

8 February 2023

## CIRCULAR 12

THIS IS A CIRCULAR TO ALL THE AFFECTED PERSONS OF **DIXOTIME (PTY) LTD** RELATING TO THE CURRENT SITUATION THAT DIXOTIME NOW FINDS ITSELF IN

### UPDATE ON THE BUSINESS RESCUE PROCESS

---

The business rescue practitioner wishes to advise all the affected parties of the current state of the business rescue process.

The practitioner hereby confirms that at the time when he took the appointment, it was believed, based on information provided to him at the time, that a reasonable prospect of a successful business rescue existed, or at least a better result than immediate liquidation.

Due to the continued development of the matter and the various discoveries made during the practitioner's Section 141 investigation into the affairs of the business, it has become clear that a reasonable prospect of a rescue no longer exists.

As mentioned previously, Dixotime could not expect a successful rescue unless the Business Rescue of Varymix 19 was successful. Varymix has since been converted to a liquidation proceeding and therefore the practitioner is left with very little options.

The Companies Act compels the practitioner to give such notice to the affected persons, as he herewith does, and to file to have the business put into liquidation proceedings.

As such the practitioner informed the creditors of his intention to convert the business rescue proceedings to that of liquidation as the practitioner is of the opinions that a liquidator is in a better position, legally speaking, to pursue certain outstanding debts to the business and to finalise the affairs of the business in a way balances the rights of all affected persons.

A further delay was caused as the practitioner could not secure funding to pay an attorney a deposit to commence the liquidation application for this business.

The practitioner has subsequently secured the services of an attorney willing to assist with the liquidation application on risk, with the assistance of the bank.

The practitioner hereby gives notice that he has instructed an attorney (in this matter, Mr Albertus Kleingeld from Kleingeld Attorneys) to file for the conversion of the business rescue proceedings to that of a liquidation. Confirmation of same will be communicated to the affected parties and the dates in question will be circulated as soon as they are available.

Further details pertaining to the liquidation will be communicated to the affected parties by the attorney and or the liquidator as soon as the appointment is made.

The practitioner is therefore *functus officio* in this matter and all future correspondence will be communicated directly from the liquidating attorney.

All forms and circulars relating to the Business Rescue process for Dixotime Pty Ltd can be accessed at <https://pattinson.biz/document-library>

Quinton Pattinson  
[patp@businessrescue360.co.za](mailto:patp@businessrescue360.co.za)  
082 749 6462

Jaco Durandt (Assistant)  
[jaco@pe-paralegal.co.za](mailto:jaco@pe-paralegal.co.za)  
076 773 4595