISSION OF CREDITOR CLAIMS FOR CONSIDERATION BY THE BRPs

2.1. Creditors are hereby further advised that they will be required to submit their claims, of whatsoever nature and howsoever arising, against the Company as at **27 October 2022** ("Pre-Commencement Claims") to the BRPs. A Tongaat Hulett Developments Proprietary Limited claim form and instructions on how to submit your claims are included herein as "**Annexure B**". The Company's claim form and instructions, will also be made available for download on the Tongaat Hulett website at: www.tongaat.com, under the 'Business Rescue' tab.

2.2. All Creditors claims must be submitted via the Company's claim form and sent via email, to br@tongaat.com.

2.3. Creditors are advised that claims do not have to be submit their claim prior to the First Meeting. You will be entitled to submit claims up until the point at which a deadline for the submission of claims is communicated to you, in due course.

3. CONSENT FOR EXTENTION IN TERMS OF SECTION 150(5) OF THE COMPANIES ACT

3.1. In terms of section 150(5) of the Companies Act:

- 150(5) – *"The business rescue plan must be published by the company within 25 business days after the date on which the practitioner was appointed, or such longer time as may be allowed by – (a) the court, on application by the company; or (b) the holders of a majority of the creditors' voting interests."*

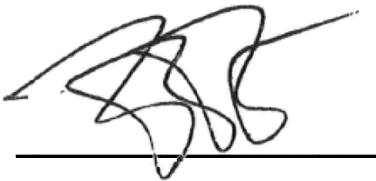
3.2. In this regard, Creditors are hereby notified that the BRPs intend to request Creditors consent for the extension of the publication of the business rescue plan, in terms of Section 150(5) at the First Meeting.

- 3.3. All Creditors in attendance at the First Meeting, will be entitled to submit their vote for, against or to abstain from voting, with regard to their consent for the extension of the publication of the Company's business rescue plan to 30 April 2023, during the First Meeting, when the BRPs submit their request to Creditors present and voting at the First Meeting.
- 3.4. Thereafter, the BRPs will determine the outcome of the votes, based on the votes submitted by Creditors present and voting, and the outcome of this vote will be communicated to all Affected Persons within five business days of the First Meeting.

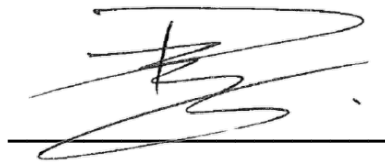
4. CLOSING REMARKS

- 4.1. Please note that, although you have been invited to this meeting and invited to submit your claims to the Company, nothing in this letter shall be construed to be an admission of your status as a Creditor of the Company, which status will be determined by the BRPs in the course of the business rescue proceedings.
- 4.2. Creditors are reminded that all notices and documents regarding the business rescue proceedings of the Company that have been and/or will be circulated to all known Affected Persons, are/will be published and made available to all Affected Persons, on the Tongaat Hulett website at: www.tongaat.com, under the 'Business Rescue' tab.
- 4.3. If you have any queries in this regard, they may be directed to the business rescue email address at: br@tongaat.com.

Yours faithfully,



TJ Murgatroyd



PF van den Steen



GC Albertyn

**The Joint Business Rescue Practitioners of Tongaat Hulett Developments Proprietary Limited
(in business Rescue)**

ANNEXURE A

AGENDA FOR THE FIRST MEETING OF CREDITORS OF TONGAAT HULETT DEVELOPMENTS PROPRIETARY LIMITED (IN BUSINESS RESCUE)

- Welcome
- Overview of Business Rescue
- Statement by the Business Rescue Practitioners about the Reasonable Prospects of Rescuing the Company
- Claims and Claim Forms
- Creditors Committee
- Consent For Extension in terms of section 150(5)(b) of the Companies Act 71 of 2008
- Other Matters
- Question & Answer Session
- Meeting Closure

CLAIM FORM

PRE-COMMENCEMENT OF BUSINESS RESCUE PROCEEDINGS CREDITOR CLAIMS

TONGAAT HULETT DEVELOPMENTS PROPRIETARY LIMITED ("Company")

Attention: Joint Business Rescue Practitioners of the Company

Email: br@tongaat.com

CLAIMANTS DETAILS		
Name of Creditor		
Representative of Creditor		
Contact Details of Creditor (Email address and phone number)		
Company Registration Number		
Claim amount as at 27 October 2022 (Commencement date of Business Rescue)		
Cause of Indebtedness		
Secured Creditor (Please circle)	YES	NO

CONFIRMATION OF CLAIMANTS BANK DETAILS			
Bank Name		Branch Code	
Account Number		Type of Account	
Account Holder			

LIST OF DOCUMENTS ANNEXED TO SUPPORT YOUR CLAIM:	
Proof of Claims against the Company	
Security held for the Claim (if applicable)	

SIGNATURE: _____

NAME OF SIGNATORY: _____

CAPACITY OF SIGNATORY: _____

DATE: _____

NOTE:

- Please provide full details of claim – the manner in which it arose and documentation relating to any security (if applicable) must be detailed in this form. Please annex all documents and details of claim if the above space is not sufficient for full details of the claim.
- If the creditor is a juristic person, a power of attorney or resolution must accompany this claim form to confirm that the person who submits and signs this claim form is authorised to act on behalf of that juristic person, to sign any and all documents on behalf of the juristic person and to attend and vote (if necessary) at any meetings convened in all matters relating to these business rescue proceedings.
- Please submit this form and all supporting documentation, via email, to: br@tongaat.com, for the attention of the Business Rescue Practitioners.

**INSTRUCTIONS FOR SUBMITTING A
PRE-COMMENCEMENT OF BUSINESS RESCUE PROCEEDINGS CLAIM**

1. A pre-commencement claim is any claim that you and/or your company have against Tongaat Hulett Developments Proprietary Limited ("**Company**") as at **27 October 2022**, including any claims that form the subject matter of legal proceedings for the recovery of money.
2. Any claim that you and/or your company believe you have against the Company as at 27 October 2022, must be submitted to the Business Rescue Practitioners for assessment, as follows:
 - 2.1. Ensure that all invoices and statements related to your company's pre-commencement claim have been submitted using the Company's existing processes.
 - 2.2. Please also submit your claim by completing this Claim Form, which is also available to download from the Tongaat Hulett website (www.tongaat.com), under the 'Business Rescue' tab, and emailing the completed Claim Form, together with a reconciliation statement of account and other supporting documentation, via email to: br@tongaat.com.
3. These claims will be assessed by the BRPs and either accepted or rejected and the BRPs' decision in this regard will be communicated to you and/or your company.
4. If your claim is accepted (in part or in whole), the details about how and when such payment will be made will be set out in a business rescue plan. This plan will be published in time, for the consideration of Affected Persons, who will have an opportunity to cast a vote on such plan.