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21 February 2025

CIRCULAR 28

THIS DOCUMENT IS A CIRCULAR TO THE AFFECTED PERSONS RELATING TO THE BUSINESS RESCUE PROCESS OF **PROXIMITAS INVESTMENTS 60 (PTY) LTD** IN TERMS OF THE COMPANIES ACT, 71 OF 2008 AS AMENDED (THE ACT).

UPDATE ON THE BUSINESS RESCUE PROCESS

The business rescue practitioner[1] wishes to advise all the affected parties on an update pertaining to the business rescue process for **Proximitas Investments 60 (Pty) Ltd**.

PROCESS TO DATE:

1. A proposed business rescue plan was published and then unanimously adopted by creditors during a meeting held on the 28th of October 2024, in terms of Section 152 of the Act.
2. As per Circular 26, a further meeting was held to provide an extension so that the investor could secure his funding in terms of phase one of the adopted business rescue plan.
3. The adopted business rescue plan made provisions for three phases.
   - 3.1. **Phase One:** A buyer will be sought for the entire business and its assets to minimize disruption and preserve jobs, with the sale subject to auction conditions and secured creditor approval.
   - 3.2. **Phase Two:** If a single buyer is not secured, individual buyers will be sought for different farms or groups of farms under auction conditions, again requiring secured creditor approval.
   - 3.3. **Phase Three:** If Phases One and Two fail or are not concluded within the allowed timeframes, any unsold immovable assets will be auctioned by an independent auctioneering business.
4. As phases one and two have failed or were not concluded within the allowed timeframes, phase three is now in effect, requiring any unsold immovable assets to be auctioned by an independent auctioneering business as going concerns.

[1] P. Pattinson, Senior BR P, D. Masterton Experienced BR P.

UPDATE ON THE IMPLEMENTATION

5. The practitioners confirm that auctioneers have been appointed and that preparations and advertising have commenced.

6. The auctions will be held on or about the 27th of February 2025

7. The auctioneers put together all the information for the auction.

   7.1. The appointed auctioneers are WH Auctioneers and more information on the respective auctions can be found on their website. https://www.whauctions.com.

8. Please note that when the practitioners visited Kirkwood about two weeks ago, they were informed that certain affected parties are preparing an urgent application to halt or possibly cancel the auction or to possibly have the practitioners removed.

   8.1. Although ready to oppose such an application, the adopted business rescue plan is in force and binding on all affected persons, and the practitioners are duty-bound to proceed with the enforcing of the adopted business rescue plan.

   8.2. It is, however, concerning that two weeks have passed, and the urgency of the matter is questionable and presumed a tactic to simply frustrate and delay the process.

9. Should there be any material changes to the above, the same will be communicated to all affected parties.

Please do not hesitate to contact the practitioners on this matter if there are any questions, comments or concerns.

Kind Regards

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