

**INSOLVENT ESTATE:
TREGUNNO FAMILY TRUST
- "the Trust"**

MASTER'S REFERENCE NO. C844/2010

**TRUSTEE'S REPORT TO BE SUBMITTED AT THE SECOND MEETING OF CREDITORS
TO BE HELD BEFORE THE MAGISTRATE, WELLINGTON, ON WEDNESDAY 11 MAY
2011 AT 9H00**

ORDERS OF COURT AND MEETINGS

The Trust was Provisionally Sequestered by Order of the Western Cape High Court, Cape Town, on 10 August 2011. The undersigned were appointed as Provisional Trustees by the Master of the Western Cape High Court, Cape Town, on 18 August 2011. The Provisional Order of Sequestration was made final on 21 September 2010.

One claim was proved at the First Meeting of creditors which was held before the Magistrate, Wellington, on 9 February 2011.

The undersigned applied for their appointment as trustees and were duly appointed by the Master of the Western Cape High Court, Cape Town, on 14 March 2011.

ASSETS AND LIABILITIES

No Statement of Affairs as is required in terms of Section 16 of the Insolvency Act has been lodged, however we are able to report on the Trust's financial position as follows:-

ASSETS

SECURED CREDITOR	VALUATION / REALISATION
- Erf 33615 Strand	Nedbank Limited 105,000.00
- Erf 1087 Louwlandia	ABSA Bank Limited 200,000.00
- Erf 3722 Lorraine (19 Ceri-Leigh Manor)	ABSA Bank Limited 510,000.00
- Erf 3727 Lorraine (24 Ceri-Leigh Manor)	Standard Bank Guarantee Company (Pty) Limited 510,000.00
- Erf 12872 Wellington (8 Die Spruit, Bain Street)	Nedbank Limited 510,000.00
- Erf 33570 Strand (25 Seeutefel Street)	Standard Bank of South Africa Limited 510,000.00
- Erf 33659 Strand (34 Oude Werf)	Sanlam Home Loans Guarantee Company (Pty) Limited 450,000.00
- Section 8, 55 Malan 11 Estates, erf 3290 Wellington	Standard Bank of South Africa Limited 490,000.00
- Section 37, SS Malan 11 Estates, Erf 16084 Brackenfell	First Rand Bank Limited 413,000.00
- Sections 30 & 64 Ss Queens Terrace, erf 11834 Paarl	560,000.00
- 75 Milkwood Place Uitenhage	Sanlam Home Loans 400,000.00
- 242 King Terraces Titan Road, Walmer	ABSA Bank Limited 500,000.00
Cash found in estate	185,500.00
LIABILITIES	
R5,343,500.00	

Secured Creditors

Nedbank Limited	
- Erf 33615 Strand (approximately)	400,000.00
- Erf 12872 Wellington (approximately)	416,000.00
ABSA Bank Limited	
- Erf 1082 Loulardia (approximately)	885,450.00

- Erf 3722 Lorraine (approximately)	869,285.00
- Unit 242 Kings Terraces (approximately)	1,003,760.00
Standard Bank Guarantee Co (Pty) Limited	
- Erf 3727 Lorraine (approximately)	640,000.00
Sanlam Home Loans Guarantee Company (Pty) Limited	
- Erf 33659 Strand (approximately)	1,165,000
- 75 Milkwood Place	557,479.50
Standard Bank of SA Limited	
- Erf 33570 Strand (approximately)	1,048,000.00
- Section 8 Malan 11 Estates (original bond amount)	1,000,000.00
First Rand Bank Limited	
- Section 27 Malan 11 Estate	732,131.75
<u>Preferent Creditors</u>	
- SARS	Unknown
<u>Concurrent Creditors</u>	
- Eco Plumbing	4,442.16
- Tygerberg Trustees	1,750.00
- A&S King Makelaars (Pty) Limited (in Liquidation)	657,000.00
	R9,380,298.41

NOTES

The undersigned are in the process of realising the immovable properties by means of private treaty or public auction.

UNCOMPLETED CONTRACT FOR THE ACQUISITION OF IMMOVABLE PROPERTY

No notice has been served on the undersigned in terms of Section 35 of the Insolvency Act and the Trust was not as far as we are aware a party to any contract for the purchase of immovable property interrupted by Insolvency.

LEASES

There were no known lease agreements in existence as at the date of provisional sequestration.

LEGAL PROCEEDINGS PENDING AND/OR THREATENED

The undersigned are not aware of any legal proceedings by or against the Trust which may have been pending at the date of sequestration other than those for the normal recovery of debt.

LEAVE TO TRADE OR BE EMPLOYED

No application has been received in this regard.

SUBSISTENCE ALLOWANCE

No application has been received from the Trust for a subsistence allowance and no such allowance has been granted.

BOOKS AND RECORDS

As the Trust did not trade in its personal capacity it was not required to keep books and records.

CAUSES OF INSOLVENCY

The Trust was sequestrated at the instance of Mr Gerhardus Cornelius Kachelhoffer ("*Kachelhoffer*") to whom the Trust was indebted in the amount of R1,750.00 for professional services rendered from July 2009.

Kachelhoffer had previously advised the Trust on financial issues, particularly relating to dealings with the King Group of Companies, the majority of which had been liquidated in the second half of 2009.

As is evident from the financial position of the Trust, the Trust owned 11 immovable properties of which some were rented out to tenants. The rental income derived was never enough to service the substantial bonds over the properties and as such the Trust was dependent upon outside financial help. This help was obtained from

Mr Stephen King, a director within the King Group of Companies. As a result of the liquidation of the King Group of Companies, Stephen King was no longer in a position to advance funds to the Trust.

Accordingly the Trust was no longer in a position to service its debts as and when they became due for payment and the only option was to sequestrate the Trust.

CONTRAVENTIONS AND OFFENCES

The Trust does not appear to have contravened any of the provisions of the Insolvency Act.

DIVIDEND PROSPECTS

It is clear that the secured creditors should receive the nett proceeds from the sale of immovable properties encumbered to them. There would also appear to be a prospect of a concurrent dividend being payable to creditors who submit claims to proof as the Trust was vested with certain funds in its bank account at the time of its sequestration. The undersigned are still awaiting the receipt of these funds. The concurrent dividend is also contingent upon any preferent claims which the South African Revenue Services might submit to proof.

**DATED AT CAPE TOWN
THIS *19th* DAY OF
APRIL 2011**

**DATED AT STELLENBOSCH
THIS *28th* DAY OF
APRIL 2011**

**DATED AT
THIS DAY OF
APRIL 2011**


**S MOODLIAR
JOINT TRUSTEE**


**H A PLATJIES
JOINT TRUSTEE**

**DB DAVIDS
JOINT TRUSTEE**

INSOLVENT ESTATE : TREGUNNO FAMILY TRUST

MASTER'S REFERENCE NO : C844/2011

**RESOLUTIONS TO BE SUBMITTED AT THE SECOND MEETING OF CREDITORS TO
BE HELD BEFORE THE MAGISTRATE, WELLINGTON, ON WEDNESDAY 11 MAY 2011
AT 9H00**

IT IS HEREBY RESOLVED :

1. That the report of the Trustee(s) and his/their actions as referred to therein be and are hereby approved, ratified and confirmed.
2. That the actions of the provisional trustee(s) and trustee(s) in engaging the services of attorneys and/or counsel on such matters as he/they found necessary in the administration of the insolvent estate to date, are hereby approved, ratified and confirmed. That the costs thereof be paid out of the funds of the insolvent estate as part of the costs of administration. That the trustee(s) be authorised to conclude written agreements with their attorneys in terms of the provisions of Section 73 of the Insolvency Act No. 24 of 1936 (as amended) dispensing with the need for preparation of bills and the taxation thereof, and that the actions of the provisional trustee(s) and trustee(s) in concluding such written agreements to date, are hereby approved, ratified and confirmed.
3. That the Trustee(s) be and is/are hereby authorised to engage whatever further legal assistance he/they may require in the interests of the estate and that the costs thereof be paid out of the funds of the estate as part of the costs of administration.
4. That the Trustee(s) be and is/are hereby authorised to institute or defend legal actions in order to collect debts owing to the estate or in respect of any other matter affecting the estate including the holding of enquiries or examinations in terms of the Insolvency Act, 1973, as amended, as he/they may deem fit, and for such purposes to employ the services of attorneys and/or counsel of his/their choice and to pay the costs out of the funds of the estate as part of the costs of administration.

5. That the Trustee(s) be and is/are hereby authorised to settle or compromise any legal proceedings whether instituted or to be instituted by or against the estate, on such terms and conditions and for such amount as he/they in his/their discretion may deem fit.
6. That the Trustee(s) be and is/are hereby authorised to sell any movable or immovable property of the estate of whatsoever description and including outstanding debts by public auction, public tender or private treaty in such manner, upon such terms and conditions and for such amounts as he/they may deem fit.
7. That the Trustee(s) be and is/are hereby authorised to consent to the cancellation of any bond passed in favour of the estate.
8. That the Trustee(s) be and is/are hereby authorised to agree to any reasonable offer of composition made to the estate by any debtor, to accept payment of any part of any debt due to the estate in settlement thereof, to grant an extension of time for the payment of any debt and to abandon such amounts due to the estate as he/they has/have been unable to recover or dispose of as he/they may deem fit.
9. That the Trustee(s) be and is/are hereby authorised to engage the services of auctioneers or agents to sell the assets of the estate and to determine the conditions of sale and manner of advertising his/their discretion.
10. That the Trustee(s) be and is/are hereby authorised and empowered in his/their discretion to compromise or admit any claim against the estate, whether liquidated or unliquidated, arising from any guarantee of any other cause whatsoever, as a liquidated claim in terms of Section 78(3) of the Insolvency Act, as amended, at such amount as may be agreed upon between the creditor(s) concerned and the Trustee(s) provided that proof thereof has been tendered at a meeting of creditors.
11. That the Trustee(s) be and is/are hereby authorised to transfer to the purchaser thereof any immovable property sold by the estate prior to its liquidation or to agree to the cancellation of any such sale and to re-sell such property or to agree to the substitution of a new purchaser under any existing Deed of Sale.
12. That the Trustee(s) be and is/are hereby authorised to abandon any asset or assets of the estate where no purchaser for the asset(s) can be found.
13. That the Trustee(s) be and is/are hereby authorised to terminate leases in respect of premises or of any other object entered into by the estate.
14. That the Trustee(s) be and is/are hereby authorised to, if necessary, borrow moneys with or without providing security therefor and that the interest payable on such loans shall be paid as costs of administration of the estate.
15. That the Trustee(s) be and is/are hereby authorised to engage the services of bookkeepers, accountants, auditors or any other person for any purpose in and about the affairs of the estate which he/they may require and the costs so incurred to be paid as costs of administration of the estate.

16. That the future administration of the estate be left in the hands of and to the discretion of the Trustee(s).

qq CREDITORS

PRESIDING OFFICER



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REGISTERED POST

Tuesday
19 April 2011

Our Ref: SMG/CMR/APR2011/19-4/Tregunno

TO ALL CREDITORS

A&S KING MAKELAARS (PTY) LTD
ATT: MS R PIETERS
INDEPENDENT TRUSTEES
PO BOX 820
STELLENBOSCH
7599

Dear Sir/s

INSOLVENT ESTATE : TREGUNNO FAMILY TRUST

We advise that the 2nd meeting of creditors has been convened to be held before the Magistrate, Wellington, at 9h00 on Wednesday 11 May 2011. We enclose the following documents relating thereto:-

1. Copy of the Trustees' Report.
2. Copy of the proposed Resolutions to be submitted for adoption at the meetings

Yours faithfully,


T P GLAUM

For JOINT TRUSTEES

➤ Enclosure

Sanek Trust Recovery Services (Pty) Ltd

Registration Number: 2006/008667/07 Directors: S M Gore* B.Com, T P Glaum* ‡ B Acc Sc (Hons) CA (SA), D Moorall† Dip. Insol. Law

* Members of the Association of Insolvency Practitioners SA, †member of the Association of Certified Fraud Examiners - SA, ‡Chapler