

For attention: The Registrar
High Court of South Africa, Gauteng Local Division
Johannesburg

Mintails Mining SA (Pty) Ltd (in business rescue)
Registration number: 2007/004029/07
(“**the Company**”)

All affected persons in the business rescue of the Company
(See Schedule 1 to this Notice)

The Companies and Intellectual Property Commission

1 August 2018

Dear Sirs

NOTICE IN TERMS OF SECTIONS 132(3), 141(2)(a)(i), 144(3)(a), 145(1)(a) AND 146(a) OF THE COMPANIES ACT, 2008

1. This is a notice regarding the status of the Company’s business rescue proceedings, as well as legal proceedings contemplated which may directly affect you. As such, and if necessary, you are advised to consult your attorneys or other professional advisors in this regard.
2. This is a notice given to you in terms of sections 141(2)(a)(i), 144(3)(a), 145(1)(a) and 146(a) of the Companies Act, 71 of 2008 (“**Companies Act**”).
3. Since the commencement of business rescue on 14 October 2015, the business rescue practitioner (“**BRP**”) has investigated the affairs of the Company to determine whether there is a reasonable prospect of the Company being rescued. In short, this means that the BRP has considered whether the Company will be able to continue to trade on a solvent basis following the termination of the business rescue proceedings or that the business rescue proceedings will achieve a better return for affected persons, as defined in section 128(1)(a) of the Companies Act, than they would receive in a liquidation of the Company.

4. Subsequently, a business rescue plan in respect of the Company ("**BR Plan**") was developed, considered and adopted (on or about 4 November 2016) in terms of sections 150 to 152 of the Companies Act, and amended on 7 February 2017.
5. The BR Plan contemplated the refurbishment of Gold Plant 2, which refurbishment required the raising of new funding. Prospective lenders of this new funding required that the Company obtain from the regulator formal written confirmation of the rehabilitation arrangements (as set out in the BR Plan) which the regulator had agreed to prior to the publication of the BR Plan. Regrettably the Company and the BRP have been unable to secure such formal written confirmation. This, along with a number of other operational and regulatory factors, led to Paige Limited ("**Paige**") (the controlling shareholder and major creditor of the Mintails Group) advising the BRP in June 2018 that it would no longer be in a position to continue its financial support of the Company in the manner contemplated in the BR Plan.
6. In late June 2018, with the support of Paige, a binding agreement was entered into with Mvest Capital (Pty) Limited ("**Mvest**") in terms of which, *inter alia*, Mvest agreed to acquire Paige's interests in the Company and to inject R30m of new funding into the Company. This cash injection and the entry of a BEE shareholder would, in the opinion of the BRP, have enabled the BRP to implement the BR Plan as contemplated. Mvest, regrettably, have not fulfilled their undertakings in this regard, with only R5.5m injected. The receipt of further funding to the Company from either of Paige or Mvest is now, in the opinion of the BRP, no longer an outcome that can be reasonably relied upon. The Company is now, as a consequence, unable to continue to fund its operations or the implementation of the BR Plan.
7. In the circumstances, the BRP of the Company has concluded, in terms of section 141(2)(a) of the Companies Act, that there is no longer a reasonable prospect of rescuing the Company and to apply to the High Court of South Africa, Gauteng Local Division, Johannesburg, for an order discontinuing the business rescue proceedings and placing the Company into final liquidation.
8. Please note that a copy of the application for final liquidation of the Company will be provided to you as soon as such application is served and filed at the High Court.

9. As an affected party you have the right to participate in these legal proceedings, including the right to oppose the application once it has been served and filed.
10. Please note further that this notice will be displayed on the website maintained by Falcon and Hume Inc (www.fhinc.co.za) and is accessible to all affected persons.
11. Should you have any queries relating to this notice, please contact me at martin@lakesolutions.co.za.

Yours sincerely



Mr D Lake
Business Rescue Practitioner

SCHEDULE 1: LIST OF PARTIES AND METHOD OF DELIVERY

1. Affected Persons		
1.1 Shareholders		
Name	Contact details	Method of delivery
Matla Kopanong Trust (Registration number: 4247/08) Edward Edumane Milne (Trustee) Modisaotsile William Matlou (Trustee) Bokhozi Hamilton Ndimande (Trustee) Jacobus Christiaan Krause Venter	Master of the High Court Email address: MasterPretoria@justice.gov.za ; VSewlal@justice.gov.za ; MSegoane@justice.gov.za Physical address: Paul Kruger & Madiba St, Pretoria Central, Pretoria, 0002	By email, by hand and displayed on Falcon and Hume Inc's website
The Foundation for Social Investment and Development t/a Kairos Foundation (Registration number: IT1943/07) Edward Eduman Milne (Trustee) Jan Hendrik Phillipus Jacobs (Trustee) Bukhosi Hamilton Ndimane (Trustee)	Master of the High Court Email address: MasterPretoria@justice.gov.za ; VSewlal@justice.gov.za ; MSegoane@justice.gov.za Physical address: Paul Kruger & Madiba St, Pretoria Central, Pretoria, 0002	
Mintails SA (Pty) Ltd	Email address: find.finn@gmail.com ; Gideon.harbour@hdgltd.com Physical address: 14 Tweelopies Street, Krugersdorp, 1739	

1.2 Creditors		
Name	Contact details (email address)	Method of delivery
South African Revenue Services	<p>Email address: contact.central@sars.gov.za; LMakubedu@sars.gov.za; tgovender@sars.gov.za; LBCenquiries@sars.gov.za; sgagiano@sars.gov.za; pkubheka@sars.gov.za</p> <p>Physical address: 4 Rissik St, Marshalltown, Johannesburg, 2000</p>	<p><u>South African Revenue Services, Department of Labour, Department of Water and Sanitation, Mine Health and Safety Council and National Nuclear Regulator:</u> By email, by hand and displayed on Falcon and Hume Inc's website</p> <p><u>All other creditors:</u> By email and displayed on Falcon and Hume Inc's website</p>
National Nuclear Regulator	<p>Email address: MBotes@nnr.co.za</p> <p>Physical address: 420 Witch-Hazel Ave, Eco-Park Estate, Centurion, 0144</p>	
Mvest Capital (Pty) Ltd	<p>matthewm@mvestgroup.com; anthony@africadesk.co.za</p>	
Mintails SA (Pty) Ltd	<p>find.finn@gmail.com; Gideon.harbour@hdgltd.com</p>	
Mine Health and Safety Council	<p>Email address: vpentasaib@mhsc.org.za</p> <p>Physical address: B7, 145 Western Service Rd, Woodmead, Sandton, 2144</p>	
Eskom Holding SOC Ltd	<p>KotzeeC@eskom.co.za; petersbu@eskom.co.za; mazibuty@eskom.co.za; vNiekerkJA@eskom.co.za; vosloosj@eskom.co.za; customerservices@eskom.co.za</p>	
Accsys (Pty) Ltd	<p>dumo.sikhosana@accsys.co.za</p>	
Adams and Adams Attorneys	<p>Tracey.doman@adamsadams.com; louis.vanderwalt@adamsadams.com;</p>	

	leander.opperman@adamsadams.com ; euleen.keogh@adamsadams.com	
Aloe Stationery & Signs	team@aloesigns.co.za	
Andkat Consulting CC	iain.davidson@telkomsa.net	
Aquismart	anishca@aquismart.co.za	
BDO South Africa Incorporated	hbafo@bdo.co.za ; npillay@bdo.co.za ; fbrucebrand@bdo.co.za	
Department of Water and Sanitation	Email address: info@dws.gov.za Physical address: 185 Francis Baard Street, Pretoria Central, Pretoria, 0001	
Deswik Technologies (Pty) Ltd	michelle.grobler@Deswik.com	
Eco Elementum Engineering	info@ecoelementum.co.za	
Edward Nathan Sonnenbergs Inc	accounts@ens.co.za ; info@ens.co.za	
Femcotech Mineral Resource Management	admin@femcotech.co.za	
Golder Associates Africa (Pty) Ltd	SEckstein@golder.co.za ; GMichau@golder.co.za	
Industrial Clinics South Africa CC	hettie@htgroupsa.co.za ; tobie@htgroupsa.co.za	
Isinwe GPS Surveys	marco@femcotech.co.za	
Janigraph (Pty) Ltd	Tony@anthonyturton.com	
JCT Protection Services CC	jctprotect@megaweb.co.za	
Kreston Advisory Pretoria	nella.retief@krestonsa.co.za	
Malan Scholes Incorporated	sarah@malanscholes.co.za	
Managed Integrity Evaluation	accounts@mie.co.za	
Mangrove Corporate Solutions (Pty) Ltd	aletta@mangrovecs.co.za	

Mogale Gold (Pty) Ltd	Jackie.doman@mintailssa.co.za
Mines Rescue Services (Pty) Ltd	accounts@minerescue.co.za
ML Technologies (Pty) Ltd	technology@mlasset.co.za ; technology@mlasset.co.za ; amanda@mlasset.co.za
Nashua West Rand - D/O	chrizani@nashuawrd.co.za
Pieter Moolman Attorneys	samantha@pietermoolmanattorneys.co.za
Primeserv	hrrsolutions@primeserv.co.za
Proper Direction CC	dion@properdirection.co.za ; isolde@properdirection.co.za
The RMA Life Assurance Company Limited	psediane@randmutual.co.za
The Rand Mutual Assurance Company Limited	psediane@randmutual.co.za
Rustenburg Platinum Mines Limited	Marlene.Govender@anlgoamerican.com
SAITC	Jan@saitc.co.za ; willem@saitc.co.za
SJ Konsultante	fanieheyns@gmail.com
SRK Consulting (South Africa) (Pty) Ltd	johannesburg@srk.co.za
Tenova Mining & Minerals SA (Pty) Ltd	bradley.vandermerwe@tenova.com ; Stephan.uys@tenova.com
The MSA Group (Pty) Ltd	robc@msagroupservices.com ; melanievdw@msagroupservices.com ; info@msagroupservices.com ; sihles@msagroupservices.com
Twee Lopies Self Storage	jacobshelen8@gmail.com
Webber Wentzel	Heather.Strydom@webberwentzel.com
West Wits Mining SA (Pty) Ltd	mquinert@westwitsmining.com ; M.Quinert@qrlawyers.com.au

WCA Workers Compensation Assistance	Marelize.Mitchell@wcawca.co.za	
Wirulink (Pty)Ltd	info@wiru.co.za / accounts@wiru.co.za	
Department of Labour	<p>Email address:</p> <p>cfcallcentre@labour.gov.za;</p> <p>mimie.zaayman@labour.gov.za;</p> <p>Lindelwa.ntando@labour.gov.za;</p> <p>tozie.mbananga@labour.gov.za</p> <p>Physical address: Compensation House, Soutpansberg Rd & Hamilton Street, Prinshof 349-Jr, Pretoria, 0002</p>	
Kutana Resources (Pty) Ltd	<p>anthonyb@kutanagroup.co.za;</p> <p>yne@mweb.co.za;</p> <p>thokom@kutanagroup.co.za</p>	
Bukhosi Ndimande	bukhosi.ndimande@gmail.com	
Eddie Milne	Eddie.milne73@gmail.com	
Mintails South Africa (Pty) Ltd	<p>mark.brune@hdgltd.com;</p> <p>jamesthackray@bigpond.com</p>	
Creditors	<p>vsoptimalsolve@outlook.com;</p> <p>vusi@paragontailings.com</p>	
1.3 Registered trade unions		
Name	Contact details	Method of delivery
United Association of South Africa	<p>Email address:</p> <p>n.vanrooyen@uasa.org.za</p> <p>Physical address: 70 Annan Road Carletonville, 2499</p>	By email, by hand, displayed on Falcon and Hume Inc's website
1.4 Employees not represented by a registered trade union		
Name	Contact details (email address)	Method of delivery
LW Thwala (employee number: MMS06)	Willie.Thwala@mintailssa.co.za	By email, displayed at the Company's registered offices and/or at the Company's principal place of business
JV Engelbrecht (employee number: MMS12)	Johan.Engelbrech@mintailssa.co.za	

FV Chademana (employee number: MMS13)	faith.Chademana@mintailssa.co.za	and displayed on Falcon and Hume Inc's website
A De Lange (employee number: MMS15)	Anecke.delange@mintailssa.co.za	
PC Walters (employee number: MMS20)	Peter.Walters@mintailssa.co.za	
WH Henrico (employee number: MMS29)	Vicky.henrico@mintailssa.co.za	
JE Conradie (employee number: MMS32)	Kotie.conradie@mintailssa.co.za	
MJ Matamane (employee number: MMS42)	Johannes.Matamane@minailssa.co.za	
KA Mphake (employee number: MMS67)	Kabelo.mphake@mintailssa.co.za	
AJ Van Wyk (employee number: MMS72)	vanwyk@mintailssa.co.za	
PC Van As (employee number: MMS75)	Paul.VanAs@mintailssa.co.za	
IJ Banda (employee number: MMS82)	Isaac.banda@mintailssa.co.za	
SL Cele (employee number: MMS88)	shimpiwe.cele@mintailssa.co.za	
L Nxumalo (employee number: MMS89)	leonard.Nxumalo@mintailssa.co.za	
MM Mogoje (employee number: MMS90)	moses.mogoje@mintailssa.co.za	
GM Morai (employee number: MMS91)	godfrey.morai@mintailssa.co.za	
BM Morobane (employee number: MMS92)	tumi.morobane@mintailssa.co.za	
I Maleke (employee number: MMS93)	Isaac.maleke@mintailssa.co.za	
N Simantiris (employee number: MMS95)	ari.simantiris@mintailssa.co.za	

AM Kelly (employee number: MMS98)	tumi.morobane@mintailssa.co.za	
2. Additional parties		
2.1 Court		
Name	Contact details	Method of delivery
The Registrar of the High Court of South Africa, Gauteng Local Division, Johannesburg	Email address: RBramdaw@judiciary.org.za Physical address: Cnr Kruis & Pritchard Streets, Johannesburg, 2001	By email, by hand and displayed on Falcon and Hume Inc's website
2.2 Company		
Name	Contact details	Method of delivery
Mintails Mining SA (Pty) Ltd	Email address: Jackie.doman@mintailssa.co.za Physical address: 14 Tweelopies Street, Krugersdorp, 1739	By email, by hand and displayed on Falcon and Hume Inc's website
2.3 Regulatory bodies		
Name	Contact details	Method of delivery
Companies and Intellectual Property Commission	Email address: corporatelegalservices@cipc.co.za ; businessrescue@cipc.co.za Physical address: 77 Meintjies Street, The DTI Campus, Block F, Sunnypark, Pretoria, 0002	By email, by hand and displayed on Falcon and Hume Inc's website
Department of Mineral Resources	Email Address: andre.eagar@dmr.gov.za ; carol.khanyile@dmr.gov.za ; mashudu.maduka@dmr.gov.za ; pieter.alberts@dmr.gov.za ; Sunday.Mabaso@dmr.gov.za Physical Address: Trevenna Campus, Building 2C, C/o Meintjes & Francis Baard Street	