

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

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CASE NO: 42334/2014

In the application to intervene by:

MAGDALENA GERBRECHT VAN DER SANDT

Intervening Party

In re

The matter between:

JURIE JOHANNES GELDENHUYS

First Applicant

ARTHUR BRADY COCHRANE

Second Applicant

SHARON ANN VLOK

Third Applicant

And

ORTHOTOUCH LIMITED

First Respondent

DEREK PERDOE COHEN N.O.

Second Respondent

HANS KLOPPER N.O.

Third Respondent

HIGHVELD SYNDICATION NO 15 LTD

Fourth Respondent

HIGHVELD SYNDICATION NO 16 LTD

Fifth Respondent

HIGHVELD SYNDICATION NO 17 LTD

Sixth Respondent

HIGHVELD SYNDICATION NO 18 LTD

Seventh Respondent

<u>HIGHVELD SYNDICATION NO 19 LTD</u>	Eighth Respondent
<u>HIGHVELD SYNDICATION NO 20 LTD</u>	Ninth Respondent
<u>HIGHVELD SYNDICATION NO 21 LTD</u>	Tenth Respondent
<u>HIGHVELD SYNDICATION NO 22 LTD</u>	Eleventh Respondent
<u>NICOLAS GEORGIU</u>	Twelfth Respondent
<u>ZEPHAN PROPERTIES (PTY) LTD</u>	Thirteenth Respondent
<u>NICOLAS GEORGIU N.O.</u>	Fourteenth Respondent
<u>MAUREEN LYNETTE GEORGIU N.O.</u>	Fifteenth Respondent
<u>JOSEPH CHEMALY N.O.</u>	Sixteenth Respondent
<u>GEORGE NICOLAS GEORGIU</u>	Seventeenth Respondent
<u>MICHAEL NICOLAS GEORGIU</u>	Eighteenth Respondent
<u>HENDRICK JACOBUS MYBURGH</u>	Nineteenth Respondent
<u>BOSMAN & VISSER (PTY) LTD</u>	Twentieth Respondent
<u>PICKVEST (PTY) LTD</u>	Twenty-first Respondent
<u>HEINRICH PIETER MOLLER</u>	Twenty-second Respondent
<u>WILLEM MORKEL STEYN</u>	Twenty-third Respondent
<u>BAREND STEFANUS VAN DER LINDE</u>	Twenty-fourth Respondent

FREDERICK JULIUS REICHEL

Twenty-fifth Respondent

EUGENE KRUGER INC.

Twenty-sixth Respondent

**THE COMPANIES AND INTELLECTUAL PROPERTY
COMMISSION OF SOUTH AFRICA**

**Twenty-seventh
Respondent**

And

THE HIGHVELD SYNDICATION INVESTORS

("the Main Application")

In re:

The *ex parte* application of:

ORTHOTOUCH LIMITED

(Registration number: 2010/004096/06)

Application for the sanctioning of a Scheme of Arrangement
in terms of section 155(7) of the Companies Act, no 71 of 2008

("the *ex parte* application")

NOTICE OF MOTION IN APPLICATION TO INTERVENE

BE PLEASED TO TAKE NOTICE that application will be made by the Intervening

Party for an order in the following terms:

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- a. That the Intervening Party be granted leave to intervene in the proceedings under case number 42334/2014;
- b. That the costs of the application be borne by the Intervening Party only in the event of it being unopposed;
- c. Further and/or alternative relief.

TAKE NOTICE FURTHER that the Intervening Party has appointed **ADAMS AND ADAMS** at the address set out here below at which she will accept notice and service of all process in these proceedings

TAKE NOTICE FURTHER that the founding affidavit of **MAGDALENA GERBRECHT VAN DER SANDT** as well as the annexures thereto, will be used in support of this application.

TAKE NOTICE FURTHER that if you intend opposing this application you are required;

- (a) To notify the Intervening Party's attorney in writing on or before Monday, 18 February 2019, by 16h30;
- (b) And within fifteen days after you have so given notice of your intention to

oppose the application, to file your answering affidavits, if any;

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

If no such notice of intention to oppose be given, the application will be made on the 11th day of March 2019 at 10h00 or so soon thereafter as counsel for the applicant may be heard.

SIGNED AT PRETORIA ON THIS 4th DAY OF FEBRUARY 2019.



(SGD) LJ OPPERMAN

ADAMS & ADAMS ATTORNEYS

Attorneys for Intervening Party
Lynnwood Bridge Office Park
4 Daventry Street
Lynnwood Manor
PRETORIA

Tel: (012) 432 6167

Fax: (012) 432 6557

Email: leander.opperman@adams.africa

Ref: LJO/ek/LT4244

TO:
THE REGISTRAR OF THE HIGH COURT
JOHANNESBURG

AND TO:
THERON & PARTNERS
Attorneys for the First, Second and Third
Applicants
c/o BDK ATTORNEYS
Ground floor.
3 Ninth Street

Houghton Estate
 JOHANNESBURG
 AND TO:
NLA LEGAL INC
 Attorneys for the 1st Respondent
 Tel: 011 704-1563
 Fax: 086 688 9555
 Ref: Ms N Lubbe
 Email: natalie@NLAteam.com
c/o JOHN BROIDO ATTORNEYS
 1724 Marble Towers
 206/214 Jeppe street
 JOHANNESBURG
 Tel: (011) 333-2141
 Ref: Mr John Broido / Ms Shiela Smith

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Received on _____ day of FEBRUARY
 2019

 for and on behalf of the 1st respondent

AND TO:
ZWIEGERS ATTORNEYS
 Attorneys for the 2nd Respondent
 288 Dunkeld West Centre
 Cnr Bompas & Jan Smuts
 Rosebank
 JOHANNESBURG
 Tel: 087 945 2100
 Fax: (011) 325-2207
 Email: corrie@zwiegers.co.za
 Ref: Mr Wn/Z497/K

Received on _____ day of FEBRUARY
 2019

 for and on behalf of the 2nd
 respondent

AND TO:
FABER GOERTZ ELLIS AUSTEN INC
 Attorneys for the 3rd to 11th Respondents
 Tel: 010 590-3378
 Fax: 011 267-6701
 Ref: Mr D Ellis
 Email: diaan@fgea.co.za
c/o JOHN BROIDO ATTORNEYS
 1724 Marble Towers
 206/214 Jeppe street
 JOHANNESBURG
 Tel: (011) 333-2141
 Ref: Mr John Broido / Ms Shiela Smith

Received on _____ day of FEBRUARY
 2019

 for and on behalf of the 3rd to 11th
 respondents

AND TO:
KYRIACOU INCORPORATED
 Attorneys for the 12th to 16th respondents
 First floor Fussell House
 48 Athol Oaklands Road

Received on _____ day of FEBRUARY
 2019

 for and on behalf of the 12th to 16th &

Melrose North
JOHANNESBURG
Tel: 011 444-2665
Fax: 086 653 5677
Email: legal@kincorporated.co.za

24th respondents

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AND TO:
EG COOPER MAJIEDT ATTORNEYS
Attorneys for the 17th & 18th Respondents
Email: st@egc.co.za

Per E-mail

AND TO:
POLSON ATTORNEYS
Attorneys for the 19th, 20th, 21st, 25th & 26th
Respondents
The Woodlands Office Park
Building 13, First Floor
Woodlands Drive
Woodmead
Email: gpolson@polsonlaw.co.za
Ref: Mr Graeme Polson

Per E-mail

AND TO:
GILDENHUYS MALATJI INC
Attorneys for the 22nd Respondent
GMI House – Harlequins Office Park
164 Totius Street
Groenkloof
PRETORIA
Email: wckilliers@gminc.co.za
Ref: Wim Cilliers

Per E-mail

AND TO:
ANDRE VLOK ATTORNEYS
Attorneys for the 23rd Respondent
Tel: 041 367-3550
Fax: 086 549 3721
Email: andre@vlokattorneys.co.za
REF: Mr Andre Vlok

Per E-mail