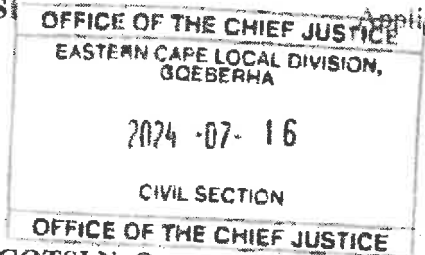


**IN THE HIGH COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION, GQEBERHA)**

Case No. **2604/2024**

In the matter between:

**ROBERT MOSES MAGOTSI**



Applicant

And

**BEVERLY MANYUSIA MAGOTSI N. O**

First Respondent

In her capacity as the Trustee for the Time Being  
for the MAGOTSI FAMILY TRUST IT 0066/2011

**MONICA SAAYAM N. O**

Second Respondent

In her capacity as the Trustee for the Time Being  
for the MAGOTSI FAMILY TRUST IT 0066/2011

**HISTOTO INTERNATIONAL CONSULTING CC**

Third Respondent

Registration No. 2008/211920/23

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**NOTICE OF MOTION**

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**BE PLEASED TO TAKE NOTICE** that an Application will be on behalf of the above Applicant on **TUESDAY, 30 JULY 2024 at 10h00** or as soon thereafter the matter may be heard for an order in the following terms:

1. That the estate of the Magotsi Family Trust IT 66/2011 is placed under provisional sequestration.
2. That the third respondent is placed under provisional liquidation.
3. That a rule nisi be issued, calling upon the respondents and all interested parties to show cause, if any, on date to be determined by this Honourable Court as to why:
  - 3.1 a final sequestration order should not be granted;
  - 3.2 a final liquidation order should not be granted; and
  - 3.3 the costs of the application, should not be costs in the sequestration and liquidation.
4. That service of the Order to the Respondents (Magotsi Family Trust IT 66/2011 and Histoto International Consulting CC Reg No. 2008/211920/23) trustees for the time being and be effected as follows:
  - 4.1 by way of electronic transmission at the email address [bwatile@gmail.com](mailto:bwatile@gmail.com) [bervely@histoto.co.za](mailto:bervely@histoto.co.za) / [monica.saayman@momentum.co.za](mailto:monica.saayman@momentum.co.za) ; and

4.2 by way of electronic transmission to Nicole Lawrence Inc at the email address [info@nicolelaw.co.za](mailto:info@nicolelaw.co.za).

5. That service of the Order be effected on as follows:

5.1 The South African Revenue Service by the Applicant correspondent attorney on record;

5.2 The Master of the High Court, Gqeberha via electronic transmission to the Assistant Master- Ms van Staden at the email address [yvstaden@justice.gov.za](mailto:yvstaden@justice.gov.za); and

5.3 By electronic transmission to all known creditors of more than R10,000.00 (Ten Thousand Rand).

6. Further, and/or alternative relief court deems fit.

**TAKE NOTICE FURTHER** that the Founding Affidavit of **ROBERT MOSES MAGOTSI** together with annexures thereto, shall be used in support of this application.

**TAKE FURTHER NOTICE** that the applicant has appointed the office of **MPHAHLWA & CO. INC** 6<sup>th</sup> Floor, Hycastle House, 58 Loop Street, Cape Town c/o **Z NGQEZA ATTORNEYS**, Suite 10, Adderley Arcade Building, 701 Govan Mbeki Avenue, North End, Gqeberha.

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

- a. To notify applicant's attorney in writing **within 5 days** following receipt of service hereof;
- b. And **within 15 days** after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any;
- c. Appoint in your Notice of Opposition an address **within 15 km** of the office of the Registrar of the Court at which you will accept notice and service of all documents, as well as your postal, facsimile or electronic mail address:

**AND TAKE FURTHER NOTICE** that in terms of Rule 6(5)(b) all further process in this matter (which need not be served on the Applicant personally) will be accepted by electronic transmission at the email address [mpahlwaco@gmail.com](mailto:mpahlwaco@gmail.com) / [zngqezaattorneys@gmail.com](mailto:zngqezaattorneys@gmail.com)

**KINDLY PLACE THE MATTER ON THE ROLL ACCORDINGLY.**

Dated at **CAPE TOWN** on this the **12<sup>th</sup>** day of **July 2024**.

**MPHAHLWA AND CO INC.**

p.p.

6<sup>th</sup> Floor, Hycastle House

No. 58 Loop Street

**CAPE TOWN**

Tel: 076 390 3219

E: [mphahlwaco@gmail.com](mailto:mphahlwaco@gmail.com)

**C/O: Z NGQEZA ATTORNEYS**

Suite 10 Adderley Arcade Bldg

710 Goven Mbeki Avenue

Northend

**GQEBERHA**

Cell: 064 547 3625

E: [zngqezaattorneys@gmail.com](mailto:zngqezaattorneys@gmail.com)

**TO: THE REGISTRAR**

2 Bird Street

**GQEBERHA**

**AND TO: MAGOTSI FAMILY TRUST IT 66/2011**

**AND TO: HISTOTO INTERNATIONAL CONSULTING CC**  
(Reg No. 2008/211920/23)

**AND TO: THE TRUSTEES FOR THE TIME BEING**  
**BEVERLY MAGOTSI & MONICA SAAYMAN**

1<sup>st</sup> Loch Road

Park Estate

**RONDEBOSCH**

Email: [bwatila@gmail.com](mailto:bwatila@gmail.com) /

[monica.saayman@momentum.co.za](mailto:monica.saayman@momentum.co.za)

**C/O:** **NICOLE LAWRENCE INC**  
Spaces Building  
Email: [info@nicolelwa.co.za](mailto:info@nicolelwa.co.za)  
Cell: 071 456 9106

**AND TO:** **THE MASTER OF THE HIGH COURT, GQEBERHA**  
523 Govan Mbeki Avenue  
Cnr Crawford & Govan Mbeki Avenue  
North end  
**GQEBERHA**  
Email: [vstaden@justice.gov.za](mailto:vstaden@justice.gov.za)

**AND TO:** **SOUTH AFRICAN REVENUE SERVICES**  
Winston Ntshona Street  
Sanlam Building  
Central  
**GQEBERHA**

**AND TO:** **INVESTEC BANK LTD**

**C/O:** **PEPLER O'KENNEDY**  
Unit 401, Tygervalley Health Care  
43 Old Oak Road  
**BELLVILLE**  
(Ref: INV10/0362/R O'Kennedy)  
Tel: 021 204 0950  
Email: [rick@po.legal](mailto:rick@po.legal) [chantal@po.legal](mailto:chantal@po.legal)

7



Mphahlwa & Co. <mphahlwaco@gmail.com>

**R.M Magotsi v B.M Magotsi N.O & Others (Case No. 2604/2024)**

4 messages

Mphahlwa & Co. <mphahlwaco@gmail.com>

Fri, Jul 19, 2024 at 3:07 PM

To: bwatila@gmail.com, "monica.saayman@momentum.co.za" <monica.saayman@momentum.co.za>, info@nicolelaw.co.za, vstaden@justice.gov.za

Cc: Rick O'Kennedy <rick@po.legal>, Chantal Wiese <chantal@po.legal>, "nhope@tidybooks.co.za" <nhope@tidybooks.co.za>, collections13@shpx.co.za

Dear All,

The above matter refers.

For your records find the attached application for your perusal.

This service is in terms of Rule 4(1)(aA).

Warm regards,

 RMM Seq Applic.pdf

Chantal Wiese <chantal@po.legal>

Fri, Jul 19, 2024 at 3:29 PM

To: "Mphahlwa & Co." <mphahlwaco@gmail.com>, "bwatila@gmail.com" <bwatila@gmail.com>, "monica.saayman@momentum.co.za" <monica.saayman@momentum.co.za>, "info@nicolelaw.co.za" <info@nicolelaw.co.za>, "vstaden@justice.gov.za" <vstaden@justice.gov.za>

Cc: Rick O'Kennedy <rick@po.legal>, "nhope@tidybooks.co.za" <nhope@tidybooks.co.za>, "collections13@shpx.co.za" <collections13@shpx.co.za>

Dear Sir,

Your E-mail under reply refers.

It appears that every second page of the scanned document is illegible.

Kindly provide us with a clearer copy as a matter of urgency.

Regards

RICK O'KENNEDY

**O'KENNEDY**

Partner

7/24/24, 3:37 PM

Gmail - R.M Magotsi v B.M Magotsi N.O & Others (Case No. 2604/2024)

8

# PEPLER

Attorneys & Notaries

T +27 21 204 0950 | C +27 82 824 5743 | E rick@po.legal | www.peplerokennedy.co.za

Unit 401 | Tygervally Health Care Building | 43 Old Oak Rd | Tygervally | Bellville | 7530

PO Box 5460 | Tygervally | 7536

[Quoted text hidden]

Mphahlwa & Co. <mphahlwaco@gmail.com>

Fri, Jul 19, 2024 at 3:46 PM

To: Chantal Wiese <chantal@po.legal>

Cc: "bwatila@gmail.com" <bwatila@gmail.com>, "monica.saayman@momentum.co.za" <monica.saayman@momentum.co.za>, "info@nicolelaw.co.za" <info@nicolelaw.co.za>, "vstaden@justice.gov.za" <vstaden@justice.gov.za>, Rick O'Kennedy <rick@po.legal>, "nhope@tidybooks.co.za" <nhope@tidybooks.co.za>, "collections13@shpx.co.za" <collections13@shpx.co.za>

Dear Chantal,

We refer to our telecom conversation, a few minutes ago.

We received the documents from our correspondent as they appear, we have requested the original documents to be couriered to us. So that we can scan and make legible copies.

In the meantime we will be providing an unsigned affidavit by our client, so that you can follow the application.

We sincerely apologize for this inconvenience caused by ineligible documents.

Warm regards,

[Quoted text hidden]

 Found Affid final.pdf  
178K

Mphahlwa & Co. <mphahlwaco@gmail.com>

Wed, Jul 24, 2024 at 3:33 PM

To: bwatila@gmail.com, monica.saayman@momentum.co.za, info@nicolelaw.co.za, Chantal Wiese <chantal@po.legal>  
Cc: Rick O'Kennedy <rick@po.legal>, "nhope@tidybooks.co.za" <nhope@tidybooks.co.za>, "collections13@shpx.co.za" <collections13@shpx.co.za>, vvanstaden@justice.gov.za

Dear Colleagues,

We refer to our previous communication with Ms Wiese.

We managed to receive the documents from our correspondent attorneys.

Find a legible set of the application.

Warm regards,

 Magotsi R.M v MFT & Histoto (Case No. 2604-24).pdf

[Quoted text hidden]

**IN THE HIGH COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION, GQEBERHA)**

Case No.

*2604 / 2024*

In the matter between:

**ROBERT MOSES MAGOTSI**

Applicant

And

**BEVERLY MUNYASIA MAGOTSI N. O**

First Respondent

In her capacity as Trustee for the Time Being  
of the Magotsi Family Trust, IT No. 0066/2011

**MONICA SAAYMAN N. O**

Second Respondent

In her capacity as Trustee for the Time Being  
of the Magotsi Family Trust IT No. 0066/2011

**HISTOTO CONSULTING INTERNATIONAL CC**

Third Respondent

(registration number: 2008/211920/23)

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**FOUNDING AFFIDAVIT**

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T.m

*RMM*

I, the undersigned.

**ROBERT MOSES MAGOTSI**

Do hereby oath and state that:

1. I am an adult male engineer and trustee of the Magotsi Family Trust (the "Trust") residing at 165 Villiers Road, Walmer, Gqeberha, Eastern Province. I am cited as the First Respondent in these proceedings therefore, this affidavit is deposed in my personal capacity.
2. The facts deposed to herein fall within my personal knowledge save where the context indicates otherwise. in which case I believe them to be true for the reasons given.
3. Further, legal contentions in this affidavit are advanced on the advice of my legal representative which advice I verily believe to be based and informed by knowledge and expertise of law.

**APPLICATION**

4. This is hybrid application brought against the Magotsi Family Trust for its sequestration, represented by its Trustees for the Time Being the first and second respondents which will be referred to as "the Trust" in these proceedings and also, the liquidation of the third respondent - Histoto International Consulting CC Reg No. 2008/211920/23 herein after will be referred to as "Histoto".

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R.M.W

4.1 Sequestration of the estate of the Trust on the basis that it is factually insolvent and it has committed an act of insolvency as envisaged in terms of Section 8(e) of the Insolvency Act, 24 of 1936.

4.2 Liquidation of the third respondent "Histoto" on the basis that it is factually insolvent.

## **PARTIES**

5. I am the Applicant in these proceedings.
6. The first respondent is Beverly Munyasia Magotsi N.O in her capacity as the Trustee for the Time Being of the Magotsi Family Trust IT 66/2011 ("the Trust").
7. The second respondent is Monica Saayman N.O in her capacity as the Trustee for the Time Being of the Magotsi Family Trust IT 66/2011.
8. The third respondent is Histoto Consulting International CC ("Histoto") with registration number: 2008/211920/23 a close corporation registered in terms of laws of the Republic with its principal place of business at No. 10 Gleneagles, Tudor Manor, Charlo, Gqeberha, Eastern Cape.
9. Third respondent members interest is one hundred (100) percent owned by the Trust. A printout of CIPC certificate is annexed hereto marked "RM1".

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A.M.M

## **JURISDICTION**

10. The above honourable court has jurisdiction to hear this matter.

10.1 The trust was registered with and administered by the master of this court. A copy of the trust deed is annexed hereto marked "RM2".

10.2 The greater portion of the trust property is situated within this honourable court jurisdiction.

## **BRIEF MATRIX**

11. I am the founder, and trust beneficiary of the Magotsi Family Trust together with Mrs Beverly Munyasia Magotsi "first respondent" and our three minor children.
12. I and the first respondent are currently entangled in divorce proceedings which it would be a fair assessment to term them as acrimonious, such proceedings are pending before Wynberg Regional Court under case no. RCC/WYN1599/2022.
13. As by product of our matrimonial differences and tribulations there has resulted in breakdown of reasonable communication of any sort relating to everything, which adversely impacted the management of the estate resources and trust affairs.
14. During the course of October 2022, after a domestic incident I was locked out of the trust immovable property used as our matrimonial home at 15 Loch Road, Park Estate, Rondebosch, Cape Town.

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15. I lost my digital access code to online banking of the Trust and Histoto (ABSA and FNB online banking) respectively. Which resulted the first respondent having sole access to Trust and Histoto funds.
16. As I was the accounting officer of the trust, until recent interdict granted on 30 May 2024 this will be returned into later; I continued to receive monthly banking statements.
17. On closer scrutiny of the statements, I learned the first respondent as from November 2022, started to transfer trust and Histoto funds directly into her personal bank account and used the funds without any authorisation from the trustees.
18. I was loaning the trust R18,000 per month to cover its financial obligations with Investec Mortgage bond. It is during this period that I stopped loaning monies to the Trust, as the funds I loaned the trust was intended for it to meet its financial obligations towards the Investec Mortgage Bond over the 15 Loch Road, Park Estate, Rondebosch.

#### MAGOTSI FAMILY TRUST

#### **Factual Insolvency**

19. I am a bona fide creditor of the Trust for an undisputed amount of R1.776.743.00 (one million, seven hundred and seventy-six thousand and seven hundred and forty-three rand) plus interest and the trust is factually insolvent. A copy of the trust annu.

R M M

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financial statements for the past nine (9) years, are annexed hereto marked "RM3"  
(i). (ii). (iii). (iv). (v). (vi). (vii). (viii) and (ix).

20. Which debt arose out of various loans advanced plus interest in favour of the Trust for a period over fourteen (14) years.
21. I confirm that I hold no security for claim against the Trust. In addition I am aware it is indebted to Investec and Mrs Magotsi as will be clear from the financials.
22. The loaned monies were utilised by the trust to acquire various immovable properties. the trust asset portfolio is annexed hereto marked "RM4". All other immovable properties owned by the trust are unencumbered and the only property that is encumbered in favour of Investec Bank is the one under judicial notice under case no: WCHC14030/2023.
23. These properties are leased out by the agents for the benefit of the trust and generate a monthly income. a copy of the rental schedule and the Trust ABSA bank statement for the past six months is annexed hereto marked "RM5" and "RM6".
24. This court must take into consideration the monies in this account include Histoto funds, this is will be further explored herein below. A copy of the Trust Ledger compiled by my erstwhile attorneys is annexed hereto marked "RM7".

Tm

RMM

25. There are also rental monies of one property diverted into the first respondent personal account totalling R22,000.00 (twenty-two thousand rand). A copy of the lease agreement to that effect is annexed hereto marked "RM8".
26. As I am still receiving the Trust bank statements, I have perused the same to reconcile the extent the Trust funds were diverted and looted into the first respondent personal account and personal expenses incurred on the corporate accounts. I annex hereto turbulation of funds diverted and personal expenses incurred marked "RM9" and "RM10", inclusively.
27. It would amiss for me not to disclose that there is an interdict in place against me with a return date of the 10 September 2024, granted by the Western Cape Division, Cape Town under case no. 11552 / 2024, interdicting me to partake in any affairs of the trust as the trustee.
28. The said matter came before Cloete J, on urgent roll on the 30 May 2024 and granted an interdict with rule nisi interim order suspending me as trustee pending the finalization of the matter. A copy of the court order is annexed herewith marked "RM11".
29. The aforesaid application was motivated by me instructing the estate agents to stop depositing rental income into the Trust and Histoto bank accounts instead pay it into independent officer of the court Mphahlwa Ndlamhlaba Inc trust account with effect as from April 2023.

T.M

AMM

30. With the leave of this court would seek an indulgence to provide an index and affidavits filed to date at this juncture due to voluminous of the documents, willing to forward the whole application if the court so wishes. I annex hereto an index and notice of motion with founding and answering affidavits hereto marked "RM12", "RM13" and "RM14", simultaneously.
31. On the 31 May 2024, I sent a letter of demand to the first and second respondents recalling my loan plus interest advanced to the trust within 14 days, which has not been satisfied. A copy of the letter of demand is annexed hereto marked "RM15".
32. There was no any communication relating to my demand of any kind, as can be seen from the annexed annual financial statements, the Trust liabilities exceed its assets by R1,539,147.00 and is not able to settle its debts as they are due.
33. This is apparent from the financial statements that the trust has been in deficit for three consecutive years with R615,950 (2022); R941,662 (2023) and R1,539,147 (2024).
34. As can be noted the deficit figure due to un-serviced debts with interest are growing exponentially. The available funds are not sufficient to settle my loan which is due and payable.
35. The trustees for the time being instead of dealing with my demand entered into compromise agreement with Investec to cancel the sale in execution which was to take place on the 21 June 2024. This will be dealt with in more detail here below

### Act of Insolvency

36. On or about the 27 November 2019 Investec Bank caused Mortgage Bond to be registered over the property with Deeds office Cape Town for the sum of R3,805,00.00 (three million, eight hundred and five thousand rand). A copy of the deed of transfer is annexed hereto marked "RM16".
37. Due to diversion of rental income deposited into the trust banking account, the trust defaulted with its bond obligation in favour of Investec of R32,1345.78 (Thirty-Two Thousand, One Hundred and Forty-Five Rand and Seventy-Eight Cents) and as I was no longer supporting it financially.
38. The trust by the 10 January 2023, was in bond instalment arrears of R29,356.23 (twenty-nine thousand, three hundred and fifty-six and twenty-three cents) and mortgage bond arrear of R3,516,691.19 (three million, five hundred and sixteen thousand, six hundred and ninety-one rand and nineteen cents) excluding interest. A copy of the Investec Bank notice in terms of section 129(1)(a) is annexed hereto marked "RM17".
39. I tried to negotiate with Investec on behalf of the Trust to make payment arrangement all attempts were futile. A copy of the email correspondences is annexed hereto marked "RM18".
40. In order for the Trust to meet its financial obligations was depended on me to advance it with loans to meet its financial obligations.

T.M. R.M.M.

41. The bond instalment arrears escalated as they were no being serviced, which prompted Investec to institute foreclosure proceedings against the Trust, to recall its loan account.
42. On the 7 November 2023, Investec obtained judgment against the trust cancelling the mortgage and recalling the bond loan. Investec hold security over the property and has taken judicial notice to sale the property in execution to recover its security.
43. The trust has committed an act of insolvency under section 8 (e) after judgement taken against it by Investec Bank on the 8<sup>th</sup> November 2023, failed to satisfy the debt. A copy of the order is annexed hereto marked "RM19".
44. In order for Investec to satisfy its debt had to obtain directives for sale in execution of the property in auction, a copy of the judicial notice is annexed hereto marked "RM20".
45. I learned from Ms Wiese Investec lawyer that due to settlement arrangement between the trustees for the time being and Investec, the sale in execution was cancelled.
46. It has come to my attention the Trustees for the Time Being and Mrs Magotsi acting on her personal capacity, have entered into compromise agreement which was made an order of court. A copy of the court is annexed hereto marked "RM21".

47. The only way for the Trustees for the Time being to satisfy and comply with the settlement agreement is to encumber and /or realize assets belonging to the Trust and the third respondent.
48. Will turn to deal with aspect relating to the sequestration of the third respondent herein below.

HISTOTO CONSULTING INTERNATIONAL CC

49. I registered the third respondent on 3 October 2008, as a sole member with primary objective to offer specialized engineering and project management as have extensive experience and training in quality systems.
50. Third respondent name was carefully chosen, combining the African and European elements from Swahili and English. "His"- represents the divine provider, while ""- means child, symbolizing this new venture as a divinely inspired creation meant to provide opportunities beyond the confines of traditional employment.
51. This name serves as constant of my theologically education as a pastor and a sense of divine purpose and calling.
52. During late August 2011, Histoto was involved in major projects in the Republic and Zimbabwe providing consultancy services and begun to earn substantial profits. To optimize tax efficiency and create generational wealth for my descendants it was prudent to restructure the ownership structure.

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53. On or about December 2011, I donated my one hundred percent of members interest to the Trust, consequently stepping relinquishing my sole member status. This decision was made in consultation with Mrs Beverly Magotsi (first respondent), as part of a strategy to consolidate family investments and secure a better future for our family. a sole motivation behind the motivation to immigrate from Kenya to the Republic.
54. Histoto's primary revenue streams were derived from consultancy and training services, rendered by me serving as the principal agent. With progress, the business expanded into property investments, funded by loans from me and income derived from services rendered.
55. While this diversification was well-intentioned, it presented challenges as operational and maintenance costs often exceeded the income generated from these properties. A copy of the property profile is annexed hereto marked "RM22"
56. That situation necessitated ongoing financial support from me, which somewhat constrained the financial freedom the business had initially promised to deliver before restructuring.
57. The financial stability of the Trust and Histoto were dependant on my financial contributions to keep them afloat. I annex break down of my financial contributions as from 2016 to present hereto marked "RM23".
58. Therefore-going, is an extrapolation from the annual financial statements of the

T.m

Annex

third respondent dating back from February 2016 to present. I annex the annual financial statements hereto marked "RM24" (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), and (ix).

59. To date Histoto is indebted to me to a liquidated claim of R8,129,284.00 (eight million, one hundred and twenty-nine thousand and two hundred and eighty-four rand) plus interest, which is due and payable.
60. There were no payment terms of payment made, therefore I hold no security for this debt.
61. From the recent annual financial statement compiled in February 2024, depicts the financial position that the third respondent is factually insolvent as its liabilities exceed the assets by R 3,998,345.00 (three million, nine hundred and ninety-eight thousand, three hundred and forty-five rand).

#### **Inability to pay its debts**

62. On the 31<sup>st</sup> May 2024, I issued a letter recalling loan amount in whole advanced to Histoto over the years and demanding payment of such monies within 14 days.
63. The period given to the third respondent had lapsed on the 14 June 2024, and the debt has not been satisfied. I submit the third respondent is unable to pay its debts as they become due. I annex six months bank statement marked hereto "RM24" (i), (ii), (iii), (iv), (v), and (vi).

T-n AMM

64. I submit, based on the material placed before this honourable court in the form of financial report and bank statements, the third respondent is deemed to be unable to pay its debts a demand to pay its indebtedness as served on it and it has failed to pay the debt or to secure or compound it to the reasonable satisfaction of the creditor within three weeks.
65. What we are aware of the Trustees for the Time Being have preferred to enter into compromise agreement with Investec and prefer to prioritise Investec claim over others.
66. Third respondent assets are intrinsically linked to the Investec debt, as it stood as surety for that debt. A copy of the surety agreement is annexed hereto marked "RM26".

### CONCLUSION

67. It will be to the advantage of the Trust and Histoto Creditor's for their estate to be sequestrated and liquidated for the following reasons:

67.1 To realise the assets in an orderly and effective manner;

67.2 To act in the best interest of the body of creditors:

T.M. A.M.M.

- 11
- 67.3 The trustee of the estates may be able to enter into compromise with the creditors who are also the beneficiaries of the trust, as there is no any form of communication between them whom are the majority creditors.
- 67.4 At worst will have to sell the immovable properties to defray the costs and realise the individual properties to the advantage of insolvent general body of creditors.
- 67.5 The trustee will be in a position to investigate the extent of looting of trust funds and to institute proceedings to claim those monies or reduce the debt of the trust beneficiaries by the funds nefariously taken without due process being followed.
68. Due security has been given to the Master of the above Honourable Court for payment of all fees and charges necessary for the prosecution of all sequestration proceedings and all costs of administering the Respondent's insolvent estate until a provisional trustee has been appointed, as will appear from the report of the Master of this Honourable Court which will be filed herewith.
69. I have caused a copy of this application to be lodged with the Master of this Honourable Court as will appear from the Master's report to be filled herewith.
70. In all the circumstances I humbly pray that the above Honourable Court may deem fit to grant an order in terms of the Notice of Motion to which this affidavit is annexed.

T.M.

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71. Due security has been given to the Master of the above Honourable Court for payment of all fees and charges necessary for the prosecution of all sequestration proceedings and all costs of administering the Respondent's insolvent estate until a provisional trustee has been appointed, as will appear from the report of the Master of this Honourable Court which will be filed herewith.
72. I have caused a copy of this application to be lodged with the Master of this Honourable Court as will appear from the Master's report to be filed herewith.
73. In all the circumstances I humbly pray that the above Honourable Court may deem fit to grant an order in terms of the Notice of Motion to which this affidavit is annexed.
74. It is my submission; I have made out a proper case for the relief sought to succeed with costs.



**DEPONENT**

I certify that the deponent has knowledge that he knows and understands the contents hereof, has no objection to same and considers it to be binding in her conscience which was signed and sworn to before me at *walmer SAPS* on the 4<sup>th</sup> day of **July 2024**, and the provisions of regulations contained in the **Government Notice of July 1972** have been complied with.

Tim

RMM

SUID-AFRIKAANSE POLISIEDIENS  
P. O. BOX 5019, WALMER 6065  
2024 -07- 04  
WALMER  
SOUTH AFRICAN POLICE SERVICE

*[Handwritten Signature]*  
573590193  
CST  
T. M. MONTE

COMMISSIONER OF OATHS



Date: 03/10/2008

member of the [unclear] group

Our Reference: 45818162

BACHUS FINANCIAL SERVICES CC  
E-mail: info@bachus.co.za  
PO BOX 70500  
THE BRIDGE  
6032

**RE: Application to Register Close Corporation**

We have received a CK1 from you dated 03/10/2008.

The Close Corporation 'HISTOTO CONSULTING INTERNATIONAL' was successfully registered on our database on 03/10/2008. Your reference number will be 2008/211920/23.

Yours truly

**Registrar of Close Corporations**

**Please Note:**

The attached certificate can be validated on the CIPRO web site at [www.cipro.co.za](http://www.cipro.co.za).

