

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

X
2013-01-25
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Before the Honorable Madam Justice Potterill

CASE NO.: 69413/2012

In the *Ex Parte* application of:

WILHELMINA JACOBA LUBBE N.O.

First Applicant

XOLA STEMELA N.O.

Second Applicant

(In their capacities as the Trustees of the Living Hands Umbrella Trust)

DRAFT ORDER

After hearing argument on behalf of the parties and perusing the papers filed on record the following order is made:

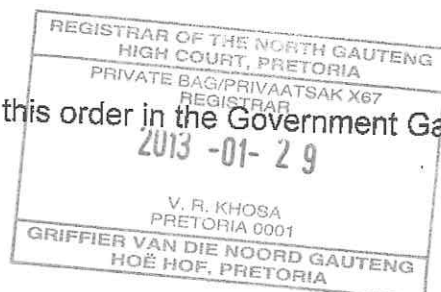
1. That the applicants, in their capacities as trustees of the Living Hands Umbrella Trust ("LHUT"), are hereby authorised:
 - 1.1 to distribute to the verified beneficiaries the percentage of the proceeds received from the curators of the Fidentia Group (the "proceeds") to those beneficiaries of the LHUT whose banking and contact details have been verified (the "verified beneficiaries) on a *pro rata* basis and in terms of the formula set out in "W9" to the founding affidavit;
 - 1.2 to invest the balance of the proceeds that may be due to the beneficiaries who have not been and/or whose details have not been

REGISTRAR OF THE NORTH GAUTENG
HIGH COURT, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
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GRIFFIER VAN DIE NOOR-GAUTEK
HOOGGEREGTEPRETORIA


verified (the "unverified beneficiaries") for a period of 2 (two) months after the latest date of service and publication in terms of this order;

- 1.3 after expiration of the aforesaid 2 (two) month period, and subject to service and publication of this order as set out below, to distribute the balance of the proceeds to the beneficiaries who have subsequently been located and whose details have subsequently been verified and/or to beneficiaries who have already received a distribution in terms of paragraph 1.1 hereof on a *pro rata* basis and in terms of the formula set out in "W9" to the founding affidavit;
2. That all unverified beneficiaries of the LHUT are called upon and invited to contact the duly mandated service provider of the applicants, namely Odyssey Consultancy CC ("Odyssey") in order to have their entitlement verified and to claim their *pro rata* share of the proceeds available for distribution in the following manner;
3. That is it declared that, subject to the applicants' compliance with this order, the applicants shall be held blameless for exercising their discretion in terms of this court order;
4. That publication and service of this order is to be effected in the following manner:

- 4.1 By publication of this order in the Government Gazette;



- 4.2 By publication of this order in the Sun newspaper;
- 4.3 By publication of this order in the provincial newspapers specified in "W10" to the founding affidavit in each one of the 9 provinces;
- 4.4 By advertising by means of radio announcements on various radio stations as specified in "W11" to the founding affidavit;
- 4.5 By service on the source funds by means of e-mail, with the request that such source funds assist the LHUT in identifying and contacting further beneficiaries without levying a fee for such assistance;
- 4.6 By service on the Financial Services Board by means of e-mail;
- 4.7 By service on the curators of the Fidentia Group by means of e-mail.
5. That the applicants are granted leave to approach the court for further and/or alternative relief, if necessary, and for such purpose are granted leave to file further affidavits;
6. That the costs of this application shall be borne by the LHUT, save in the event of opposition in which event any person opposing the application be directed to pay costs hereof.

BY ORDER

REGISTRAR

