



ENGLISH TEXT BELOW

MAANDELIKSE NUUSBRIEF: JANUARIE 2021

Hierdie nuusbrieff 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.

Hierdie e-pos is vertroulik en uitsluitlik vir die geadresseerde bedoel. As u dit per ongeluk / verkeerdlik ontvang het, stel asseblief die versender onmiddellik in kennis by hsagenquiries@gmail.com en vernietig dit. U mag nie 'n e-pos, of enige deel daarvan, wat foutiewelik ontvang aan enigiemand anders stuur, kopieer of openbaar nie. HSAG se webmeester gebruik antivirusprogrammatuur om virusse en ander kwaadwillige kodes te voorkom. Hierdie sagteware kan egter nie so 'n kode altyd voorkom of uitwis nie. Die HSAG of sy verteenwoordigers sal nie aanspreeklik wees vir enige verlies of skade wat voortspruit uit ontvangs of gebruik van hierdie e-pos of andersins, of dit voortspruit uit die nalatigheid van HSAG, sy lede, bestuurskomitee en agente of andersins nie.

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 inligting, onderhewig aan die vrywaring daarin vervat (en ook hierop van toepassing) kan bekom.

Die verpligting rus op u as HSAG lid om ons op hoogte van enige veranderinge van u persoonlike en/of kontakbesonderhede asook dat die inhoud van u maandelikse state korrek is.

HSAG AMPTELIKE NUUSBRIEF – INHOUDSOPGAWE

- 1 BOODSKAP VIR 2021
- 2 DIE HSAG SAKE
- 3 WAAROM WORD DAAR GEREELD IN NUUSBRIEWE VERWYS NA “BETALING VAN KOSTES”?
- 4 BEFONDSING VAN DIE HSAG EN SAKE
- 5 HS 21 & 22 (“CCAF”) VERSOEKE ONTVANG VAN BELEGGERS
- 6 MOET EK 'n PERSENTASIE VAN MY EIS AFSTAAN INDIEN DIE KLAS-AKSIE SUKSESVOL IS EN EK GELD ONTVANG?
- 7 HOEVEEL IS DIE REGSKOSTE VERBONDE AAN DIE HSAG?
- 8 JAARLIKSE OPVRAGING – 2021
- 9 KWYTSKELDING VAN HSAG OPVRAGING VIR - 2021
- 10 BELANGRIK: GEBRUIK VAN KORREKTE E-POS ADRESSE
- 11 BELANGRIKE ALGEMENE TERME EN VOORWAARDES

1. BOODSKAP VIR 2021

'n Voorspoedige nuwe jaar word aan elke HSAG-lid toegewens. Die hele wêreld was gedurende 2020 ernstig geraak deur die Covid-19 pandemie en was die regsisteem nie gespaar nie. Die HSAG-bestuur bly egter positief. Ons glo en vertrou dat 2021 'n veel meer geseënde en voorspoedige jaar vir die HSAG as verlede jaar sal wees. Die feit dat die grendeltydperk weer in Desember 2020 teruggeskuif het na Vlak 3 het 'n wesenlike uitwerking op die regsisteem en prosesse gehad, maar is die regspan van die HSAG tans besig om die uitdagings wat voorlê te hoof te bied. U kan egter steeds verseker wees van die HSAG se voortgesette ondersteuning en verteenwoordiging ten einde HSAG-lede se eise na te volg en suksesvol af te kan afdwing.

In 2021 wil die HSAG oorskakel na spreekwoordelike "Hernubare Energie". Oor verloop van tyd was daar baie navrae en persone wat van binne en buite die HSAG, onnodige tyd en energie verbruik het sonder om self enige bydra tot ons saak te lewer. Die HSAG-bestuur het voorheen al kennis geneem van sodanige optrede en tot die slotsom gekom dat die HSAG soms onnodig tydmors deur hulself besig te hou met mense en dinge wat uiteindelik geen positiewe bydrae tot die HSAG lewer nie, maar eerder die HSAG en sy bronne uitput. Met ander woorde sal daar voortaan nie meer onnodige tyd (en daardeur geld) vermors word om te reageer op sodanige kommentaar wat gelewer word, irrelevante stellings of onwaarhede wat versprei word oor ons klas-aksie nie. Daar was verskeie kere voorheen in nuusbriewe berig.

Die winde van verandering het oor tyd gewaai en het getroue HSAG-lede hul kant gebring, maar terselfdertyd sal dit onbillik teenoor sodanige persone wees indien onnodige aandag en tyd bestee word aan sake wat nie direk verwant of relevant tot die HSAG se saak is nie. Die HSAG gaan dus voortaan tyd aan hernubare energie (dus sy lede wat hom oor tyd ondersteun het) spandeer. Die HSAG kan dit bloot eenvoudig nie meer bekostig om onnodige energie te vermors op nodelose take wat nie 'n rol speel om ons nader aan die wenstreep te kry nie.

Hernubare energie is natuurlik energie wat verkry word van bronne wat hulself gedurig hernu of vir alle praktiese doeleindes nie uitgeput kan word nie. Waterkrag, sonkrag en windkrag word almal as hernubare energiebronne beskou, asook getykrag en branderkrag!

2. DIE HSAG SAKE

Dit is belangrik dat beleggers moet verstaan dat 'n hofszaak 'n regsproses is, dit bestaan nie net uit een hofszaak en dan is dit oor en verby nie. Hierdie tipe van sake van miljarde rande is geweldig groot en kompleks. Daarom het die regsproses tot dusver ook

verskillende sake binne die een hofsak behels. Hierdie aangeleentheid word interlokutêre sake genoem. Die HSAG-bestuur vertrou dat ons reeds baie ver gevorder het in die proses. Ons vertrou dus dat ons sake so gou moontlik in die Hooggeregshof sal verskyn. Indien ons weer daar suksesvol is, mag Georgiou heelwaarskynlik appelleer. Indien hy verlop tot appèl verkry sal ons in die Appèlhof eindig. By die vorige geleentheid moes Georgiou sy aansoek om appèl met 'n bestraffende kostebevel teen hom terugtrek. Die feit dat daar soveel veranderlikes betrokke is met hierdie aangeleentheid maak dit basies onmoontlik om te bepaal hoe lank 'n aangeleentheid kan neem. Ons is ook bewus daarvan dat die howe tans weens Covid-19 agter is met hul normale administratiewe take. Regter Tolmay het egter in haar sertifiserings uitspraak van die CCAF aangeleentheid gemeld dat ons sake op 'n spoedige basis behoort hanteer te word daarom plaas die HSAG-bestuur hul vertrou daarin dat ons sake as prioriteit gesien sal word aangesien daar duisende bejaarde mense betrokke is. Met die CCAF aangeleentheid vertrou ons dus dat ons voor die einde van die jaar in die Hooggeregshof sal wees en in die HS 15-22 aangeleentheid vertrou ons dat die sertifisering van die groep voor die einde van die jaar afgehandel sal wees.

Die HSAG-bestuur is steeds net so positief as wat hulle aan die begin van die proses was oor die meriete van die saak en ons kan u die versekering gee dat ons veel nader is as 2 of 3 jaar gelede. Beleggers moet wel verstaan dat die saak en proses ongelukkig omvangryk en tydsaam is wat daartoe bydra dat die saak uitgerek word. Ons sou dit lankal wou afhandel, maar ongelukkig gebruik persone met diep sakke sedert die begin reeds alle remedies en tegniese verweere om die proses te vertraag. Daar is ook reeds strafregtelike klagtes gelê wat deur die vervolgingsgesag ondersoek word.

In ons volgende uitgawe sal ons beoog om vergaderings met saakbestuurders, die afgelope tyd se hofverrigtinge, tydtafels vir liassing asook 'n aansoek deur Jacques du Toit bespreek.

3. **WAAROM WORD DAAR GEREELD IN NUUSBRIEWE VERWYS NA “BETALING VAN KOSTES”?**

Uit die aard van ons saak word hierdie vrae veral deur opbetaalde lede gevra. Die vraag is geregverdig, aangesien dit wil voorkom asof daar vir die spreekwoordelike bekeerdes gepreek word. Die feit van die saak is dat daar wel 'n groot aantal lede is wat nie getrou bydraes lewer nie en ver agter is met hul betalings. Dit het tot gevolg dat die lede wat hul kant bring en opbetaal bly, dieselfde boodskap moet lees op die nuusbriewe as gevolg van diegene wat nie opbetaal is nie. Elke lid wie se epos adres bekend is aan die bestuur kry elke maand 'n nuusbrief met hul persoonlike maandstaat daaraan geheg. Dit is u plig om u staat na te gaan en u rekening op datum te bring. Dit is 'n enorme taak om vir elke individu persoonlik te kontak indien hulle agterstallig is en om daardie rede word dit in die

nuusbrief ingesluit. Die insluiting in die nuusbrief is dus 'n pleidooi aan beleggers wat nie opbetaal is nie om hul kant te bring en op datum te kom. Daar word daarom weereens 'n versoek aan daardie persone gerig dat hulle so gou moontlik hul agterstallige betalings sal bybring. Indien u nie 'n nuusbrief of staat wil ontvang nie stuur 'n epos met u volle besonderhede en sodanige versoek aan hsactiongroup@gmail.com.

4. **BEFONDSING VAN DIE HSAG EN SAKE**

Die prokureurs werk op hul normale fooie en nie op gebeurlikheidsbasis nie. In die HSAG is daar tegnies gesproke 7000 lede maar om vir een-en-elke een individueel op te tree sou duisendmaal meer kos en boonop die uiteindelijke doel van die klas-aksie verslaan, naamlik dat individue hul hulpbronne bymekaar gooi om uiteindelik 'n reus te verslaan. Die doel van die HSAG is om vir duisende individue die geleentheid te gee om saam te staan om hulle eise te bewys. Tydens dié proses het die Respondente hard probeer om die sake omver te werp en die eenheid onder beleggers te vernietig. Boonop het die respondente die HSAG groeplede se befondsingsmodel gekritiseer. Die HSAG het volgehou en eventueel sukses behaal deurdat die Hooggeregshof beslis het om die klas aksie teen Georgiou en andere, so wel as die Applikant en regsvertegenwoordigers, te sertifiseer. Die gemiddelde beskermbare belang van die meer as 18 000 beleggers is R250 000. Dit beteken dat elke persoon self moet uitwerk of hierdie spesifieke plan van aksie in sy/haar beste finansiële belang is.

Die HSAG bestuurskomitee het nog altyd probeer om sy lede te akkommodeer en verligting vir sy lede te bewerkstellig aangesien die litigasie teen die respondente befonds word deur hulle. Sedert 2017 is daar 'n vasgestelde jaarlikse opvraging gehef. Indien dit vandag bereken sou word sou dit maar 'n skamele R1 450 wees. Behalwe vir dit, het die regspan en bestuur probeer om daardie lede met kleiner eise te help en elke jaar (met die uitsondering van laasjaar) is lede met kleiner eise kwytkeseld van hierdie bydrae, ten spyte daarvan dat daardie lede 'n groot persentasie van die HSAG opmaak en die feit dat minder mense in die posisie was om die nodige bydraes te maak. Verder was daar 'n verhoor-heffing geplaas wat meer in proporsie was met die totale beleggings wat HSAG lede gehad het in die HS maatskappy. 'n Jaarlikse bydrae van R2 000 is altesame maar gelyk aan sowat 20 minute van 'n senior advokaat se uurlikse tarief. Dit, asook die feit dat die prokureurs vir etlike jare nie ten volle betaal is nie, wys op die toewyding en passie waarmee die HSAG regspan en bestuur die sake aanpak. Gegewe die uitdagings wat die hoof gebied moet word, omstandighede van die beleggers, sowel as die miljarde rande wat betaal is deur die HS beleggers sonder om enige teenwaarde terug te kry, is die HSAG gedagtig om spaarsamig te werk met die geld wat dit ontvang van sy lede.

5. **HS 21 & 22 (“CCAF”) VERSOEKE ONTVANG VAN BELEGGERS**

Die HSAG se regspan, administrasiepersoneel sowel as die skakel beamptes ontvang soms versoeke van meestal “Opt-In” CCAF-lede om van die HSAG se e-pos lys verwyder te word, aangesien hulle nie meer die maandelikse state van die HSAG wil ontvang nie (alhoewel hulle terselfdertyd ook nie-opbetaalde HSAG-lede is). Beleggers in die HS 21 & 22 maatskappye, wat ook lede van CCAF is, moet egter verstaan dat hulle steeds ’n belang in die HSAG het aangesien hul eise ook deel maak van die HS 15-22 afgeleide aksie wat deur die HSAG gedryf word.

Indien beleggers van die e-pos lys verwyder word sal hulle slegs die nuusbrieff op die HSAG se webtuiste, www.hsaction.co.za, kan lees. Dit sal ook verder lei daartoe dat lede nie sal weet of hulle opbetaalde lede van die HSAG is nie. Nuusbriewe is egter ’n belangrike kommunikasie middel en vertrou ons dat lede dit ook in daardie lig sien.

Opbetaalde lede kan die aanhangsels tot die nuusbrieff ignoreer, aangesien hulle op datum is.

6. **MOET EK ’n PERSENTASIE VAN MY EIS AFSTAAN INDIEN DIE KLAS-AKSIE SUKSESVOL IS EN EK GELD ONTVANG?**

Nee, dit moet spesifiek eers ooreengekom word en is nie op hierdie stadium nodig nie.

In Suid-Afrika is daar wetgewing wat bepaal dat ’n regspraktisyn op ’n gebeurlikheidsbasis (“sukksesfooi”) kan optree en sodoende tot óf dubbeld die regspraktisyn se kostes óf 25% van die Eiser se eis, welke ookal die laagste, as vergoeding kan neem. Indien ’n kliënt en regspraktisyn op ’n gebeurlikheidsbasis wil werk, moet ’n skriftelike gebeurlikheids-ooreenkoms, wat aan sekere wetlike vereistes moet voldoen, tussen die partye gesluit word.

Weens die groot aantal HS Beleggers / voornemende Eisers wat by die HSAG registreer, is dit op hierdie stadium nie nodig om op ’n gebeurlikheidsbasis namens die Beleggers / voornemende Eisers op te tree nie omdat elke individuele Belegger / voornemende Eiser slegs ’n fraksie van die regskostes hoef te betaal.

Die gemiddelde grootte eis van die individuele Beleggers / Eisers sal ongeveer R250 000 beloop. Indien daar op ’n gebeurlikheidsbasis opgetree sou word, sal dit beteken dat ’n maksimum van R62 500 plus BTW en uitgawes deur die regspraktisyn per individuele Eiser verhaal kan word. Uiteindelik sal dit beteken dat ’n maksimum bedrag van tussen R70 000 en R80 000 aan regskostes afgestaan moet word. Tot dusver was slegs R2 000 per individuele Belegger / voornemende eiser (en nie per sindikasie nie) jaarliks vereis

en word slegs die regspraktisyns se normale foie en uitgawes, soos van tyd tot tyd toepaslik, gehef, niesteenstaande die krimpemde getalle aktiewe HSAG lede.

7. HOEVEEL IS DIE REGSKOSTE VERBONDE AAN DIE HSAG?

Volgens ons rekords blyk dit dat sedert die ontstaan van die HSAG op 5 Augustus 2014 was daar gemiddeld ongeveer R2 500 per persoon per jaar (vir twee jaar) vir registrasie- en regskoste vanaf die HSAG-lede gehef. In 2021 is dit, niesteenstaande vele uitdagings en krimpemde getalle, steeds R2 000 per jaar, wat dit op net meer as R5 per dag per persoon bring, niesteenstaande die feit dat 'n groot klomp van HSAG passiewe lede is en nie hul kant bring nie. Sonder die bydraes van die HSAG lede kan die saak egter nie voortgaan nie en is dit noodsaaklik dat lede mekaar positief motiveer.

8. JAARLIKSE OPVRAGING – 2021

Ongelukkig word hierdie onderwerp aan die begin van elke jaar aangeraak.

Die HSAG-bestuur het tydens hul maandeliksevergadering in Januarie 2021 goedgunstig besluit dat die jaarlikse bydrae tot regs- en administrasiekoste vir 2021 na ses jaar se litigasie onveranderd sal bly en dat 'n bedrag van R2 000,00 per belegger gehef sal word. Hierdie opvraging geskied outomaties en kan nou verwag word. Die R2 000,00 opvraging ten aansien van regs- en administrasiekoste sal dus op u staat verskyn. Ten einde die HSAG-saak suksesvol aan te voer, versoek ons u vriendelik om so spoedig as moontlik die jaarlikse opvraging op datum te bring.

Ledebydraes is van uiterse belang aangesien die HSAG gebruik maak van 'n Groepslede-befondsingsmodel, dit beteken dat alle regs- en administrasiekoste befonds word deur die HSAG-lede. Dit beteken ook dat die regspan slegs hul gewone foie hef en nie dubbeld of selfs 'n persentasie van die HSAG-eisers of lede se eise ontvang, soos wat die geval is wanneer prokureurs op gebeurlikheidsbasis werk nie. Danksy die getalle van die HSAG lede die afgelope jare sal en indien hierdie model met sukses volhou word, kon die totale eisbedrag plus rente deur HSAG-lid geëis word. Die bedrae betaal deur HSAG-lede ter vordering van hul eise is nominaal in vergelyking met die eiswaardes van altesame etlike miljard rande.

Die oorgrote meerderheid HSAG-lede verkies om hul bydraes jaarliks te maak en was daar die afgelope jare gepoog om aan die begin van elke jaar 'n eenmalige gewone jaarlikse opvraging te maak. Weens Covid-19 en ander praktiese oorwegings was dit nie in 2020 moontlik nie en was daar gevolglik in Julie 2020 'n opvraging gemaak. Daar sal egter weer, soos in die verlede 'n R2 000 opvraging geskied ten einde die HSAG van

nodige fondse te voorsien om die litigasie te dryf teen die persone wat 'n kardinale rol gespeel het in die ineenstorting van die HS maatskappye en hulle tot verantwoording te roep.

Die R2 000 opvraging vir 2021 is betaalbaar deur alle HSAG-lede met beleggings in HS 15-22.

Die HSAG opvragings is nie 'n CCAF opvraging nie. Die opvragings bespreek in hierdie nuusbrief is slegs vir HSAG lede en sal ons weereens daarna streef om voordeel vir opbetaalde HSAG lede te beding. Geliewe daarop te let dat die Hof dit duidelik gestel het dat sindikasies anders as HS 21 & 22 nie die CCAF saak mag befonds nie.

Die HSAG werk nie op 'n finansiële boekjaar soos by besighede nie en word opvragings weens praktiese oorwegings binne 'n kalender jaar gedoen. Die meerderheid van lede betaal binne 2 tot 3 maande en sal dit waardeer word indien dit steeds die geval kan wees en dat die 2021 heffing gevolglik so spoedig moontlik op datum gebring sal word.

Die 2021 opvraging word tot en met 22 Februarie 2021 op lede se state gelaai. Indien daar dus nog nie 'n opvraging op u staat verskyn nie, sal daar wel een op volgende maand se staat verskyn. Indien nie kontak ons asseblief onmiddellik.

9. KWYTSKELDING VAN HSAG OPVRAGING VIR - 2021

Die HSAG bestuur kan met 'n blye gemoed aankondig dat daar wel vir sekere HSAG lede kwytskelding sal wees met betrekking tot die opvraging van 2021. HSAG lede wat 'n totale belegging van R60 000 of minder in die HS-maatskappye gemaak het, is kwytgeskeld van die Februarie 2021 HSAG administratiewe- en regskostes. Dit is belangrik om daarop te let dat die kwytskelding slegs van toepassing is op die Februarie 2021 opvraging en dat enige ander agterstallige opvragings dus steeds betaalbaar is. Geen registrasie, administratiewe of regsfooie is terugbetaalbaar nie.

Die kwytskelding van 2021 sal egter nie outomaties aan beleggers toeval nie. HSAG-lede sal egter, soos die geval in die verlede was, per e-pos die kwytskelding skriftelik moet versoek. Hierdie bovermelde versoek moet gestuur word aan hsenquiries@gmail.com. Die versoek sal ook slegs goedgekeur word indien 'n lid opbetaal is tot en met Februarie 2021.

10. **BELANGRIK: GEBRUIK VAN KORREKTE E-POS ADRESSE**

Die korrekte gebruik van e-pos adresse (soos vervat op ons webtuiste en e-posse) asook HSAG-lede se voorletters en van, sindikasienommers en verwysingsnommers (bv. identiteitsnommer ens.) vir alle kommunikasie, is uiters noodsaaklik en verpligtend. Versuiming om hieraan te voldoen kan die gevolg hê van onnodige vertraging of dat u geen antwoord sal ontvang nie.

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;
- **hsagstates@gmail.com** vir alle Boedel navrae.

Die amptelike en bestaande e-pos adresse vir CCAF (gesertifiseerde HS 21 & 22 klas-aksie), is as volg:

- **accounts@ccaf.co.za** vir betalingsbewyse
- **admin@ccaf.co.za** vir die amptelike versoek vir afbetaling-vorm
- **enquiries@ccaf.co.za** vir ander CCAF 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. Indien u nie verder enige verdere e-posse wil ontvang nie, stel ons ook asseblief skriftelik in kennis daarvan.

11. **BELANGRIKE ALGEMENE TERME EN VOORWAARDES**

Die algemene en herhalende terme, voorwaardes en ander algemene inligting wat voorheen in die Nuusbrief vervat was, word nou beskikbaar gestel op die HSAG se webtuiste by www.hsaction.co.za en kan direk besigtig word by die volgende skakel: <http://hsaction.co.za/wp-content/uploads/2020/01/HSAGTsCs.pdf>

Die HSAG Bestuur wil iedere en elke lid alle voorspoed en sukses toewens met die afsienbare toekoms.

Vriendelike groete

HSAG-Bestuurskomitee

Kontak die HSAG en prokureurs by:

Tel: (021) 887 7877

hsactiongroup@gmail.com



AFRIKAANS HIERBO

MONTHLY NEWSLETTER JANUARY 2021

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.

This email is confidential and is exclusively meant for the addressee. If you have received it in error/ wrongly, please notify the sender immediately at hsagenquiries@gmail.com and delete it. You may not copy, disclose or deliver any email received in error or any part of it to anyone else. HSAG’s webmaster uses antivirus software to prevent viruses and other malicious code. However, such software cannot prevent or eradicate all such code. The HSAG or its representatives will not be liable for any loss, harm or damage whatsoever arising from receipt or use of this email or otherwise, whether arising through negligence of the HSAG, its members, steering committee, and agents or otherwise.

The www.hsaction.co.za website is the primary place where you will find HSAG information, subject to the disclaimer contained therein (and also applicable hereto), although emails are also sent out from time to time.

The obligation to keep us up to date of any changes to your personal and/or contact details as well as to make sure that the contents of your monthly statements are correct rests on you as HSAG member.

HSAG OFFICIAL NEWSLETTER –CONTENTS

- 1 MESSAGE FOR 2021
- 2 THE HSAG MATTERS
- 3 WHY IS THERE REGULAR REFERENCE IN THE NEWSLETTERS TO PAYMENT OF COSTS?
- 4 THE FUNDING OF THE HSAG AND MATTERS
- 5 HS 21 & 22 (“CCAF”) REQUESTS RECEIVED FROM INVESTORS
- 6 DO I HAVE TO RELINQUISH A PERCENTAGE OF MY CLAIM IF THE CLASS ACTION IS SUCCESSFUL?
- 7 HOW MUCH IS THE LEGAL COSTS OF THE HSAG?
- 8 ANNUAL CONTRIBUTION – 2021
- 9 EXEMPTION FROM HSAG CONTRIBUTION – 2021
- 10 IMPORTANT: USE OF THE CORRECT EMAIL ADDRESSES!
- 11 IMPORTANT GENERAL TERMS AND CONDITIONS

1. **MESSAGE FOR 2021**

We would like to wish each and every HSAG member a happy new year. The whole world has been severely impacted by the COVID-19 pandemic, and unfortunately the legal system has not been exempted from this. The HSAG Steering Committee however remains positive. We believe that 2021 will be a much more fruitful year. The fact that South Africa has once again entered into Level 3 of lockdown in December 2020 has had an extreme impact on the legal system and its processes, but the legal team of the HSAG is busy tackling these issues head on. As always, the HSAG remains committed in its support of the HSAG-members and are constantly seeking to enforce their claims.

The HSAG would like to metaphorically switch over to 'renewable energy' in 2021. In the past there have been various members and queries from the inside and outside of the HSAG, who have wasted unnecessary time and energy without contributing much to the cause. The HSAG Steering Committee has taken note of such behavior and have come to the conclusion that the HSAG is sometimes busy wasting unnecessary time by keeping themselves busy with people and things that ultimately are not positively contributing to the HSAG, but rather exhausting its resources. In other words, no more unnecessary time (and therefore money) will be wasted by replying to irrelevant comments or lies that have been spread about our class-action. This has been reported in various previous newsletters.

The tides of change are upon us and loyal HSAG members have contributed as per usual. It would be unreasonable towards such persons if further unnecessary time is spent on matters which are not directly relevant to the HSAG's case. The HSAG will thus henceforth spend time on 'renewable energy' (that is, its members that have given the HSAG its continued support). The HSAG can simply no longer afford to waste unnecessary energy on futile tasks which bring us no closer to the finish line.

Renewable energy is natural energy which is obtained from natural sources that regularly renew themselves and which cannot, for all intents and purposes, be depleted. Water-energy, sun-energy, and wind-energy, are all regarded as renewable energy sources!

2. **THE HSAG MATTERS**

It is important for investors to understand that a case consists of various complicated and intricate processes. It does not comprise of merely a single 'case' and then everything is resolved. This type of case of billions of Rands is exceptionally large and complicated. Therefore, the legal processes have involved various cases incorporated within one case. This is called interlocutory matters. The HSAG Steering Committee believes that we have already progressed considerably in this process. We therefore believe that this matter will appear in the High Court as soon as possible. If we are

indeed successful in the High Court once more, then Georgiou will probably appeal. If he is granted leave to appeal then we will advance to the Supreme Court of Appeal. At the previous occasion Georgiou had to withdraw his appeal with costs against him. The fact that there are so many variables in this matter means that we cannot predict how long such a process will take. We are also aware of the fact that the courts are currently (due to Covid-19) behind with their normal administrative tasks. Judge Tolmay did however in her certification judgment in the CCAF-matter hold that our matter should be dealt with in an accelerated manner. As such, the HSAG Steering Committee trusts that our matter will be seen as a priority due to the fact that there are thousands of senior citizens involved. With the CCAF-matter we trust that we will be in the High Court before the end of the year and in the HS 15-22 matter we trust that we will conclude with the certification of the group before the end of the year.

The HSAG Steering Committee is still as positive about the merits of the case as they were at the start of this process and we can assure you that we have made a lot of progress in the past 2 or 3 years. Investors should however understand that the case and the process is unfortunately complicated and time-consuming which has contributed towards the case being stretched out. We would have liked to have concluded this matter a long time ago but unfortunately there are very wealthy persons who are doing everything in their power to drag this process out. The prosecution authority is also investigating criminal charges.

In our next issue we will aim to discuss meetings with case managers, recent court proceedings, timetables for filing as well as an application brought by Jacques du Toit.

3. WHY IS THERE REGULAR REFERENCE IN THE NEWSLETTERS TO PAYMENT OF COSTS?

This query is naturally raised especially by members who are paid up. The question is justified seeing as it seems as if we are preaching to the converted. The fact of the matter is that there are numerous members who cannot consistently contribute and are far behind on their payments. This leads to members who are up to date with their payments and who contribute, having to read the same message in the newsletters as those who are not. Every member whose email address is already known to the Steering Committee, gets a monthly newsletter with their personal monthly account statement attached thereto. It is your responsibility to go look at this statement and pay outstanding amounts. It is an enormous task to try and contact every overdue individual personally and for that reason it is included in the newsletter. The inclusion in the newsletter is therefore a plea to overdue investors to cooperate and to pay outstanding amounts. In case you do not want to receive a newsletter or statement of account kindly send an email with your contact details and request to hsactiongroup@gmail.com.

4. THE FUNDING OF THE HSAG AND MATTERS

The attorneys work on their normal fees and not on a contingency basis. In the HSAG there are technically 7 000 individuals but to act for thousands of individuals would cost thousand fold more and defeat the whole objective of a class action, namely where individuals put their resources together to fight the proverbial giant. It is therefore that the HSAG was formed where literally thousands of investors stand together to pursue their claims. During the process the Respondents vehemently tried to derail the cases and destroy the unity amongst the investors and criticize the HSAG group member funding model. The HSAG persisted and at the end the High Court certified the class action against Georgiou and others, as well as the applicants and the legal representatives. The average protectable interest of the more than 18 000 investors is R250 000. This means that each person must individually work out whether the particular course of action is worth following financially.

The HSAG steering committee has always tried to accommodate its members and find ways to offer relief in one way or the other, since the litigation has been funded by its own members against the Respondents. Since 2017 a fixed yearly contribution was charged. If calculated in today's terms, it would be a meagre R1 450. Besides that, the legal team and Steering committee tried to assist those members with lower claims and every year (with the exception of last year) members with smaller claims have been exempted to pay this contribution, despite the fact that those members make out a large portion of the HSAG and also despite the fact that less people were able to contribute towards the required amount. Further to this, a trial levy that was charged was more in proportion with the total investments that the HSAG members had in the Highveld Syndication companies. A yearly contribution of R 2 000 only amounts to about 20 minutes of a senior counsel's hourly tariff while the attorneys have not been paid in full for years, shows the dedication and passion with which the HSAG legal team and steering committee handles this case. Given the challenges that are being faced, the circumstances of investors as well as billions of Rands that were paid by HS investors without receiving any value back, the HSAG has to work sparingly with the money that it receives from its members.

5. HS 21 & 22 ("CCAF") REQUESTS RECEIVED FROM INVESTORS

The HSAG's legal team, administrative personnel as well as liaison officers, occasionally receives requests, mostly from Opt-in CCAF members, to be removed from the HSAG's email list due to the fact that they no longer want to receive monthly statements from the HSAG (even though they are at the same time not paid-up members of the HSAG). Investors in the HS 21 & 22 companies, who are also members of CCAF, must understand that they still have an interest in the HSAG as their claims also form part of the HS 15-22 derivative action which is managed by the HSAG.

If investors are removed from the email list, they will only be able to read the newsletter on the HSAG's website: www.hsaction.co.za. This will also lead to various members being unsure of whether they are paid up members of the HSAG. However, the newsletters are an important communication medium and we trust that members also see it in the same light.

Paid up members may ignore the attachments to the newsletter as they are paid up to date.

6. DO I HAVE TO RELINQUISH A PERCENTAGE OF MY CLAIM IF THE CLASS ACTION IS SUCCESSFUL?

No, this has to be agreed upon first and is not necessary at the moment.

In South Africa there is legislation which provides that a lawyer may act on a contingency fee basis and may charge up to double his normal fees or a maximum of 25% of the claim, whichever amount is the lowest. If a client and attorney wish to act on a contingency fee basis, a written contingency fee agreement that complies with certain legal requirements must be concluded between the parties.

Due to the large number of the HS investors / prospective claimants that register as claimants, it is not necessary to act on a contingency fee basis at this stage, since every investor only needs to pay a fraction of the legal costs.

The average size claim of individual Investors / prospective claimants will amount to approximately R250 000. If there is to be acted on a contingency fee basis, it would mean that a maximum of R62 500 plus VAT and expenses may be recovered by the attorney from each individual plaintiff. Ultimately, this means that a maximum of between R70 000 and R80 000 will be expended on legal fees per investor. Currently, only R2 000 per individual investor / claimant (and not per syndication) is required annually (notwithstanding the decreasing number of active HSAG members) and fees and expenses are charged at the normal attorney and client rates charged from time to time.

7. HOW MUCH IS THE LEGAL COSTS OF THE HSAG?

According to our records it is evident that since the inception of the HSAG on 5 August 2014 there has been an average of approximately R2 500 per person per year (for two years) requested for registration and legal costs from HSAG members. In 2021 it is, notwithstanding numerous challenges and shrinking numbers, only R2 000 per year. This amounts to approximately R5 per day per person even though a lot of HSAG members are passive and do not contribute. Without the contributions of HSAG members we will not be able to pursue the case any further and it is therefore important that members motivate each other positively.

8. ANNUAL CONTRIBUTION – 2021

Unfortunately, we have to touch on this subject at the beginning of each year.

At their monthly meeting in January 2021, the HSAG Steering Committee indulgently decided that the annual contribution to legal and administrative costs for 2021 will remain unchanged after six years of litigation and that an amount of R2 000,00 per investor will be charged. This requisition takes place automatically and can now be expected. The amount of R2 000,00 in respect of legal and administrative costs will therefore appear on your statement. In order to successfully handle the HSAG case, we kindly request that you pay the annual contribution as soon as possible.

Member contributions are of utmost importance as the HSAG uses a Group Members Funding Model, which means that the HSAG members fund all the legal and administrative costs. It also means that the legal team only charges their ordinary fees and does not receive double or even a percentage of the HSAG plaintiffs' or members' claims, as is the case when lawyers work on a contingency basis. Thanks to the number of HSAG members in recent years and if this model is successfully sustained, the total claimed amount plus interest and costs could be claimed by HSAG members. The amounts paid by HSAG members to advance their claims of a total of several billions of Rands is nominal in relation thereto.

The vast majority of HSAG members prefer to make their contributions annually and the HSAF therefore attempted to request such once-off annual payment at the beginning of each year. Due to Covid-19 and other practical considerations, this was not possible in 2020 and consequently a requisition was loaded in July 2020. However, as in the past, R2 000 will be required in order to provide the HSAG with the necessary funds to pursue the litigation against the persons who played a leading role in the collapse of the HS companies with the goal to hold them accountable.

The R2 000 request for 2021 is payable by all HSAG members with investments in HS 15-22.

The HSAG contributions are not contributions towards the CCAF. The contributions discussed in this newsletter are for HSAG members only and we will once again strive to provide credit for those that are paid up. Please note that the Court has made it clear that syndications other than HS 21 & 22 may not fund the CCAF case.

The HSAG does not work on a financial book year as with businesses and contributions are made due to practical considerations, within a calendar year. The majority of members pay within 2 to 3 months and it will be appreciated if this can still be the case and that the 2021 fees will consequently be paid up to date as soon as possible.

The 2021 requisition will be loaded onto members' statements until 22 February 2021. Therefore, if a requisition does not appear on your statement this month, it will appear on your statement next month. If that is not the case kindly inform us immediately.

9. EXEMPTION FROM HSAG CONTRIBUTION – 2021

The HSAG management can gladly announce that there will be relief for certain HSAG members with regard to the yearly requisition for 2021. HSAG members who have made a total investment of R60 000 or less in the HS companies have been exempted from the February 2021 HSAG administrative and legal costs. It is important to note that the exemption only applies to the February 2021 requisition and that any other overdue requisitions are therefore still payable. No registration, administrative or legal fees are refundable.

However, the 2021 exemption will not automatically be awarded to investors. As in the past, HSAG members will have to request the exemption in writing, via email. This request should be sent to hsenquiries@gmail.com and will only be approved if a member has been paid up in full up until February 2021.

10. IMPORTANT: USE OF THE CORRECT EMAIL ADDRESSES!

The correct use of e-mail addresses (as stipulated 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 and obligatory. Failure to comply herewith may lead to unnecessary delays or any reply at all.

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;
- **hsagstates@gmail.com** for all estate related questions.

The official and existing e-mail addresses for CCAF (HS 21 & 22 certified class action) are as follows:

- **accounts@ccaf.co.za** for proof of payments
- **admin@ccaf.co.za** for the official request to pay registration fees over 6 months - form
- **enquiries@ccaf.co.za** for all other CCAF questions and enquiries

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. If you do not wish to receive any further emails, please inform us thereof in writing.

11. **IMPORTANT GENERAL TERMS AND CONDITIONS**

The general and repetitive terms, conditions and other general information that was previously contained in the Newsletter, is now available on the HSAG website at www.hsaction.co.za and can directly be accessed via the following link: <http://hsaction.co.za/wp-content/uploads/2020/01/HSAGTsCs.pdf>

The HSAG Steering Committee wishes prosperity and success to each and every member for the foreseeable future.

Kind regards

HSAG Steering Committee

Contact the HSAG's attorneys at:

Tel: (021) 887 7877

hsactiongroup@gmail.com