

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION, CAPE TOWN)

Before: the Honourable Mr Justice Davis

At: Cape Town on Tuesday 2 January 2018

Case No: 22876 /2017

In the matter between:

NEILL MICHAEL HOBBS, cited herein in his representative capacity as the duly appointed joint business rescue practitioners for:

HENQUE 2890 CC t/a as BRAZIER & ASSOCIATES

(in business rescue)

Applicant

and

HENQUE 2890 CC t/a as BRAZIER & ASSOCIATES

(in business rescue)

Respondent

(Registration Number: 2000/019568/23)

(Registered Address: 2 Canal Side, Heron Crescent, Century City, Western Cape)

FOR ORDERS IN TERMS OF SECTION 141 (2) (a) of the COMPANIES ACT 2008:

- DISCONTINUING BUSINESS RESCUE PROCEEDINGS; and
- WINDING UP RESPONDENT

Storm Peters
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High Court Box 279

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN		
Private Bag X9020, Cape Town 8000		
	DRAFT ORDER	
2018 -01- 08		
WCD-005		
GRIFPIER VAN DIE HOOGGEREGSHOF SUID-AFRIKA, WES-KAAP AFDELING, KAAPSTAD		

PROVISIONAL LIQUIDATION
DRAFT ORDER

Having heard the legal representative for the Applicant and having read the documents filed of record,

IT IS ORDERED THAT:

1. The Respondent's business rescue proceedings are discontinued in accordance with in terms of **Section 66 (1A) of the Close Corporations Act 69 of 1984** (as amended) ("the CC Act") read with **Section 141 (2) (a) (ii) of the Companies Act 71 of 2008** ("the Companies Act").
2. The application is entertained as a matter of urgency and the Respondent is hereby placed under Provisional Liquidation.
3. A rule *nisi* be issued calling upon all persons interested to appear and show cause, if any, to the above Honourable Court on **13 February 2018** why:
 - 3.1 the Respondent should not be placed under Final Liquidation; and
 - 3.2 the costs of this application should not be costs in the liquidation on the attorney and client scale.
4. Service of this order be effected by:

4.1 The Sheriff of the High court at:

- 4.1.1 The registered address of Respondent; and
- 4.1.2 The South African Revenue Services; and
- 4.1.3 on the employees of Respondent by affixing same to a notice board at Respondent's premises, alternatively by affixing a copy thereof at the entrance of the premises.

4.2 By one publication in the following newspapers:

- 4.2.1 The Cape Times, and
- 4.2.2 Die Burger;



PROVISIONAL LIQUIDATION
DRAFT ORDER

- 4.3 by electronic mail on all known potential affected persons set out in **Annexure "A"** hereto;
- 4.4 by prepaid registered post on the members of the Respondent.
5. In terms of Section 357 (a) of the Companies Act 61 of 1973 read with Section 19 of the Insolvency Act 1936,
- 5.1 the Registrar shall transmit a copy of both the provisional and final orders to the Sheriff of the province in which the registered office of the Respondent is situated and to the Sheriff of every province in which it appears that the Respondent owns property;
- 5.2 the Sheriff shall attach or property which appears to belong to the Respondent and transmit to the Master an inventory of all property attached by him or her in terms of Section 19 of the Insolvency Act of 1936.



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