

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

Mintails SA Randfontein Cluster (Pty) Ltd (in business rescue)
Registration number: 2010/018708/07
(“**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 22 December 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 provisional or final liquidation.
8. Please note that a copy of the application for provisional or 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 (email address)	Method of delivery
Mintails Mining SA (Pty) Ltd	Jackie.doman@mintailsminingsa.co.za	By email, by hand and displayed on Falcon and Hume Inc's website
1.2 Creditors		
Name	Contact details	Method of delivery
South African Revenue Services	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 Physical address: 4 Rissik St, Marshalltown, Johannesburg, 2000	<u>South African Revenue Services, Department of Labour, Department of Water and Sanitation, National Nuclear Regulator and Mine Health and Safety Council:</u> By email, by hand and displayed on Falcon and Hume Inc's website <u>All other creditors:</u> By email and displayed on Falcon and Hume Inc's website
Department of Water and Sanitation	Email address: info@dws.gov.za Physical address: 185 Francis Baard Street, Pretoria Central, Pretoria, 0001	
Department of Labour	Email address: cfcallcentre@labour.gov.za ; mimie.zaayman@labour.gov.za ; Lindelwa.ntando@labour.gov.za ; mimie.zaayman@labour.gov.za ; tozie.mbananga@labour.gov.za Physical address: Compensation House, Soutpansberg Rd & Hamilton Street, Prinshof 349-Jr, Pretoria, 0002	
Mine Health and Safety Council	Email address:	

	vpentasaib@mhsc.org.za Physical address: B7, 145 Western Service Rd, Woodmead, Sandton, 2144	
Eskom Holding SOC Ltd	KotzeeC@eskom.co.za ; petersbu@eskom.co.za ; mazibuty@eskom.co.za ; vNiekerkJA@eskom.co.za ; vosloosj@eskom.co.za ; customerservices@eskom.co.za	
Afric Oil (Pty) Ltd	rosaline@africoil.co.za ; mantshadi@africoil.co.za ; attorneys3@smitgrove.co.za	
AH Pillman & Son	pillman@global.co.za	
Aloe Signs	aloesigns@lantic.net team@aloesigns.co.za	
Atlas Copco SA (Pty) Ltd	melanie.vermeulen@za.atlascopco.com	
ATS 2000 (Pty)Ltd	info@ats2000.co.za	
BME a Division of Omnia Group (Pty) Ltd	rudie.small@bme.co.za ; cobus.vdwalt@bme.co.za	
Brandvlei Verspreiders CC	deon@dzi.co.za tania@brandvleiverspreiders.co.za	
Credulis Tanker Hire	karin@credulis.co.za	
De Wet's Fencing - West Rand CC	dewetsfencing@absamail.co.za	
Dimakatso Trading & Projects	sibekozwelakhe02@gmail.com	
Ditjhaba Industrial Supplies (Pty) Ltd	karen@ditjhaba.co.za	
Donacraft (Pty) Ltd	lelanibdn@gmail.com	
Eire Mining (Pty) Ltd	eirecon@eirecon.co.za ; Debtors@eirecon.co.za ; john.moffatt@eirecon.co.za	
EJS Earthmoving CC	erika@ejsprojekte.co.za	

EJS Projekte CC	erika@ejspunkte.co.za
EJ's Lubrication & Maintenance	ejslube@gmail.com
F&T Construction	homanfrans@gmail.com
Gesellschaft fur Geratebau (Pty) Ltd	gfgsa@icon.co.za ; wanda@gfg.co.za
Horizon Compressed Air Services CC	horizon@polka.co.za
Ikgangeng Ipeleng Trading CC	diakanyotshepiso@gmail.com
Khaya Engineering & Technology (Pty) Ltd	khayatrading@vodamail.co.za ; mginya@khayatrading.co.za
Klerksdorp Mining & Engineering Supplies (Pty) Ltd	sean@klerksdorpmining.co.za ; heidi@klerksdorpmining.co.za
Ken Walker Mining and Evaluation (Pty) Ltd	redheartriders59@yahoo.com ; admin@kwmining.co.za
Labucon Resources (Pty)Ltd	angie@labucon.co.za ; debtors@labucon.co.za ; debtors@labucon.co.za ; thinus@labucon.co.za
Mintails Gold SA (Pty) Ltd	Jackie.doman@mintailsminingsa.co.za
Cream Magenta 171 (Pty) Ltd	peterg@crestcapital.co.za ; alex.elliott@hoganlovells.com ; sandra@sbassociates.co.za
Mintails Mining SA (Pty) Ltd	eddie.milne@mintailssa.co.za
Mogale Crushers (Pty) Ltd	karin@mogalecrushers.co.za
Myriad Processes (Pty)Ltd	werner@myriadprocess.co.za ; elma@myriadprocess.co.za
Mzanzi Automotive Fuels & Lubricants	jacques@mzanzifuels.co.za
Mzinte Enterprise	mzikayisentenga@gmail.com

National Nuclear Regulator	<p>Email address:</p> <p>MBotes@nnr.co.za; JTshweu@nnr.co.za; PEMohajane@nnr.co.za</p> <p>Physical address: 420 Witch-Hazel Ave, Eco-Park Estate, Centurion, 0144</p>	
Nature Bound (Pty) Ltd	<p>info@naturebound.co.za; fig@naturebound.co.za</p>	
OCC Haulers (Pty)Ltd	<p>maureen@pitsand.co.za; admin@pitsand.co.za</p>	
Oil Treatment Systems (Pty)Ltd	<p>cecilvn@oiltreatment.co.za</p>	
Open House Management Solutions (Pty) Ltd	<p>tina.samuel@ohms.co.za; lorette.bester@ohms.co.za</p>	
PJC Field Servicing CC	<p>monique@pjcfielservicing.co.za; pjcfielservicing@gmail.com pieter@pjcfielservicing.co.za</p>	
Quip Vest CC	<p>willie.quipvest@gmail.com</p>	
Pits and Vervoer CC	<p>admin@pitsand.co.za; maureen@pitsand.co.za; kenny@pitsand.co.za</p>	
Rephaphame Mining (Pty)Ltd	<p>ho.mining@codeonline.co.za</p>	
Rhino Mining Supplies (Pty)Ltd	<p>rhinomining@webmail.co.za</p>	
Rock Breaking Demolitions	<p>eddie@rockbreaking.co.za; sites@rocknbreaking.co.za</p>	
RVRN Crushing (Pty)Ltd	<p>stephan@rashoff.co.za</p>	
Sandton Mining (Pty)Ltd	<p>debtors@sandtonplant.co.za</p>	
Shutterlock Mining Supplies CC	<p>fm@shutterlock.co.za; accounts@shutterlock.co.za</p>	
SJ Drilling (Pty)Ltd	<p>martindup@gmail.com; sjdrilling@lantic.net</p>	

Standard Bank	charmaine.brits@standardbank.co.za , Riley.Moodey@standardbank.co.za ; Sonto.Hlatswayo@standardbank.co.za ; Malony.Bentley@standardbank.co.za	
Terramin (Pty)Ltd	colleen@terramin.co.za	
Timrite (Pty)Ltd	h.oosthuizen@timrite.co.za	
Two Way Mining and Supply (Pty) Ltd	2wminingandsupplies@webmail.co.za	
V-Tech Cleaning Solutions for Mining (Pty) Ltd	chantelle@vtech-mining.co.za	
Creditors	prokureur@vodamail.co.za steven@strategyworx.co.za vusi@paragontailings.com	
1.3 Registered trade unions		
Name	Contact details	Method of delivery
None		Not applicable
1.4 Employees not represented by a registered trade union		
Name	Contact details (email address)	Method of delivery
None		Not applicable
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 SA Randfontein Cluster (Pty) Ltd	Email address: Jackie.doman@mintailsminingsa.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	<p>Email address: corporatelegalservices@cipc.co.za; businessrescue@cipc.co.za</p> <p>Physical address: 77 Meintjies Street, The DTI Campus, Block F, Sunnypark, Pretoria, 0002</p>	By email, by hand and displayed on Falcon and Hume Inc's website
Department of Mineral Resources	<p>Email Address: carol.khanyile@dmr.gov.za; andre.eagar@dmr.gov.za; Mashudu.Maduka@dmr.gov.za; Pieter.Alberts@dmr.gov.za; carol.khanyile@dmr.gov.za; Sunday.Mabaso@dmr.gov.za</p> <p>Physical Address: Trevenna Campus, Building 2C, C/o Meintjies & Francis Baard Street</p>	