

- Delivered by Email To:**
- All known Affected Persons 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
 - Anywhere where employees are employed
- Published:**
- On the website maintained by Tongaat Hulett and accessible to Affected Persons
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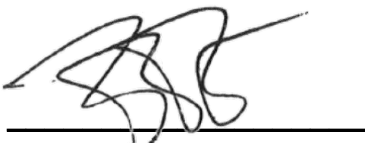
14 February 2023

NOTICE TO ALL KNOWN AFFECTED PERSONS ("Affected Persons") OF TONGAAT HULETT DEVELOPMENTS PROPRIETARY LIMITED (in business rescue) WITH REGISTRATION NUMBER: 1981/012378/07 ("Company")

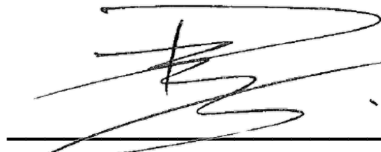
1. Affected Persons of the Company are referred to the Notice to Affected Persons that was transmitted to Affected Persons on 15 November 2022 ("**Initial Notice**"), wherein the Company notified Affected Persons that the lenders to Tongaat Hulett Limited (in business rescue) ("**THL**"), which is the Company's ultimate shareholder and parent company, had instituted an application to Court to perfect the general notarial bonds registered in favour of such lenders, which application was to be heard during the week commencing 14 November 2022.
2. The Initial Notice further advised Affected Persons that Trevor Murgatroyd, Peter van den Steen and Gerhard Albertyn, the joint business rescue practitioners of both THL and the Company ("**BRPs**"), had reached agreement with THL's lenders that, notwithstanding such lenders perfecting their security rights in respect of the Company's operating assets, the Company would have the right to continue to access the applicable premises and continue to utilise the relevant assets, to enable the Company to continue operating in the ordinary course, subject to maintaining and preserving the security of the lenders.

3. Pursuant to the application referred to in paragraph 1 above, on 17 November 2022, the High Court of South Africa, Kwa-Zulu Natal Division ("**the High Court**"), issued a *Rule Nisi* ("**the Rule Nisi**") pertaining to the perfection by the lenders over the assets of the various Respondents mentioned in the aforementioned application, which constitute Tongaat entities, and invited any interested party, to appear before the High Court on 20th February 2023 at 09:30, to show cause why an order in the terms provided for in the *Rule Nisi*, should not be made final.
4. A copy of the *Rule Nisi* is attached hereto and marked as "**Annexure A.**"
5. Affected Persons are reminded that all notices and documents regarding the business rescue proceedings of the Company that have been and/or will be circulated to Affected Persons, are/will be published and made available to all Affected Persons, on the Tongaat Hulett website at: <https://www.tongaathulett.com>, under the 'Business Rescue' tab.
6. If you have any queries, they may be directed to the business rescue email address at: br@tongaathulett.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)**



IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NO: 15784/22

ON THE 17TH DAY OF NOVEMBER 2022

BEFORE THE HONOURABLE JUDGE LOPES

In the matter between:

BOWWOOD AND MAIN NO 296 (RF) PROPRIETARY LIMITED

Applicant

(Registration number: 2018/358484/07)

and

TREVOR MURGATROYD N.O.

PETER VAN DEN STEEN N.O.

GERHARD ALBERTYN N.O.

[in their capacities as the joint business rescue
practitioners of the fourth and fifth respondent]



First Respondent

Second Respondent

Third Respondent

TONGAAT HULETT LIMITED (IN BUSINESS RESCUE)

(Registration number: 1892/000610/06)

Fourth Respondent

TONGAAT HULETT DEVELOPMENTS PROPRIETARY LIMITED

(Registration number: 1981/012378/07)

Fifth Respondent

TONGAAT HULETT SUGAR SOUTH AFRICA LIMITED

(Registration number: 1965/000565/06)

Sixth Respondent

TONGAAT HULETT ESTATES PROPRIETARY LIMITED

(Registration number: 1967/006009/07)

Seventh Respondent

VOERMOL FEEDS PROPRIETARY LIMITED

(Registration number: 1936/007892/07)

Eighth Respondent

HAVING read the Notice of Motion, and the other documents filed of record; and

HAVING heard Counsel for the Applicant;

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IT IS ORDERED THAT:

1. A rule *nisi* is issued calling upon the Respondents and any interested party to appear before the above Court on **20th February 2023 at 09h30**, to show cause why an order in the following terms should not be made final:

- 1.1. The Applicant, alternatively the Applicant's duly authorised agent, alternatively the Sheriff of the High Court ("the Sheriff"), is authorised to take possession of all movable assets of the Fourth to Eighth Respondents ("the aforesaid Respondents"), in order to perfect the Applicant's security under general notarial bonds BN00352/2020, BN00353/2020, BN00401/2020, BN00438/2020 and BN00584/2020 and to hold the movable assets in its possession and be constituted as pledgee, such assets being situated at the following addresses:

- 1.1.1. 444 South Coast Road ,Durban, 4093;
 - 1.1.2. 1 Mill Road, Amatikulu, Gingindlovu;
 - 1.1.3. 1 Mill Road, Felixton, Empangeni;
 - 1.1.4. 1 Main Avenue, Maidstone, Tongaat;
 - 1.1.5. 1 Main Road, Maidstone, Tongaat; and
 - 1.1.6. Amanzimnyama Hill, Tongaat;
- ("the Respondents' premises")

or wheresoever the movable assets may be found, whether in the aforesaid Respondents' possession or not;

- 1.2. The Applicant, alternatively the Applicant's duly authorised agent, alternatively the Sheriff, with jurisdiction is authorised and directed, to enter upon the aforesaid Respondents' premises and/or anywhere else the aforesaid Respondents carry on business or where the movable assets are being kept, to attach and make an inventory of all the movable assets of the aforesaid Respondents, of whatsoever nature and description, as security for the payment of all monies due by the aforesaid Respondents to the Applicant and by such attachment thereof shall be deemed to be given to the Applicant to hold in pledge;
- 1.3. The aforesaid Respondents, through their agents, representatives and employees, are ordered to point out all movable assets to the Applicant or its duly appointed representative, alternatively the Sheriff, wherever such movable assets may be situated;



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1.4. The Applicant, alternatively, the Sheriff is authorised to:

1.4.1. Lock and secure the movable assets, at the Respondents' premises or any other premises at which the aforesaid Respondents carry on business;

1.4.2. Affix a notice of attachment to the principal doors / gates of the Respondents' premises or any other premises at which the aforesaid Respondents' movable assets may be found;

in either event the Applicant shall be deemed to have taken effective possession of such movable assets and have perfected the aforementioned general notarial bonds;

1.5. The Applicant is authorised to sell the movable assets of the aforesaid Respondents which have been attached in terms of this order by private treaty or public auction, in the sole discretion of the Applicant, and that any manager or director of the Applicant, whose appointment need not be proved, is authorised to sign any sale agreement and all subsequent documents necessary to give transfer of the movable assets to any purchaser;

1.6. The Respondents are ordered to pay the costs of this application on the attorney and client scale, jointly and severally with any other party who unsuccessfully opposes this application.

2. The orders contained at paragraphs 1.1, 1.2, 1.3 and 1.4 shall be effective immediately and operate as interim orders pending the return date of this application.

Venns Attorneys
Ref: Nida Jooste

BY ORDER OF THE COURT

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG	
Private Bag X9014, Pietermaritzburg 3200	
	2022 -11- 17
KZND-PMB-007	
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG	

R J JOOSTE
REGISTRAR

/agoba
17/11/2022