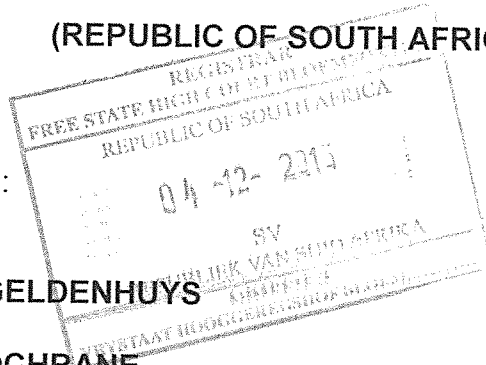


FREE STATE HIGH COURT, BLOEMFONTEIN

CO 1

(REPUBLIC OF SOUTH AFRICA)



In the matter between:

CASE NO: 5771/2015

JURIE JOHANNES GELDENHUYS

First Applicant

ARTHUR BRADY COCHRANE

Second Applicant

SHARON ANN VLOK

Third Applicant

and

MICHAEL NICOLAS GEORGIU N.O.

First Respondent

ANDROULLA GEORGIU N.O.

Second Respondent

STAMATIOS TSANGARAKIS N.O.

Third Respondent

JOSEPH R CHEMALY N.O.

Fourth Respondent

ORTHOTOUCH LIMITED

Fifth Respondent

NICHOLAS GEORGIO

Sixth Respondent

MICHAEL NICOLAS GEORGIU

Seventh Respondent

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT the applicants intend to make application in the above Honourable Court on Friday 11 December 2015 at 10:00 or so soon thereafter as counsel may be heard for an order in the following terms:

1. Dispensing with the time periods, forms and service provided for in the Uniform Rules of the above Honourable Court and directing that this

application be heard as one of urgency in terms of the provisions of Rule 6(12).

2. That a rule *nisi* be issued returnable on 3 March 2016 calling upon the respondents and all other interested parties to show cause why the following orders should not be made:

(a) That the first to fourth respondents as the trustees of the Michael Family Trust is hereby interdicted, pending the final determination (including the conclusion of all steps in execution following a possible judgment) of the proposed class action which is the subject matter of the application pending in the Pretoria High Court under case number 08811/12 ("**the Pretoria application**") and pending the application in the Johannesburg High Court under case number 42334/14 ("**the Johannesburg application**");

i. From alienating, selling or transferring or dealing directly or indirectly with any of the shares described in annexure "A" hereto to any person and/or legal entity;

ii. From encumbering any of the shares described in annexure "A" hereto.

(b) In the alternative to the aforesaid and to the extent that any of the shares described in Annexure "A" hereto have already been sold, that the proceeds obtained from the sale of such shares be paid into the

interest bearing trust account of the applicants' attorney of record (alternatively of first to fourth respondents' attorney of record) pending the final determination of the Pretoria application and the Johannesburg application.

- (c) That the first to fourth respondents be ordered to pay jointly and severally the costs of this application, together with those respondents who oppose this application.
3. That the orders contained in paragraphs 2(a) to (c) operate as an interim interdict with immediate effect pending the return date.
4. Further and/or alternative relief.

TAKE NOTICE FURTHER THAT the accompanying affidavits of the applicants together with annexures thereto will be used in support of this application.

TAKE NOTICE FURTHER THAT the applicants have appointed the undermentioned firm of attorneys as attorneys of record who will accept service of all notices and documents in these proceedings at their address as stated below.

TAKE FURTHER NOTICE THAT if you intend opposing the *rule nisi* sought on 11 December 2015, you are required:


1. To notify the applicants' attorneys in writing by telefax or electronic mail on or before Monday 7 December 2015 at 12h00;

2. To deliver your answering affidavit, if any, on or before Wednesday 9 December 2015 at 16h30; and
3. Whereafter the applicants will deliver a replying affidavit, if any, on or before Thursday 10 December 2015 at 16h30.

TAKE NOTICE FURTHER THAT you are required to appoint in such notification an address as referred to in rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

KINDLY place the matter on the roll for urgent applications accordingly.

DATED at *Bloemfontein* on this *4th* day of DECEMBER 2015.



MATSEPES INC.
26/28 Aliwal Street
BLOEMFONTEIN

**For Theron & Partners
(Attorneys for Applicants)
STELLENBOSCH**

**TO: THE REGISTRAR OF THE FREE STATE HIGH COURT
THE HIGH COURT, BLOEMFONTEIN**

**AND TO: EG COOPER MAJIEDT
(Attorneys for Michael Family Trust and Michael Nicolas
Georgiou)
77 Kellner Street
BLOEMFONTEIN
Email: riana@egc.co.za**

*CDonald
4/12/15
12.50*

AND TO: NATALIE LUBBE & ASSOCIATES
(Attorneys for Orthotouch Limited)
Fancourt Office Park, Block 2
c/o Northumberland & Felstead
NORTH RIDING
Tel: (011) 704 1563
Fax: 086 688 9555
Email: natalie@natalielubbe.co.za

AND TO: KYRIACOU INCORPORATED
(Attorneys for Nicolas Georgiou)
Ground Floor, Block C
Grayston Ridge Office Park
Cnr Katherine and Grayston Street
SANDTON
Tel: (011) 444 2665
Email: legal@kincorporated.co.za

Annexure A to the notice of motion

The terms in *italics* have the same meaning given to them at pages 13 to 24 of the pre-listing statement of Accelerate Property Fund Limited that was issued on 27 November 2013 (“**Annexure FA1**” to the founding affidavit).

1. The Accelerate shares that represent the share portion of *the Orthotouch Purchase Price* in *the Orthotouch Sale Agreements*.
2. The Accelerate shares that represent the *Eshowe Purchase Price*.

Valencia

From: Valencia <valenciap@matsepes.co.za>
Sent: 04 December 2015 01:14 PM
To: 'natalie@natalielubbe.co.za'
Subject: FW: JJ GELDENHUYNS & 2 OTHERS / GEORGIU N.O. & 6 OTHERS
Attachments: doc06744120151204130859.pdf; FA1 part 1.pdf; FA1 part 2.pdf; FA1 part 3.pdf; FA2 part 1.pdf; FA2 part 2.pdf; FA3 FA4 FA5.1 FA5.2.pdf

Good day

We refer to the above matter and enclosed herewith a copy of served and filed Notice of Motion as requested.

Yours faithfully

Valencia

Valencia

From: Valencia <valenciap@matsepes.co.za>
Sent: 04 December 2015 01:16 PM
To: 'legal@kincorporated.co.za'
Subject: FW: JJ GELDENHUYNS & 2 OTHERS / GEORGIU N.O. & 6 OTHERS
Attachments: doc06744120151204130859.pdf; FA1 part 1.pdf; FA1 part 2.pdf; FA1 part 3.pdf; FA2 part 1.pdf; FA2 part 2.pdf; FA3 FA4 FA5.1 FA5.2.pdf

Good day

We refer to the above matter and enclosed herewith a copy of served and filed Notice of Motion as requested.

Yours faithfully

Valencia