



IN THE HIGH COURT OF SOUTH AFRICA

(EASTERN CAPE DIVISION, GQEBERHA)

On TUESDAY, the 01<sup>ST</sup> day of NOVEMBER 2022

BEFORE the Honourable Mr Justice MAKAULA

**Case No: 3106/2022**

In the *ex parte* application of:

**CHAVONNES BADENHORST ST CLAIR COOPER N.O**

**1<sup>ST</sup> APPLICANT**

**AVIWE NTANDAZO NDYAMARA N.O**

**2<sup>ND</sup> APPLICANT**

**IN RE:**

**HEINEMAN TRUST , IT 70/2001 (E)**

**IN SEQUESTRATION**

**MASTERS REFERENCE: S27/2022**

**MASTER OF THE HIGH COURT, GQEBERHA**

**RESPONDENT**

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Having heard Advocate Morris, Counsel for the Applicants and having read the papers filed on record

**IT IS ORDERED THAT**

1. The Applicants, insofar as may be required, be authorised to institute these proceedings in their capacities as the appointed Trustees of HEINEMAN TRUST,

IT70/2001(E) (In Sequestration) with Master's reference number S27/2022 (hereinafter referred to as "the Trust") in terms of Section 18(3) of the Insolvency Act 24 of 1936 ("the Act").

2. It is declared in terms of the provisions of Section 18(3) of the said Act that all the property, immovable and movable (including rights of actions) belonging to the Trust, shall vest in the Applicants, the Trustees in their official capacity and that the Applicants are authorised to bring or defend in their official capacity, any action or legal proceedings relating to the property of the Trust.
3. The powers of the Applicants be extended to include the following:
  - 3.1 To bring or defend in the name and on behalf of the Trust any action or other legal proceedings of a civil nature;
  - 3.2 To agree any reasonable offer of compensation made to the Trust by any debtor and to accept payment of any part of a debt due to the Trust in settlement thereof or to grant an extension of time for payment of such a debt;
  - 3.3 To make any arrangements of creditors of the Trust including creditors in respect of unliquidated claims.
  - 3.4 To compromise or admit any claim or demand against the Trust, including an unliquidated claim.
  - 3.5 To appoint legal advisors and forensic auditors, if necessary, to assist the Applicants in the exercising of their duties of taking appropriate legal action and to conduct forensic investigations into the affairs of the Trust, if found necessary.

- 3.6 To enter into a fee agreement with attorneys and counsel and forensic auditors, and/or other professional services reasonably required by the Trustees in the execution of their duties.
- 3.7 To carry on or discontinue any part of the business of the Trust insofar as it may be necessary for the beneficial winding-up thereof.
- 3.8 To exercise the same powers as are permitted by Section 35 and 37 of the Insolvency Act, No. 24 of 1936, conferred upon a trustee under the Act, on the like terms and conditions as are therein mentioned.
- 3.9 To sell any business of the Trust as a going concern, alternatively any movable and immovable property of the Trust by public auction, public tender or private contract and to give delivery thereof, subject to confirmation by the Master of the High Court.
- 3.10 To perform any act or exercise any power for which the Trustees are not expressly required by the Act to obtain the leave of the Court.
4. Those costs of this application, be costs in the sequestration

**BY ORDER OF COURT**

**BESTER ATTORNEYS**



**R ABRAHAMS (MS)**  
**REGISTRAR**

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
EASTERN CAPE PROVINCE DIVISION,  
PORT ELIZABETH

Private Bag X1, Port Elizabeth 6000

2022 -11- 04

ECLD-PF-005

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
EASTERN CAPE PROVINCE DIVISION,  
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