

**INSOLVENT ESTATE: JULIAN SHAUN FILANDER (IDENTITY NUMBER : 861014 5067 08 6) &
LOLITA FILANDER (IDENTITY NUMBER : 911103 0248 08 8)
MASTER'S REFERENCE NUMBER: C822/2023**

REPORT of the Trustees, CHAVONNES BADENHORST ST CLAIR COOPER and RYNETTE PIETERS to be submitted at the Statutory Second Meeting of Creditors, convened to be held before the Presiding Officer, Magistrates Court, Bellville on Friday, 3 May 2024 at 11h00.

The above-mentioned estate was placed in provisional sequestration by an order of the Western Cape High Court, Cape Town on 6 September 2023. The final Sequestration Order was granted on 30 November 2023. We were appointed Provisional Trustees by the Master of the High Court, Cape Town, on 19 December 2023 and Trustees on 13 March 2024, the relevant Certificates of Appointment are dated accordingly.

The First Meeting of Creditors was held before the Presiding Officer, Magistrates Court, Bellville on Friday, 8 March 2024. Three claims were proved at the said meeting.

The Insolvent/s did not furnish the Trustees with the completed STATEMENT OF DEBTORS AFFAIRS only parts of the document.

REPORT

We are now to report more fully in terms of Section 81 of the Insolvency Act No. 24, of 1936, as amended, as follows:

SECTION 81(a) – ASSETS AND LIABILITIES

ASSETS:

IMMOVABLE ASSETS:

ERF 16764 BELLVILLE

HELD BY TITLE DEED T35704/2020

KNOWN AS 25 AARON FIGAGI STREET, BELLVILLE

(subject to Mortgage Bond with Absa Bank) as per valuation

R 1 160 000.00

MOVABLE ASSETS:

TOYOTA HILUX 2.4 GD-6 RB RAID A/T P/A D/C

(subject to Instalment Sale Agreement with MFC)

As per Valuation

R 250 000.00

Shortfall

R 1 095 490.74

TOTAL

R 1 410 000.00

LIABILITIES

Secured Creditors

ABSA BANK LTD

(Mortgage Bond)

R 1 560 981.48

MFC, A DIVISION OF NEDBANK LTD

R 511 165.66

Preferent Creditors

SARS

unknown

Concurrent Creditors

Kyle Brent Williamson (Applicant Creditor)

R 1 000 000.00

Various Creditors known to the Trustees (see notes)

R 433 343.60

TOTAL

R 3 505 490.74

NOTES:

To date the Insolvents have not furnish the Trustees with a completed STATEMENT OF DEBTORS so the information surrounding other assets cannot be confirmed and also the detailed list of Creditors.

COMMENTS ON ASSETS

The only assets vesting in the Insolvent Estate is a Vehicle subject to an Instalment Sale Agreement with MFC and a immovable property subject to a Mortgage Bond with Absa Bank.

SECTION 81(b) : CAUSES OF INSOLVENCY

The application for Sequestration was lodged by a Creditor and Former Business Partner to Mr Filander, the Insolvent denies owing the money and if a claim were to be lodged by the Applicant Creditor same will need to be investigated in terms of Section 45(3) of the Insolvency Act, the Insolvent also incurred major debt with other Creditors who could not meet the monthly obligation for regular payments.

SECTION 81(c) : BOOKS AND RECORDS

The insolvent did not personally trade and was therefore not required to keep books and records as contemplated by Section 134 of the Insolvency Act.

SECTION 81(d) : CONTRAVENTIONS AND OFFENCES

We are not aware of any contraventions of the Insolvency Act, or any other offences that the insolvent may have committed except for providing the Trustee with the completed STATEMENT OF DEBTORS AFFAIRS from both Insolvents who were married in community of property.

SECTION 81(e) : SUBSISTENCE ALLOWANCE

No allowance has been made to the insolvent in terms of Section 79 of the Insolvency Act, nor has he requested any such allowance.

SECTION 81(f) : BUSINESS CARRIED ON BEHALF OF THE ESTATE

No business was carried on, on behalf of the estate.

SECTION 81(g) : LEGAL PROCEEDINGS

We have no knowledge of any legal proceedings pending by or threatened against the estate as at date of sequestration other than for the normal recovery of debt.

SECTION 81(h) : CONTRACT FOR THE ACQUISITION OF IMMOVABLE PROPERTY AND LEASES

No notice has been served on me in terms of Section 35 of the Insolvency Act and the insolvent was not as far as we are aware, a party to any contract for the purchase of immovable property interrupted by insolvency, nor was he a party to any lease that we aware of.

SECTION 81(i) : DIRECTIONS TO CREDITORS

Draft resolutions are submitted with this report and creditors are requested to adopt these resolutions to enable me to bring the winding up of the estate to a conclusion.

We confirm that at this stage it is unclear if a danger of contribution may exist

Dated at Bloemfontein this 17 day of April 2024

.....
CB ST CLAIR COOPER
(Trustee)

Dated at Stellenbosch this 30th day of April 2024

R Pieters
.....
R PIETERS
(Trustee)