

---

**TO:** ALL KNOWN CREDITORS OF HC VAN WYK DIAMONDS LIMITED  
**DATE:** 24 MAY 2017

---

**NOTICE TO ATTEND THE FIRST MEETING OF CREDITORS IN TERMS OF SECTION 147 OF THE COMPANIES ACT, 2008**

---

**COMPANY:** HC VAN WYK DIAMONDS LIMITED  
*(In Business Rescue)*

**REGISTRATION NUMBER:** 2001/006812/06

**JOINT BUSINESS RESCUE PRACTITIONERS:** T MURGATROYD  
P VAN DEN STEEN

**Take notice that:**

**The first meeting of creditors of the Company, as required in terms of section 147(1) of the Companies Act No. 2008 ("the Act"), will be held on the date, and at the time and place set out below.**

**Date:** Wednesday, 31 May 2017

**Venue:** The Kimberley Club  
42 Currey Street,  
Kimberley,  
Northern Cape Province

**Time:** 13h00

In terms of section 147(1)(a) of the Act, within 10 business days after being appointed, the practitioners must convene, and preside over, a first meeting of creditors, at which they must inform the creditors whether they believe that there is a reasonable prospect of rescuing the company, and may receive proof of claims by creditors.

In terms of section 147(1)(b) of the Act, at the first meeting of creditors, the creditors may determine whether or not a committee of creditors should be appointed and, if so, may appoint the members of the committee.

As the Company was placed in business rescue by order of the Court on 18 May 2017, pursuant to an application in terms of section 131(1) of the Act, and simultaneously made an order appointing the joint business rescue practitioners as interim practitioners in terms of section 131(5), their appointment is subject to ratification by the holders of a majority of the independent creditors' voting interests at the first meeting of creditors, as contemplated in section 147 of the Act.

The joint business rescue practitioners foresee that they might require more than 25 business days to prepare and publish a business rescue plan. Accordingly, they will seek the approval of the holders of a majority of the creditors' voting interests to extend the time period allowed for the publication of the business rescue plan as contemplated in section 150(5)(b) of the Act.

In the circumstances, the agenda for the first meeting of creditors is as follows:

**1. AGENDA**

- 1.1. Attendance register;
- 1.2. Welcome and introduction;
- 1.3. Ratification of appointment of Messrs Trevor Murgatroyd and Peter van den Steen as joint business rescue practitioners in terms of section 131(5) of the Act;
- 1.4. Presentation to creditors on whether the joint business rescue practitioners believe that there is a reasonable prospect of rescuing the Company (section 147(1)(a)(i) of the Act);
- 1.5. Receipt of proof of creditors' claims (section 147(1)(a)(ii) of the Act);
- 1.6. Determination by creditors whether a committee of creditors should be appointed and, if so, appointment of creditors' committee members (section 147(1)(b) of the Act);
- 1.7. Extension of the date of publication of the business rescue plan by the Company in terms of section 150(5)(b) of the Act to 30 September 2017; and
- 1.8. General

**Please find attached hereto:**

- (a) the claim document to be completed and submitted for purposes of section 147(1)(a)(ii) of the Act; and**
- (b) a proxy form in relation to the items requiring a vote.**

Kindly acknowledge receipt hereof and confirm your attendance per email to the sender.

Yours Faithfully,

p.p. 

**MR T. MURGATROYD**  
**BUSINESS RESCUE PRACTITIONER**

p.p. 

**MR P. VAN DEN STEEN**  
**BUSINESS RESCUE PRACTITIONER**

# HC VAN WYK DIAMONDS LTD

(in business rescue)

registration number 2001/006812/06

("the Company")

---

## CLAIM DOCUMENT

---

PART A: DETAILS OF CREDITOR		
NAME IN FULL OF CREDITOR		
VAT NUMBER		
REGISTRATION NUMBER		
CONTACT PERSON NAME		
CONTACT PERSON CELL NUMBER		
PHYSICAL ADDRESS		
POSTAL ADDRESS		
TEL	FAX	EMAIL
PART B: DETAILS OF CLAIM		
TOTAL AMOUNT OF CLAIM <i>(as at 18 May 2017, being the date of commencement of business rescue proceedings)</i>		
BRIEF DESCRIPTION OF CLAIM		
AMOUNT AND RATE OF INTEREST TO DATE <i>(if applicable)</i>	R	Interest Rate

<b>PART C: DETAILS OF SECURITY</b> <i>(leave blank if not applicable)</i>				
TYPE OF SECURITY FOR CLAIM				
MORTGAGE BOND	SPECIAL NOTARIAL BOND	GENERAL NOTARIAL BOND	PLEDGE	HYPOTHEC
OTHER <i>(specify)</i>				
BOND REGISTRATION NUMBER(S) <i>(if applicable)</i>				
VALUE OF SECURITY AS STATED IN DOCUMENTS			<b>R</b>	
ESTIMATED VALUE OF PROPERTY HELD AS SECURITY			<b>R</b>	

*The information set out above is not binding on the Company and/or the business rescue practitioner(s). The Company and the business rescue practitioner(s) reserve the right to query the existence and/or amount of any claim and/or security set out above, to call for further documents and information in relation to any claims, and/or to reject any claims which remain in dispute despite further investigation.*

**Signature:** \_\_\_\_\_

**Name:**

**Capacity:**

**who warrants his / her authority to do so**

# HC VAN WYK DIAMONDS LIMITED

[in business rescue]

registration number 2001/006812/06

("the Company")

---

## PROXY FORM

in respect of first the meeting of creditors to be held in terms of section 147 of the Companies Act, 2008

---

I/We, the undersigned,

\_\_\_\_\_ [insert name of creditor]

confirm the Rand value of the amount owed to me / us by the Company as at the date of commencement of the business rescue proceedings in respect of the Company, being 18 May 2017, is:

\_\_\_\_\_ [insert Rand value of claim] and,

in my/our capacity as a creditor of the Company, hereby nominate and appoint:

\_\_\_\_\_ [insert name of proxy] or, failing him/her  
any one of Pieter Smit / Natalie Harten / any other admitted attorney employed by Falcon & Hume Inc,  
[delete if not applicable]

as my/our proxy to vote my / our voting interest at the first meeting of creditors of the Company to be held in terms of section 147 of the Companies Act, 2008, in relation to the following matters set out in the Notice of Meeting accompanying this Proxy Form.

I/We direct my/our proxy holder to vote as follows:

[please mark appropriate option with an "X"]:

1. **Ratification of appointment of Messrs. Peter van den Steen and Trevor Murgatroyd as joint business rescue practitioners in terms of section 131(5) of the Companies Act, 2008, as contemplated in the Notice of Meeting:**

In favour of motion	Against motion	In accordance with proxy holder's discretion

2. **Extension of the date of publication of the business rescue plan by the Company in terms of section 150(5)(b) of the Companies Act, 2008, as contemplated in the Notice of Meeting:**

In favour of motion	Against motion	In accordance with proxy holder's discretion

Signed on \_\_\_\_\_ 2017

Signature: \_\_\_\_\_

Name:

Capacity:

who warrants his / her authority to do so