



\*AFRIKAANS HIERBO\*

**MONTHLY NEWSLETTER: SEPTEMBER 9.4 2022**

**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](mailto: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](http://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 INTRODUCTION
- 2 SPECIAL TRIAL LEVY: DECA CASE
- 3 LETTER TO DEPUTY JUDGE PRESIDENT LEDWABA
- 4 PROGRESS IN THE DECA MATTER
- 5 GENERAL ENQUIRIES
- 6 IMPORTANT: USE OF CORRECT ACCOUNT NUMBERS AND REFERENCES
- 7 IMPORTANT: USE OF THE CORRECT EMAIL ADDRESSES!
- 8 IMPORTANT GENERAL TERMS AND CONDITIONS

## **1 INTRODUCTION**

We are once again moving to the inside lane of the track, to obtain directives from the case manager, Judge Janse van Nieuwenhuizen, regarding the further conduct of the case in order to obtain a trial date. The setting aside of the Section 155 Scheme of Arrangement case has, in the meantime been escalated to the offices of the Deputy Judge President of the Pretoria High Court, in order to receive a directive from him of the transfer. Both electronic, as well as hard copies have been delivered and we have received confirmation of receipt.

If successful, the setting aside application will then form part of the upcoming DECA hearing, for which the recent Special Trial Levy was requested.

We strongly encourage all members, once their statements show the correct trial levy amount, to pay said levy without delay, as this will equip the HSAG, its legal team and advocacy as best possible to drive the case to trial. It may all sound cumbersome, but it is a necessary and all-important element of a successful conclusion of the case.

As referred to below, we experienced technical issues that resulted in incorrect items on members' statements, but those issues have since been rectified and you will be provided with the correct amounts on your statements within the next few weeks. At the insistence of some HSAG supporters, however, we provided an oversimplified estimate in previous newsletters, whereby members could get a rough idea of what their Special Trial Levy (STL) would be, but once you see the new amount on your next statements, the corrected amount will appear, according to which, if necessary, adjustments will be made. If you have any queries, please see the contact details below.

## **2 SPECIAL TRIAL LEVY: DECA CASE**

Following the Special Newsletter of last week, 16 September 2022 (9.3), in which the HSAG explained that an error by external auditors had crept in while loading the

statements with the trial levy, we would like to inform investors that the problem has been systematically resolved and the sending of the correct statements can now continue. The erroneous Special Trial Levy items that still appeared as "STL" on the previous statements are now in the process of being replaced by the correct items.

We trust that with the mailing of the next newsletter, the vast majority of statements will show the correct amount for the trial levy. The error resulted in the wrong item being posted next to your investment value. The correct statement can therefore show either a higher or a lower levy amount than the one that currently appears. If it shows the same amount, it is either correct, or you need to look specifically at the investment value next to the STL to verify. In our previous special newsletters, we provided an oversimplified formula in which investors can see at a glance, roughly, what the STL can amount to. However, the correct figure is the one that will eventually appear on your statement. If you have any queries, or the amount is not in accordance with your investment, you can contact either the HSAG PR officers or the office.

If you also have not received a trial levy on your statement by 31 October 2022, you can send an email to the office at [hsagenquiries@gmail.com](mailto:hsagenquiries@gmail.com), in order to receive the amount of your special trial levy, after which your amount can be paid. In the e-mail you send and make payment, please mention your full name, ID number, as well as the total amount you have invested in HS15-HS 22. The HSAG legal team will then reply to you by return email and notify you of the levy that will appear on your statement. Your payment reference must follow the following format: your initials, surname and HS numbers (syndications in which you have invested), 22STL. Ex: J SMITH 22 STL.

Furthermore, the HSAG wants to draw members' attention to the fact that this trial levy is based on all participating HSAG members who have invested in those syndications, but the members' levy is still not individual per syndication. The trial levy is based on the total amounts invested by them in one or more of the eight different syndications.

Based on fairness and many requests made by members over the years (with especially claims smaller than R250 000), the trial levy was calculated pro rata to their investments. The base levy for members with claims smaller than R60 000 is R500.00. Between R60 000 and R100 000 is R1 000 and above R100 000, with increments of R500 per R100 000 investment. The average claim amount is R250 000 and such a person will therefore have a trial levy of R2 000 which is only a fraction of his claimed amount. The levy amount for persons with higher claims will be incrementally higher, but form an even smaller percentage of the claim amount.

We thank all members in advance for their recent and continued support to end the losses they have suffered with their investments in the failed HS15-22 companies.

### **3 LETTER TO DEPUTY JUDGE PRESIDENT LEDWABA**

The transfer saga of the setting aside of the Section 155 scheme has in the meanwhile been escalated to Deputy Judge President Ledwaba of the Gauteng seat of the High Court and our petitioning letter has now been addressed and sent to him.

In this letter, we once again request that the setting aside application, which is currently before the South Gauteng High Court in Johannesburg, be transferred to the North Gauteng High Court in Pretoria. The transfer had already been approved by Judge Weiner of the South Gauteng High Court, and was then presented to Judge Janse van Nieuwenhuizen of the North Gauteng High Court, who referred us to the Deputy Judge President of her division.

We sent above-mentioned letter electronically, but the Deputy Judge President also requested a hard copy, after which we instructed our correspondents attorneys to deliver it. The opposition is included in such a process.

We are now waiting and watching our e-mails while we wait for a speedy reply.

#### **4 PROGRESS IN THE DECA MATTER**

In recent times, the HSAG's legal team has continued to keep the ball rolling to complete the DECA cases' various pre-trial formalities in order to obtain a trial date.

This includes serving a Notice of Motion for Condonation, a Rule 28 and a confirmatory affidavit - all documents in the Funding Application. The Notice of Motion for Condonation is brought by us and we ask that the court accept the late filing of both our Affidavits due to Mr. DP Cohen's inaction in replying to court papers served on him. Rule 28 requests an amendment of the original Particulars of Claim and the confirmatory affidavit is merely supplementary to the founding affidavit and opposition, thereof which has already been issued and is before the Court.

#### **5 GENERAL ENQUIRIES**

Over time, several HSAG members objected to the long statements that the HSAG sends out every month. The problem many people have is that not only does it take additional data to download, but it also wastes extra typing paper each month by printing it out. August 2022 is consequently the last month that an entire history of the statements will appear. From September, at most, only the usual 120-day statements will appear. Members who wish to view their full statement can send the HSAG an e-mail at [hsagenquiries@gmail.com](mailto:hsagenquiries@gmail.com)

A query we often receive is regarding the transfer of the shares, after the death of a loved one. We would like to remind you that this is done by Orthotouch. It is the company that handles the transfer of the shares and it is only after we have received a document from them indicating that the shares have been transferred to a new name that we can change them on our system. We are also aware of the fact that it is in Business Rescue - however,

this should have no impact on their work performance and we ask that everyone contact them on this email: [admin@orthotouch.co.za](mailto:admin@orthotouch.co.za)

Over the years, some people's claims have increased to an amount greater than the initial investments invested in the Highveld Syndication, due to the fact that, among other things, they inherited investments from their parents. Members must make sure that they provide documents and certificates that prove the transfer, as they will eventually be needed to prove the increased claim amount. At this stage we accept people's value of their investment based on their written evidence.

## **6 IMPORTANT: USE OF CORRECT ACCOUNT NUMBERS AND REFERENCES**

Requisitions must be paid by members into the correct accounts with the correct reference number attached. The time, effort and administration it costs the HSAG's legal team to correct any erroneous payment leads to the HSAG case becoming unnecessarily expensive.

Account numbers and references are affixed to each statement and we request that members please review their statements carefully when making payments.

## **7 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, payments incorrectly made to HSAG, incorrect references 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;

**hsagestates@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, incorrect references on proof of payments

**admin@ccaf.co.za** for the official request to pay registration fees over 6 months form, payments incorrectly made to CCAF

**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.

## **8 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](mailto:hsactiongroup@gmail.com)**