

ENGLISH TEXT BELOW

MAANDELIKSE NUUSBRIEF: SEPTEMBER 2018

Geagte HSAG-belegger / Mnr. / Mev. / Mej. [Customer Name]

Hierdie nuusbrief word aan u gerig as lid van die Hoëveld Sindikasie Aksiegroep (“HSAG”) op grond van u belegging in die Highveld Sindikasiemaatskappye 15-22 en/of u ondersteuning van die HSAG.

Alhoewel e-posse, HSAG Nuusflitse en HSAG Inligtingsbrokkies van tyd tot tyd uitgestuur word, is die www.hsaction.co.za webtuiste die primêre plek waar u HSAG finale inligting kan bekom.

Die verpligting rus op u as belegger om ons op hoogte van enige veranderinge van u persoonlike en/of kontakbesonderhede.

1. IS U DEEL VAN DIE KLAS-AKSIE?

U is deel van ‘n wenspan!

Die uurglas van 2018 is stadig maar seker besig om uit te loop, en ons kan u verseker dat die uurglas vir ons teenkant nog vinniger uitloop.

Die HSAG-bestuur wil weereens vir elke HSAG-belegger wat sy of haar kant bring, van harte bedank vir hul voortgesette en lojale ondersteuning.

Ons het al op verskeie geleenthede aangedui dat die HSAG se saak aan elke belegger behoort en dat daar ‘n plig op elke HSAG-belegger se skouers is om in hul saak te glo.

Ongelukkig is daar ‘n groot aantal HSAG-lede wat nie hulle kant finansiëel of emosioneel bring nie, dit veroorsaak op sy beurt dat die las op die ander HSAG-lede baie swaarder raak.

Die Aansoek vir die versnelling van die HS21 & 22 Sindikasies is besig om momentum op te tel, en die Aansoek vir die Tersydestelling van die Art 155-Reëlinskema is kort op sy hakke!

Terugdraai kans is daar nie, van die beloftes wat aan desperate HS-beleggers gemaak is oor die afgelope paar jare, het bloot niks van gekom nie – dus, is die enigste opsie wat vir beleggers oorbly, die litigasieproses waarmee die HSAG tans besig is.

Verskeie Howe, waaronder die Hoogste Hof van Appèl in Bloemfontein, het vermeld dat Orthotouch en sekere individue die Hofprosesse tot dusvêr misbruik het. Hul optrede gaan verseker nie ongesiens verby nie en kan ‘n mens verwag dat daar ‘n opdraande pad vir hulle wag.

Die gunstige uitsprake in die De Lange en Noormohamed-saak waar die Howe bepaal het dat die “Terugkoopklousule” wat in die destydse prospektusse vervat is, nie geraak word deur die Sakereddingsplan, en daarna die Art 155-Reëlinskema nie, is ook

gunstige sake vir die HSAG en baan dit vir ons die weg om nou ook op dieselfde basis voort te gaan.

Ons versoek dus alle HSAG-lede wat nog nie hul kant teenoor die HSAG se saak gebring het nie, om nou hulle gewig agter die HSAG se saak te gooi.

Die enigste manier hoe die HSAG hierdie saak kan wen, is as almal saamstaan!

2. AANSTEL VAN 'N SAAKBESTUURDER – HOOGGEREGSHOF, PRETORIA

Soos verwag, het Orthotouch en ander individue nie betyds kennis gegee van hul voorneme om die voorgestelde Versnelde Aansoek vir Sertifisering (HS 21 & 22) te opponeer nie en was die Kennisgewings ook vergesel deur dergelike Kennisgewings wat onder andere ons bevoegdheid om namens sekere voormalige Applikante op te tree, uit te daag.

'n Finale aanmaning was aan Orthotouch en mnr Nic Georgiou se prokureurs gerig waarin ons regsplan nie net versoek het dat hul Opponerende Verklarings gelewer moet word nie, maar dat dit onder die Hof se aandag gebring sal word dat hulle weereens poog om die Hofproses te misbruik deur dergelike en onnodige Kennisgewings op die HSAG te beteken.

Die HSAG se regsplan het in die lig van bogenoemde, 'n dringende skrywe aan die Adjunk-regter President van die Hooggeregshof te Pretoria gerig, waarin die HSAG versoek het dat 'n Saakbestuurder aangewys word ten einde die proses(se) wat gevolg moet word, oor te sien.

Mnr Nic Georgiou se prokureurs het na aanleiding van ons skrywe aan die Adjunk-regter President aangedui dat hulle ons versoek vir 'n Saakbestuurder steun.

Sodra daar 'n Regter as Saakbestuurder van die HSAG se saak aangewys word, sal die HSAG sy lede in kennis stel.

'n Saakbestuurder is onafhanklik van enige party tot 'n geding en moet onder andere toesien dat partye tot die geding nie die proses onnodig vertraag nie.

Die skrywe wat die HSAG aan die Adjunk-regter President gestuur het is op ons webblad by www.hsaction.co.za en nooi ons u uit om dit deur te lees.

3. HUIDIGE STAND VAN SAKE: VERSNELDE SERTIFIKASIE VIR HS21-22

Die HSAG het in die Nuusbrief van Augustus 2018 vermeld dat die Respondente 5 Hofdae geleentheid gehad het waarin hulle aan die HSAG kennis moes gee indien hulle die Kennisgewing van Mosie, in terme waarvan die HSAG die Hof nader vir 'n Versnelde Sertifiseringsbevel vir HS21 en 22, wou opponeer.

Soos verwag, is Orthotouch en ander partye laat met die betekening van hul Opponeerende stukke en sal die HSAG nou voortgaan om die Aansoek op die ongeopponeerde rol te plaas vir aanhoor.

Sodra ons bevestiging ontvang het dat 'n Saakbestuurder aangewys is om die HSAG se saak te bestuur, sal die HSAG 'n dringende vergadering voor haar belê ten einde die dringendheid van die aangeleentheid te bespreek.

Die Kennisgewing van Mosie, asook die Verklaring ter ondersteuning van die Kennisgewing van Mosie en die skrywe aan die Adjunk-regter President is op die HSAG se webblad by www.hsaction.co.za geplaas en nooi ons u uit om dit deur te lees.

Indien die HSAG suksesvol is met die bogenoemde Aansoek, het mnr Nic Georgiou, sy trust en Zephan geen verskoning om nie die Terugkoop-klausule na te kom nie. Ander Howe het reeds soortgelyke gevalle in die guns van HS-beleggers beslis.

HSAG-lede wat in die ander HS-maatskappye belê het, moet egter nie bekommerd wees oor hul eise nie. Hierdie eise is glad nie verlore of in gedrang nie en gaan die HSAG nog steeds voort met stappe ten einde die beleggers se eise af te dwing. U moet egter onthou dat die eisorsaak van HS 15 tot 20 op ander feite en omstandighede, nl. onder andere ook bedrog en wanvoorstellings berus, en is die roete wat met hierdie eise gevolg moet word anders as in die van die HS 21 & 22.

Bogenoemde beleggers se eise is reeds ingestel deur middel van die Sertifikasie-Aansoek en sluit hierdie Aansoek die verjaring van eise in.

Alhoewel die HSAG van voorneme is om die Art 155-Reëlinskema ("Reëlinskema") tersyde te stel, wou die HSAG egter die Reëlinskema so lank as moontlik in plek hou, aangesien Orthotouch in terme van die Reëlinskema verplig is om maandelikse rente aan HS-beleggers te betaal.

Aangesien Orthotouch die Reëlinskema minag deur nie betyds of aan al die HS-lede hul maandelikse rente betaal nie, bestaan daar geen rede waarom die Reëlinskema in plek gehou moet word nie en sal die HSAG so spoedig as moontlik stappe neem ten einde die Reëlinskema tersyde te stel.

4. NIE-BETALING VAN RENTE

Orthotouch het op 11 September 2018 'n sms aan HS-beleggers gestuur waarin daar bevestig was dat Orthotouch besig is om maandelikse rentebetalings te maak en dat dit teen Vrydag, 14 September 2018, gefinaliseer sou word. Daarna is 'n opvolg sms weer aan sekere beleggers gestuur op 14 September 2018 wat beleggers meedeel dat weens onvoorsienbare omstandighede rente eers op Vrydag 21 September betaal sou word.

Dit blyk dat rente op Vrydag, 21 September 2018, aan beleggers betaal is maar dat daar steeds sommige HS-beleggers is wat nog nie hul rente vir Julie en Augustus ontvang het nie.

Die administratiewe personeel van Orthotouch deel die HS-beleggers mee dat die nie-betaling toegeskryf kan word aan die feit dat die beleggers nie die nodige vorms ingevul het nie. Dit is egter onwaar aangesien van die beleggers hul maandelikse rente ontvang het, sonder dat die vorms ingevul was.

Die enigste rede waarom Orthotouch nie sy verpligtinge nakom nie, is as gevolg van die feit dat Orthotouch nie oor die nodige fondse beskik nie!

Hierdie harde realiteit dwing die HSAG om ander moontlikhede, soos die ondersteuning van Likwidasie van Orthotouch, te oorweeg.

Indien Orthotouch gelikwedeer moet word, sal die direkteure tydens Likwidasie-ondervragings onder eed moet bevestig waar die miljarde rande van beleggers heen is.

HSAG-lede kan verseker wees dat die HSAG-regspan sy lede se belange tydens so 'n Likwidasieproses sal beskerm.

5. LAAT- AANSOEKE VIR REGISTRASIE BY DIE HSAG

Laat-aansoeke sal op 'n streng ad hoc basis oorweeg word. Die registrasievorms is op die webtuiste by www.hsaction.co.za beskikbaar of in die alternatief kan u 'n e-pos na hsagregister@gmail.com stuur om 'n registrasievorm te versoek. Alle versoeke en voltooide registrasievorms moet gestuur word aan hsagregister@gmail.com.

6. BEËINDIGING VAN HSAG-LIDMAATSKAP

Die HSAG-bestuur het gemerk dat daar 'n aansienlike hoeveelheid HSAG-lede is wat nog nie hul registrasiekoste sedert 2014 betaal het / ten volle betaal het nie.

Dit is baie belangrik dat elke lid sy/haar kant moet bring ten einde die HSAG se saak te dryf.

Die HSAG-bestuur het tydens 'n vorige vergadering besluit, welke besluit verwelkom was deur baie van die opbetaalde HSAG-lede, dat HSAG-lede wie nie hul 2014 / 2015 registrasiekoste voor of op 31 Desember 2018 op datum bring nie, se lidmaatskap aan die HSAG ongelukkig onmiddellik beëindig sal word. Hierna sal u van dokumentasie voorsien word om skriftelik aan te dui dat u nie u finansiële verpligting wil nakom nie en dus nie die HSAG ondersteun nie.

Die gevolge van 'n HSAG-lid se lidmaatskap wat beëindig word is verreikend, en kan ondermeer beteken dat die HSAG-belegger se eis teen Orthotouch/Georgiou verjaar

het. In die huidige bedeling van die klas-aksie aansoek kan dit ook beteken dat u nie weer kan deel vorm van die HSAG klas-aksie nie.

Van hierdie lede was en kan waarskynlik gedurende die volgende paar weke telefonies, elektronies of andersins gekontak word ten einde hierdie kwessie aan te spreek, maar rus die verantwoordelikheid steeds algeheel op die lid om toe te sien dat sy/haar registrasie op datum is.

Ons moedig u dus aan om so spoedig as moontlik u registrasiekoste op datum te bring **én** ons van sodanige bewys te voorsien ten einde die beëindig van u lidmaatskap te voorkom.

7. GEBRUIK VAN KORREKTE E-POS ADRESSE EN VERWYSINGS

Die korrekte gebruik van e-pos adresse (soos vervat op ons webtuiste en e-posse) asook HSAG lede se voorletters en van, sindikasiennommers en verwysingsnommers (bv. identiteitsnommer ens.) vir alle kommunikasie, is uiters noodsaaklik en verpligtend.

Die amptelike en bestaande e-pos adresse vir die HSAG, is as volg:

- hsactiongroup@gmail.com vir alle Algemene Navrae (Byvoorbeeld – selfoon of adres veranderinge, betalingsbewyse, kennis van lede wie gesterf het, ensovoorts);
- hsagenquiries@gmail.com vir Spesifieke Navrae (Byvoorbeeld – navrae rakende besonderhede van 'n spesifieke belegger, navrae rakende kwytskelding van 'n spesifieke belegger, ensovoorts);
- hsagregister@gmail.com vir die Registrasie en Deregistrasie van HSAG- lede;
- hsagwhistle@gmail.com vir alle Vertroulike Inligting wat anoniem aan ons gestuur moet word;
- hsagestates@gmail.com vir alle Boedel navrae.

Indien 'n belegger of enige persoon 'n epos na die verkeerde adres sou stuur sal dit daartoe lei dat daardie e-pos nie spoedig of enigsins die nodige aandag geniet nie.

8. HSAG SE AMPTELIKE WHATSAPP-GROEPE

Dit is 'n groot uitdaging om spoedige kennisgewings, nuusbrokkies of belangrike boodskappe aan bykans 7 000 individue oor te dra.

Ons versoek dus HSAG-lede om aan te sluit by die HSAG se amptelike WhatsApp-groepe om kennisgewings, nuusbrokkies of nuusflitse per WhatsApp te kan ontvang.

Deur by een van die HSAG se amptelike Whatsapp-groepe aan te sluit sal u gereeld op hoogte gehou word van die nuutste verwickelinge met betrekking tot u saak.

Stuur bloot u Selfoonnommer; Identiteitsnommer; Volle Naam en Van, na hsactiongroup@gmail.com waarna u op die groepe gelaai sal word.

Direkte kontak kan ook gemaak word met die Administrateurs van die onderskeie WhatsApp-groepe by 079 635 4165 (Afrikaans) en 082 450 8854 (Engels).

Die HSAG het ook 'n amptelike facebook-blad, en kan by www.facebook.com/hsaction besigtig, ge-“like” en kommentaar op gelewer word.

9. LEDE BYDRAES EN REGISTRASIEKOSTE

Ignoreer asseblief hierdie punt indien u registrasie- en regskostes reeds ten volle vereffen is.

Dit is van uiterste belang dat enige uitstaande registrasie- en regskostes, waarvan sommige s lank gelede as 2014 reeds uitstaande is, so spoedig moontlik op datum gebring moet word. Bykans vier jaar sedert die totstandkoming van die HSAG is dit uiters onbillik teenoor getroue lede van die HSAG dat persone wie regsverteenvoordiging verlang in 'n saak waar die gemiddelde eisbedrag R250 000.00 is, nie bereid of gewillig is om die nominale bydrae vir registrasie en/of regskostes te betaal nie.

Let asseblief op die volgende:

- i. 'n Eenmalige registrasiekoste van R1 000 **per sindikasie** was gehef tot Oktober 2015 en daarna is dit verhoog na R1 500 **per sindikasie** en behoort so op u staat te verskyn
- ii. Die aangevraagde opvraging vir 2016-regskoste was R1 000 **per sindikasie**;
- iii. In Mei 2017 was 'n verdere opvraging vir bydrae tot regs- en administrasiekoste van R2 000 **per persoon** gemaak;
- iv. In Februarie 2018/Maart 2018 was 'n verdere opvraging tot regs- en administrasiekoste van R2 000 **per persoon** gemaak;
- v. Indien daar enige uitstaande bedrae is, word u vriendelik versoek om dit so spoedig moontlik te betaal ten einde onnodige administrasie en/of verdere

- kostes te verhoed. Sodanige lede wie se registrasiekostes steeds agterstallig is, loop die gevaar dat hul lidmaatskap by die HSAG opgeskort gaan word;
- vi. Registrasieheffings is betaalbaar op alle nuwe en agterstallige (90 dae en ouer) registrasies. Registrasiekoste beloop tans R1 500,00 per sindikasie en, indien latere registrasies toegelaat word, mag daar 'n verdere heffing vir registrasiekoste per sindikasie vir alle nuwe registrasies gehef word ten einde finansiële bydraes deur huidige HSAG-lede te verlig;
 - vii. Van die einde van Februarie 2018 word persone wie se bydraes op datum betaal is met 'n totale eiswaarde wat R50 000,00 of minder tesame met 'n skriftelike versoek aan Theron & Vennote, kwytgeskeld van die 2018 administratiewe- en regs-kostes.
 - viii. Kwytskelding **is nie van toepassing nie** op vorige jare se registrasie / administrasie / regs-kostes en agterstallige fooie nie en is steeds betaalbaar.
 - ix. **Geen registrasie, administratiewe of regsfooie is terugbetaalbaar nie.**

Die HSAG geniet die beskerming van 'n regspan wat bestaan uit prokureurs, junior en senior advokate wat reeds 'n vêr pad gestap het om voornemende eisers onder die sambreel van die HSAG te beskerm. In die lig van die feit dat die HSAG nou voortgaan met die sertifisering van 'n klas-aksie en die proses wat nou gevolg gaan word ten einde die Art 155-Reëlinskema tersyde te stel, versoek ons dat al die HSAG-lede hul kant te bring ten einde die aangeleenthede suksesvol af te handel. Almal se samewerking word vereis.

10. STAAT VIR DEELNAME AAN DIE HSAG

Die HSAG en hul prokureurs, Theron & Vennote, wil u graag bedank vir u volgehoue en lojale ondersteuning aan die HSAG. Die HSAG-saak behoort aan elke individuele belegger, daarom wil ons u versoek om u eie saak te ondersteun ten einde die nagenoeg R4.6 miljard van Orthotouch en andere te eis.

Vind asseblief hiertoe aangeheg u bydraestaat vir u deelname aan die HSAG, let asseblief op die volgende:

- i. Indien geen opvraging ten aansien van registrasie-, regs- of administrasiekoste of 'n krediet op u staat verskyn nie, beteken dit dat u waarskynlik in 'n groep val wat nie geprosesseer en / of geallokeer is nie, en sal dit, indien dit onder ons aandag kom of gebring word, op 'n latere staat verskyn;
- ii. Indien 'n staat 'n kredietbedrag toon, is u 'n geregistreerde lid van die HSAG, maar het ons nog nie u voltooide aansoekvorm ontvang nie. Geliewe die aansoekvorm af te laai vanaf ons webwerf, of rig 'n versoek aan ons daarvoor per e-pos by hsagregister@gmail.com
- iii. Die HSAG-beleggers se inligting wat gebruik word was aanvanklik verkry vanaf die aansoekvorms wat HSAG-lede ingevul het. Indien u aansoekvorm gevolglik foutief, onduidelik of onvolledig is, sal u moontlik geen state of e-posse ontvang nie

- iv. Die verpligting rus op u as belegger om ons op hoogte van enige veranderinge van u persoonlike en/of kontakbesonderhede deur in te skakel of om 'n e-pos te stuur na hsagregister@gmail.com
- v. Weens die voortdurende groot hoeveelheid navrae, registrasies, wysigings van persoonlike besonderhede en allokasies, is dit moontlik dat sommige betalings en/of registrasies nie op die aangehegte Staat sal verskyn nie, maar eers op 'n latere Staat.
- vi. Kliek asseblief op die skakel om na die "Customer Zone" te gaan waar u die opvragings vir registrasie-, regs-kostes en u betalings kan sien, geoutomatiseerde state word van tyd tot tyd (gewoonlik gedurende 'n maand) uitgestuur word, maar u skakel na die "Customer Zone" sal deurentyd aktief bly en u kan ter enige tyd u betalings en transaksies daarop sien, soos wat dit geallokeer word.

Vriendelike groete

HSAG-Bestuurskomitee

Kontak die HSAG en prokureurs by:

Tel: (021) 887 7877

hsactiongroup@gmail.com

AFRIKAANS HIERBO

MONTHLY NEWSLETTER: SEPTEMBER 2018

Dear HSAG Investor / Mr / Mrs / Ms [Customer Name]

This newsletter is addressed to you as a member of the Highveld Syndication Action Group ("HSAG") on account of you having made an investment in the Highveld Syndication Companies 15-22 and/or support of the HSAG.

The www.hsaction.co.za website is the primary place where you will find HSAG information although emails are also sent out from time to time.

Please keep us up to date with any changes to your personal and/or contact details.

2. ARE YOU PART OF THE CLASS ACTION?

You're part of a winning team!

The 2018 hourglass is slowly running out, and we can assure you that the hourglass is running out even faster for our opponents.

The HSAG Steering Committee wishes to, once again, heartily thank each and every HSAG investor for doing their part and their continued loyal support.

We have already indicated on several occasions, that the HSAG's case belongs to each investor and that the onus is on every HSAG investor to believe in their case.

Unfortunately, there is a large number of HSAG members who do not co-operate fully, be it financially or emotionally, which in turn places a heavier burden on other HSAG members.

The Application for the fast track of the HS21 & 22 Syndications is gaining momentum, and the Application for the setting aside of the Sec 155 Scheme of Arrangement is hot on its heels!

There is no chance of turning back at this stage. Nothing has come of the promises made to desperate HS investors over the past few years – thus the only option left for investors, is the litigation process with which the HSAG is currently busy.

Several Courts, including the Supreme Court of Appeal in Bloemfontein, stated that Orthotouch and certain individuals have been abusing the court processes. Their actions have most certainly not gone unnoticed, and one can expect that there is an uphill battle awaiting them.

The successful judgements in both the De Lange and Noormohamed cases, where the Courts determined that the "Buy-Back Clause" contained in the prospectuses at the time, was not affected by the Business Rescue Plan, or the Sec 155 Scheme of Arrangement, which favourable judgements have also paved the way for the HSAG to continue on the same basis.

We therefore request that all HSAG members who have not yet fully showed their support for the HSAG's case, now throw their weight behind the HSAG's case.

The only way in which the HSAG can win this case is if everyone stands together!

3. APPOINTMENT OF A CASE MANAGER – PRETORIA HIGH COURT

As expected, Orthotouch and other individuals did not give timeous notice of their intention to oppose the proposed Fast Track Application for Certification (HS 21 & 22) and their Notices were also accompanied by further Notices, which challenged the HSAG's ability to act on behalf of certain former Applicants.

A final demand was directed to Orthotouch and Mr Nic Georgiou's attorneys in which our legal team not only requested that their Opposing Affidavits be delivered, but that it will be brought to the Court's attention that they are, once again, attempting to abuse the court process by serving unnecessary notices on the HSAG.

In the light of the above, the HSAG's legal team addressed an urgent letter to the Deputy Judge President of the High Court in Pretoria, requesting that a case manager be appointed in order to oversee the court processes to be followed.

Mr Nic Georgiou's attorneys indicated, in response to the HSAG's letter to the Deputy Judge President, that they supported our request for a case manager.

As soon as the Deputy Judge President has appointed as case manager to the HSAG's case, the HSAG will inform its members.

A case manager is independent from any party to a lawsuit and must, *inter alia*, ensure that parties to the proceedings do not delay the process unnecessarily.

The letter sent by the HSAG to the Deputy Judge President is available on our website at www.hsaction.co.za and we invite you to read it.

11. CURRENT STATE OF AFFAIRS: FAST TRACK CERTIFICATION FOR HS21-22

The HSAG stated in the August Newsletter 2018 that the Respondents had 5 court days in which to give notice to the HSAG of their intention to oppose the Notice of Motion, in terms of which the HSAG intends to approach the Court for an accelerated certification order for HS21 and 22.

As expected, Orthotouch and other parties were late with the filing of their Opposing documents, and the HSAG will now continue to place the Application on the unopposed roll for hearing.

Once we have received confirmation that a case manager has been appointed to manage the HSAG's case, the HSAG will convene an urgent meeting with the case manager in order to discuss the urgency of the matter.

The Notice of Motion, the Supporting Affidavit and the letter to the Deputy Judge President, is available on the HSAG website at www.hsaction.co.za and we invite you to read it.

If the HSAG is successful with the above application, Mr Nic Georgiou, his trust and Zephan, have no excuse not to comply with the Buy-Back clause. Other Courts have already decided in favour of the HS investors in similar cases.

HSAG members who have invested in other HS companies should not be anxious about their claims. These claims are not lost or in jeopardy, and the HSAG will proceed with steps to enforce investors' claims. However, you must remember that the claims of HS 15 to 20 relate to other facts and circumstances, including, amongst other things, fraud and maladministration, and the course of action to be followed in this regard, is different from that of HS 21 & 22.

The above-mentioned investors' claims have already been instituted by way of the Application for Certification and this Application suspends the running or prescription of claims.

Although the HSAG intends to set aside the Sec 155 Scheme of Arrangement ("Scheme of Arrangement"), the HSAG wanted to keep the Scheme of Arrangement in place for as long as possible, seeing that Orthotouch is obliged, in terms of the Scheme of Arrangement, to make monthly interest payments to HS investors.

As a consequence of the late and non-payments of monthly interest to all HS members, Orthotouch is in contempt of the Scheme of Arrangement and there is no reason why the Scheme of Arrangement should be kept in place. The HSAG will take steps as soon as possible to set the Scheme of Arrangement aside.

12. NON-PAYMENT OF INTEREST

On 11 September 2018, Orthotouch sent a sms to HS-Investors, wherein it was confirmed that Orthotouch commenced with interest payments and that it would be finalised by Friday, 14 September 2018. Thereafter, another sms was sent to certain investors on 14 September 2018, which informed them that due to unforeseen circumstances interest would only be paid on Friday, 21 September.

It seems that investors received interest payments late on Friday, 21 September 2018, but there are still certain HS investors who have not received their interest for July and August.

The administrative staff at Orthotouch have informed HS investors that non-payment can be attributed to the fact that the investors have not completed the necessary forms. This is, however, false as certain investors have received their monthly interest, even though they have not completed the forms.

The only reason for Orthotouch's failure to fulfil its obligations, is due to the fact that Orthotouch does not have the necessary funds!

This harsh reality compels the HSAG to consider other possibilities, such as supporting the Liquidation of Orthotouch.

If Orthotouch has to be liquidated, the directors will be required to, during liquidation inquiries, confirm under oath, what has happened to the billions of rands of belonging to the investors.

HSAG members can be assured that the HSAG legal team will protect its members' interests during such a liquidation process.

13. LATE APPLICATIONS FOR REGISTRATION WITH THE HSAG

Late applications will be considered on a strictly *ad hoc* basis. Registration forms are available on our website at www.hsaction.co.za or can be requested from us at hsagregister@gmail.com. All requests and completed registration forms must be sent to hsagregister@gmail.com.

14. TERMINATION OF HSAG MEMBERSHIP

The HSAG Steering Committee has noted that there is a substantial amount of HSAG members who have not paid their registration costs since 2014 / not settled in full.

It is very important that every member do his/her part in order to advance the HSAG's case.

The HSAG Steering Committee decided at a previous meeting, which decision was welcomed by many of the HSAG members who have settled all their fees and contributions, that membership to the HSAG would unfortunately immediately be terminated, if such members do not settle their outstanding 2014 / 2015 registration costs by 31 December 2018. Hereafter you will be provided with documentation to indicate in writing that you do not wish to fulfil your financial obligation and thus not support the HSAG.

The consequences of a member of the HSAG membership being terminated has far-reaching consequences, and may mean, among other things, that the HSAG investor's claim against Orthotouch / Georgiou has prescribed. In the current scheme of the class action application, it will also mean that you will not be able to re-join the HSAG class action on a later stage.

Some of these members were and can likely be contacted telephonically, electronically or otherwise during the next couple of weeks in order to address this issue, but it remains the responsibility of the member to ensure that his / her registration fees are up to date.

We therefore encourage you to settle your registration fee as soon as possible **and** provide us with proof thereof in order to prevent termination of your membership.

15. USE OF CORRECT EMAIL ADDRESSES AND REFERENCES

The correct use of e-mail addresses (as contained on our website and e-mails) as well as HSAG members' initials and surnames, syndication numbers and reference numbers (e.g. identity number, etc.) for all communications are essential.

The official and existing e-mail addresses for the HSAG are as follows:

- hsactiongroup@gmail.com for all General Enquiries; (For Example - to change contact details, Proof of Payments, Death of a Member etc)
- hsagenquiries@gmail.com for Specific Enquiries; (For Example requesting information/statements regarding a specific member, exemption queries for a specific member)

- hsagregister@gmail.com for the registration and deregistration of HSAG members;
- hsagwhistle@gmail.com for all Confidential Information that you would like to send to us anonymously or interest not paid;
- hsagestates@gmail.com for all Estate related questions.

If an investor or any person sends an email to the wrong address, it will result in the email not receiving the speedy or necessary attention, if any.

16. HSAG'S OFFICIAL WHATSAPP GROUPS

It is a huge challenge to promptly convey notices, news snippets or important messages to almost 7 000 individuals.

We therefore request HSAG members to join the HSAG's official WhatsApp Groups to receive notices, news snippets or news flashes per WhatsApp.

By joining one of the HSAG's official WhatsApp groups, you will be informed of the latest developments regarding your case on a regular basis.

Simply send your mobile number; identification number; full name and surname, to hsactiongroup@gmail.com after which you will be uploaded to the groups.

You can also contact the administrators of the respective WhatsApp groups directly at 079 635 4165 (Afrikaans) and 082 450 8854 (English).

The HSAG also has an official Facebook page, and can be viewed, "liked" and commented on at www.facebook.com/hsaction.

17. MEMBERSHIP CONTRIBUTIONS AND REGISTRATION COSTS

Please ignore this point if your registration and legal costs have already been settled up to date.

It is of utmost importance that any outstanding registration and legal costs, of which some are outstanding as long ago as 2014 should be settled as soon as possible. Almost four years have elapsed since the HSAG came into being and it is extremely unfair towards loyal HSAG members that persons who seek legal representation in a case where the average claim amounts to R250 000.00 are not willing to make a nominal contribution towards registration and / or legal costs.

Kindly take note of the following:

- i. A once-off registration fee of R1 000 **per syndication** was also levied up to 2015, which then increased to R1 500 **per syndication** thereafter and should reflect on your statement accordingly.
- ii. The requested amount for 2016 legal costs was R1 000 **per syndication**.
- iii. In May 2017 a further requisition for a contribution towards legal and administration costs of R2 000 **per person** was made;
- iv. In February 2018/ March 2018 a further requisition of R2 000 **per person** towards legal and administrative costs was made.
- v. If there are any outstanding amounts with reference to your registration and / or legal costs, you are kindly requested to pay such outstanding balances as soon as possible to prevent unnecessary administration and/or further costs, and also to prevent such members' membership from being suspended from the HSAG.
- vi. Registration surcharges are payable on all new and arrear (90 days and older) registrations. Registration costs currently amount to R1 500 per syndication and, if further registrations are allowed beyond the deadline, it is probable that there will be a further requisition for registration costs per syndication for new registrations, in order to relieve the financial contributions made by our current HSAG members.
- vii. From the end of February 2018 persons whose contributions are paid up to date, with a total claim value of R 50 000 or less, together with a prior written request to Theron & Partners, will be exempted during 2018 from administrative -and legal costs.
- viii. Exemption is **not applicable** to previous years registration / administration and legal costs and overdue fees are still payable.
- ix. **No registration, administration or legal fees are refundable.**

The HSAG enjoys the protection by way of a legal team consisting of attorneys, junior and senior advocates who have already gone a long way towards protecting the prospective plaintiffs under the umbrella of the HSAG. Everyone's cooperation is required. In light of the fact that the HSAG will proceed with the certification of a class action for HS 21-22 and the recession of the Sec 155 Scheme of Arrangement, we request that all HSAG members to give their cooperation in order to successfully complete these matters. Everyone's cooperation is required.

18. STATEMENT FOR PARTICIPATION IN THE HSAG

The HSAG and its attorneys, Theron & Partners, would like to thank you for your continued and loyal support of the HSAG. The HSAG's case belongs to each individual investor, and we would therefore like to ask you to support your own case in order to claim approximately R4.6 billion from Orthotouch and others.

Please find attached your contribution statement for participation in the HSAG, kindly take note of the following:

- vii. If no trust requisition regarding registration, legal or administration costs, or if a credit appears on your statement, it means that you are in a group which has not yet been registered, processed and/or allocated and could the amount reflect on a later statement;
- viii. If a credit balance appears on your statement, it confirms that you are a registered member, but we have not received your completed application form. Kindly download same from our website or request same from hsagregister@gmail.com;
- ix. The HSAG members' information on our records was gathered from the application forms completed by the HSAG members. If your application form is faulty, vague or incomplete, there is a possibility that you may not receive statements or emails from us
- x. The obligation rests on you as investor to inform us of any changes to your personal and / or contact details either telephonically or by e-mail to hsagregister@gmail.com;
- xi. Due to the continuous high volume of enquiries, registrations, the amendment of personal information and allocations, it is possible that your payment/s and / or registration/s will not yet appear on the attached statement but rather on a later statement.
- xii. Please click on the email link at the bottom of the newsletter to enter the "Customer Zone" where you will see all your trust requisitions for registration and legal costs, as well as all payments made, automated statements are sent from time to time (usually during a month), but your link to the "Customer Zone" will be continuously active, enabling you to view your payments and transactions, as it is allocated, at any time.

Kind regards

HSAG Steering Committee

Contact the HSAG Attorneys at:

Tel: (021) 887 7877

hsactiongroup@gmail.com