

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG SOUTH DIVISION)

Case No:

In the matter between:

ANALIZE VAN TONDER

First Applicant

WEMA BELEGGINGS (PTY) LTD

Second Applicant

PEGMA MINERALE (PTY) LTD

Third Applicant

and

FNB TRUST SERVICES (PROPRIETARY) LIMITED
(Registration No. 1986/003488/07)

First Respondent

FIRSTRAND BANK LIMITED
(Registration No. 1929/001225/06)

Second Respondent

AFFIDAVIT

I, the undersigned,

ANALIZE VAN TONDER,

do hereby make oath and state:

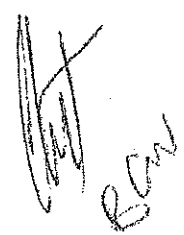
1. I am an adult businesswoman and the First Applicant in this application. I currently reside at [REDACTED], United States of America.

2. The contents of this affidavit are within my personal knowledge, unless otherwise stated, and are true and correct. To the extent that legal submissions are advanced herein, they are made on the basis of legal advice received from my legal representatives, which advice I believe to be correct.

3. The Second Applicant is Wema Beleggings (Pty) Limited (Registration No. 76/02536/07), a company with limited liability duly incorporated in terms of the Company Laws of the Republic of South Africa, having its principal place of business at Medical Centre House 2, Unit 32, Wellington Park, Wellington Road, Durbanville, Western Cape.

4. The Third Applicant is Pegma Minerale (Pty) Limited (Registration No. 62/0195/07), a company with limited liability duly incorporated in terms of the Company Laws of the Republic of South Africa, having its principal place of business also at Medical Centre House 2, Unit 32, Wellington Park, Wellington Road, Durbanville, Western Cape.

5. I am a director and sole shareholder of the Second Applicant as well as the Third Applicant. I am duly authorised by the Second and Third Applicants to launch this application and to depose to this affidavit, on their behalf. I annex hereto marked "A1" and "A2" respectively, copies of resolutions that the Second and Third Applicants have adopted with a view to the institution

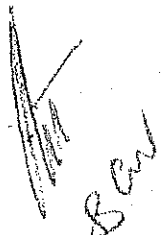
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of the present proceedings.

6. The First Respondent is FNB Trust Services (Proprietary) Limited, a company with limited liability duly incorporated in terms of the Company Laws of South Africa, with its principal place of business situate at 4 Merchant Place, Fredman Drive, Sandton, Johannesburg.
7. The Second Respondent is Firstrand Bank Limited, being a duly registered bank in accordance with the provisions of the Banks Act, No. 94 of 1990, having its principal place of business also at 4 Merchant Place, Fredman Drive, Sandton, Johannesburg. No relief is being sought against the Second Respondent, save insofar as the records (regardless of form or medium) that contain the transaction history of the bank accounts that form the subject-matter of the present application, are in the possession or under the control of the Second Respondent. In such event, the order for access to the aforesaid records will be sought against the Second Respondent.

THE PURPOSE OF THE APPLICATION

8. Since approximately 1989 until 2006, the First Respondent conducted certain bank accounts at the Second Respondent in the name of the Second Applicant as well as the Third Applicant. During 2006 these accounts were closed, and new accounts were opened in the name of the Second and



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Third Applicants at Rand Merchant Bank. I explain the reason for this change of bank institution in more detail below.

Edwin van der Merwe 5/7/05

9. A preliminary forensic investigation that had been conducted in the first half of 2010, in respect of the transaction history of the aforesaid bank accounts (as well as other related accounts), had revealed certain material irregularities in regard to the transactions on these accounts, that required further investigation. For this purpose the Second and Third Applicants required (and requested from the First Respondent and its legal department) the bank statements in respect of these accounts. However, the First and Second Applicants have been unsuccessful in obtaining from the First Respondent all the bank statements that will reflect the full transaction history on each of these accounts.

10. This is an application in terms of the provisions of section 53 of the Promotion of Access to Information Act, No. 2 of 2000, to obtain access to the First Respondent's, alternatively the second Respondent's records that contain such bank statements.

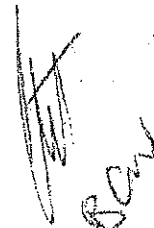
THE RELEVANT BACKGROUND FACTS

11. My late father, Frans Johannes Van Tonder (who passed away in November 1989), was a businessman who lived in Springbok, where he had built-up a

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substantial property investment portfolio consisting mainly of commercial properties in Springbok, which were rented out to prominent local businesses.

12. These properties were registered in the names of the Second Applicant as well as the Third Applicant, whilst the leasing and maintenance of the properties were conducted primarily in the name of the Second Applicant.
13. My late father held all the issued shares in the Second Applicant which, in turn, held all the issued shares in the Third Applicant (the latter is still the case).
14. I was one of the legatees in terms of my late father's will. A number of family members were the other legatees. I also inherited the residue of the estate. The will further provided that the inheritance should be administered on my behalf in a trust, until I had reached the age of 35. A trust known as the FJ van Tonder / Analize Trust (hereinafter referred to as "*the Trust*") was created for this purpose.
15. The First Respondent (hereinafter referred to as "*FNB Trust Services*") was appointed as the administrator of the Trust. All the issued shares in the Second Applicant (and therefore, indirectly, the immovable properties owned by the Third Applicant) formed part of the assets of the Trust.

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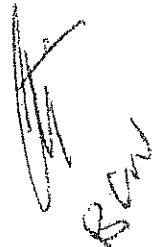
16. During my father's lifetime, the firm of auditors, Claassen Stone of Springbok, acted as auditors for both the Second and Third Applicants and also performed certain secretarial and accounting functions. They continued to perform this function after my father's death.

17. The trust was terminated on 21 July 2003, when I had reached the age of 35, whereafter all the shares in the Second Applicant that vested in my late father's estate, were transferred to me. I was also in due course appointed as the sole director of both the Second and Third Applicants. I then instructed FNB Trust Services to continue to perform the management and administrative functions in respect of the Second Applicant's aforesaid business, as well as the Second and Third Applicants' respective property portfolios. At that stage, I was travelling extensively and living abroad for long periods at a time, and I did not have the time (nor sufficient knowledge and expertise) to attend to these aspects of the business.

18. David Newham Property Management Company (Pty) Ltd was for many years the managing agent of the Second and Third Applicants' buildings. During or about 1995 the services of this company were terminated, and Clasto Konsultante CC ("*Clasto Konsultante*") was appointed as management consultants for the Second Applicant as well as the Third Applicant.

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19. After the aforesaid appointment of Clasto Konsultante, FNB Trust Services outsourced all the administrative and accounting functions that they were required to perform in respect of the Trust, to Clasto Konsultante.
20. During 2005, I received a request for income tax related information from the Seattle office of PriceWaterhouseCoopers. They acted as my financial advisers and tax consultants in respect of my earnings in the USA.
21. I conveyed this request for information to FNB Trust Services.
22. Notwithstanding my instructions to FNB Trust Services that this information was urgently required by the tax authorities in the USA, I received no co-operation from them. I viewed the total lack of response in this regard by FNB Trust Services, as unprofessional and unacceptable. In consequence, on 20 October 2006, I terminated the First and Second Applicants' relationship with FNB Trust Services and informed them that they would no longer be required to act as managers and administrators of the Second Applicant's business, and the Second and Third Applicants' buildings. At the same time, I closed all the bank accounts that had been conducted at the Second Respondent in the name of the First and Second Applicants, and opened new accounts at Rand Merchant Bank.
23. Following these events, I appointed Visser Louw Professional Accountants

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SA to assist me in the management of the Second Applicant's business.

24. At the beginning of 2010, a dispute arose between the Second Applicant and Clasto Konsultante, in regard to the amount of the commission the latter had charged in respect of the rental they had collected on behalf of the Second Applicant. This dispute could not be resolved. In consequence, in April 2010, Clasto Konsultante notified the Second and Third Applicants that they would no longer act as management consultants for these companies.

25. I pause to mention that, at that stage, a number of unsatisfactory and disconcerting aspects had come to my attention with regard to the management of the Second Applicant's business. I therefore decided to conduct a full forensic investigation into the financial affairs of both the Second and Third Applicants, and for this purpose appointed a chartered accountant, Mr Adriaan Lombard of Lombard - Registered Accountants & Auditors. I instructed the said Mr Lombard (hereinafter referred to as "Lombard") that his investigation should cover the period from 1989 (being the year of my father's passing) to 2006 when the accounts were closed and all ties severed with FNB Trust Services. I shall hereafter, where applicable, refer to the Second and Third Applicants jointly as "the Applicants".

THE ATTEMPTS TO OBTAIN RELEVANT DOCUMENTATION


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26. Lombard advised me that his forensic investigation would primarily focus on obtaining a full and comprehensive picture of all the revenue (in the form of rental payments) that had been received by (or on behalf of) the Applicants, as well as all expenditure that had been incurred in the name of the Applicants. I was further advised that the most valuable source of information for this purposes, would be the audited financial statements as well as the bank statements in respect of all the bank accounts that had been conducted during the relevant period, in the name of the Applicants.

27. The bank accounts under investigation are as follows:

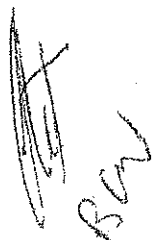
27.1 First National Bank account in the name of *Estate FJ van Tonder*.

27.2 First National Bank account in the name of *Estate Pegma*.

27.3 First National Bank account in the name of *Estate Wema*.

27.4 First National Bank account in the name of *FJ van Tonder – Analyze Trust*.

(No bank account number is evident from the available transaction statements in respect of the abovementioned accounts.)

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- 27.5 First National Bank account number 0008780 in the name of *Mrs A Amis – Pegma (Edms) Bpk.*
- 27.6 First National Bank account number 0008781 in the name of *Mrs A Amis – Wema Investments.*
- 27.7 First National Bank account number 0005803 in the name of *FJ van Tonder – Analize Trust.*
- 27.8 First National Bank account number 0007709 in the name of *A Amis Tams – Tams.*

(I annex hereto marked "B1" to "B8", a copy of one page of each of the aforesaid bank accounts. As is apparent from annexures "B4" to "B8", it appears as if these statements have been issued by "First National Trust/FNB Trust Services".)

28. I therefore suggested to Lombard that he should address a letter to Mr L S Joubert of Millers Attorneys in George, who had been appointed to provide the Applicants and myself with legal advice for purposes of the forensic investigation, indicating which bank statements were missing and why they were required by him for purposes of his investigation.

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29. On 13 September 2010, Lombard addressed a letter to Millers Attorneys, in which letter he, *inter alia* –

29.1 discussed the various bank accounts and bank statements that he required for purposes of his investigation; and

29.2 indicated which statements in respect of which bank accounts were not amongst the documents that he had already received from the Applicants.

30. I annex hereto marked "C1" to "C6" the relevant portion of Lombard's aforesaid letter. I draw attention to paragraph 6 of this letter (annexure "C3-6") where Lombard recorded the missing bank statements as follows:

30.1 Bank account *Estate F J van Tonder*:

- "9/28/1993 to 6/16/1994 (Capital transactions);
- 2/22/1996 to date of closure of account (Capital transactions);
- from inception to 3/5/1992 (Income transactions);
- 2/24/1995 to 3/6/1995 (Income transactions); and
- 7/10/1995 to date of closure of account (Income transactions)."

30.2 Bank account *Estate Pegma*:

- "1/6/1990 to 29/01/1992;

- 30/06/1994 to 29/03/1995; and
- 28/02/1999 to date of closure of account."

30.3 Bank account *Estate Wema*:

- "from inception to 26/06/1991; and
- 4/8/1993 to 9/8/1993."

30.4 Bank account *F J van Tonder – Analize Trust*:

- "from inception to closure of the bank account."

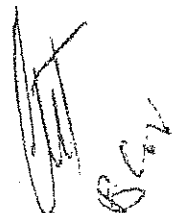
30.5 Bank account number 0008780 in the name of *Mrs A Amis – Pegma (Edms) Bpk*:

- "28/2/2001 to 16/03/2001"

30.6 Bank account number 0008781 in the name of *Mrs A Amis – Wema Investments*:

- "23/2/2001 to 8/3/2001; and
- 25/10/2006 to 27/10/2006."

30.7 Bank account number 0005803 in the name of *F J van Tonder –*

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Analyze Trust:

Suggested 25/6/91 - 22/7/03

- "3/5/2004 to 21/7/2004;
- From inception to 22/07/2003 (Income transactions)"

30.8 Bank account number 0007709 in the name of A Amis – Tams:

28/6/2000 - 20/10/07

- "31/8/1998 to 30/9/1998; and
- 28/04/2000 to date of closure of account."

31. I emphasise that this letter (annexure "C1" to "C6"), as well as the other letters from Lombard to Millers Attorneys, as referred to below, were forwarded by Millers Attorneys to and received by FNB Trust Services. I refer in this regard to the confirmatory affidavit of Mr L Joubert, the director of Millers Attorneys who dealt with the matter.

32. In response to the aforesaid letter, FNB Trust Services, on 13 October 2010, transmitted by e-mail a large volume of documentation, including certain bank statements, to Lombard. However, only a limited number of bank statements in respect of only two of the aforesaid bank accounts (accounts number 0005803 and number 0007709) were included in the documentation.

33. On 8 November 2010, Lombard addressed a letter to Millers Attorneys, a copy whereof is annexed hereto marked "D1" to "D4". I draw attention to the

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penultimate paragraph on the first page of this letter, where Lombard stated the following:

"This letter's only objective is to address the response from FNB with regards to our request for information relating to FNB bank accounts. From our review of the documentation, contained in the attachments, we found that the only significant information relating to FNB bank accounts were the following:

- *FNB FJ van Tonder Analize van Tonder Trust account number 0005803 (25 June 1991 to 22 July 2003); and*
- *FNB A Amis Tams account 0007709 (28 April 2000 to 20 September 2007)*

From the above we noted that our request for the remainder of FNB bank statements was however not addressed."

(Emphasis provided)

34. On the second page of the aforesaid letter (Annexure "D2") Lombard stated in detail which bank statements, with reference to the relevant bank accounts, were found to be missing. On the last page of this letter (Annexure "D4") Lombard indicated that he insisted upon "... a full set of FNB bank statements, from inception to the closure of the account, for all the FNB bank accounts listed in our letter dated 13 September 2010".

35. On 4 February 2011 Lombard, accompanied by the Applicants' office manager, Mrs Liesl Fowlie, attended a meeting with certain representatives of FNB Trust Services (Rene Baatsen, Rommie Erasmus and William

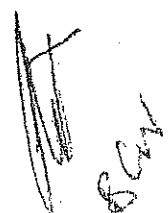
CHECKING RELATIONS WITH EDK INC



Barfoot). This meeting was scheduled with a view to, *inter alia*, explaining to FNB Trust Services the importance of the missing bank statements for purposes of the forensic investigation, and to obtain the assurance of FNB Trust Services that same would be located and provided to Lombard.

36. During this meeting, the representatives of FNB Trust Services indicated to Lombard that they fully understood and appreciated the importance of a full transaction history of all the bank accounts in question, for purposes of Lombard's investigation of the Applicants' affairs. The said representatives informed Lombard that the bank statements for the period 1 March 1996 to 28 February 2007 could (and would) be made available to him on a year to year basis, in electronic (Excel) format. However, the bank statements prior to 1996 would be more difficult to obtain, in view thereof that it was stored on microfiche film at branch level and that it was not known at which branch the microfiche film that would contain the missing bank statements, could be located. I refer in this regard to the confirmatory affidavits of Ms Fowlie and Mr Lombard.

37. On 16 February 2011, Lombard received (by e-mail from Mr William Barfoot) a number of bank statements in electronic format, in respect of only four of the bank accounts in question, namely accounts number 0008780, number 0008781, number 0005803 and number 0007709 (as referred to in paragraphs 27.5 to 27.8 above). Upon inspection of these bank statements,



it was noted that each statement in respect of each account commenced with a nil balance on 1 January 1996. These opening balances were indicative of the inaccuracy and unreliability of the said bank statements, in view thereof that it was common cause that significant transactions had occurred on all these accounts prior to 1 January 1996.

38. On 9 March 2011, Lombard addressed a letter to Millers Attorneys, a copy whereof is annexed hereto marked "E1" to "E6". I draw attention to the last paragraph on page 2 of this letter (Annexure "E2"), where Lombard recorded his aforesaid concerns as follows:

"The information for the abovementioned FNB bank accounts ('transaction statements'), all commenced with a nil balances (sic) on 1 January 1996 (therefore raising concerns that opening balances could have been omitted. The closing balances for all of the said bank accounts ('transaction statements') reflected a balance other than nil (therefore raising the concern that we have not obtained all the bank account transactions up to the point of closure of these accounts). We attached a copy of the Excel document provided to us as Exhibit B. We expressed our concern regarding the closing balances to Mr Barfoot on 1 March 2011 (a copy of the e-mail as Exhibit C). To date we have not received a reply."

39. I pause to mention that Lombard had already on 1 March 2011, by means of an e-mail, conveyed his aforesaid concerns regarding the (apparent) incorrect nil balances on these accounts, to Mr Barfoot. Lombard did not receive any explanation in response to his concerns.



40. At page 3 of his aforesaid letter (Annexure "E3"), Lombard pointed out, *inter alia*, that based upon the (incomplete) FNB bank statements in his possession, he had established that –

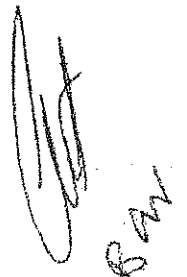
40.1 an aggregate amount of R1 617 337-92, being rental collected by David Newham, had been paid into these bank accounts during the period 1989 to 1994; and

40.2 an aggregate amount of R7 706 672-53, being rental collected by Claassen Stone, had been paid into these accounts during the period 1995 to 2006.

41. Lombard also pointed out that he had been unable to trace in these bank statements (a) an amount of R619 120-30 which should have been reflected in respect of rental statements that had been issued by Claassen Stone, and (b) an amount of R1 617 337-92 which should have been reflected in respect of rental statements that had been issued by David Newham.

Correction - copy 19.1

42. At that stage, in an e-mail from Barfoot to Lombard dated 7 March 2011, FNB Trust Services alleged that the microfiche films that contained the missing bank statements could not be located, in view thereof that there existed no "*handover documentation or records*" of such procedure. FNB



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Trust Services further contended that they had complied with the "*minimum requirements of the Companies' Act for maintaining accounting records*" for companies and trusts. I annex hereto marked "F", a copy of this e-mail.

43. However, on 23 May 2011, Ms Barbara Botha of the First Respondent's legal department, informed Millers Attorneys, by e-mail, as follows:

"We have located the microfiche trust account records, and are currently arranging for a reader as the format is not compatible with current bank software. Should we not be able to read these records, we will request the relevant banking statements for FNB Trust Services' banking account (the common transactional banking account), and provide same to you. The latter course will, however require us to blackout all transactions not pertaining to the accounts under review."

(Emphasis provided.)

An "*extension*" of 30 days was requested in order to carry out this process. I annex hereto marked "G" a copy of the aforesaid e-mail.

44. I emphasise that the reference by Ms Botha to "*the microfiche trust account records*" was a reference to the FNB bank accounts in the names of Estate FJ van Tonder, Estate Pegma and Estate Wema, in respect of which accounts no account numbers had been allocated (I refer in this regard to paragraphs 27.1 to 27.4 above).



45. On 14 July 2011 and under cover of a letter dated 10 June 2011, Lombard again received (per courier) a large quantity of documentation from FNB Trust Services, comprising approximately 500 pages. I annex hereto marked "H" a copy of the covering letter. Although FNB Trust Services replied in annexure "H" to several enquiries received from Lombard in regard to certain transactions that were reflected on the bank statements in his possession, the missing bank statements that he had previously requested (on 9 March 2011 in terms of annexure "E") were still not made available to him.

46. I draw attention to the following statement as recorded in paragraph 3.1.1 of Annexure "H":

"We refer to our email of 29 March 2010 when statements were forwarded to Liesl Fowlie. We refer to our letter of 22 June 2010 courier to Millers to which transaction statements were attached. Transaction statements were also attached to our email of 20 October 2010. Due to the statements we provided and the volume of copies involved, it would be appreciated if we could be provided with details of statements still required."

(Emphasis provided.)

47. It is inconceivable that, having regard to the discussions that took place during the meeting of 4 February 2011, as well as the subsequent correspondence in regard to the missing bank statements, FNB Trust

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Services could still in June 2011, profess to be ignorant of "details of statements still required". This is an unexpected about turn by FNB Trust Services, in relation to their previous undertaking to make available, all the missing bank statements in electronic format.

48. I reiterate that the information in this regard, in particular which bank statements (with reference to the relevant bank accounts) were required, had been conveyed to FNB Trust Services on 13 September 2010 (see Annexure "C" hereto) and 8 November 2010 (see Annexure "D" hereto).

THE FORMAL REQUEST FOR ACCESS TO RECORDS

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49. On 7 October 2011, Millers Incorporated made a formal request to the legal department of FNB Trust Services, in terms of Section 53 of the Promotion of Access to Information Act, No. 2 of 2000, for access to the Respondent's records that contain the full transaction history of the bank accounts at issue.

50. I annex hereto marked "J1" to "J4", a copy of the aforesaid request in the prescribed form, as well as copies of the following documents that were annexed to the said form (as referred to in paragraph 1 thereof) –

- 50.1 a copy of Lombard's letter to the Department of Justice, dated 15 September 2011, marked "K1" to "K3"; and

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50.2 a copy of Lombard's letter to Millers Attorneys, dated 22 August 2011, marked "L1" to "L5".

In order not to burden these papers unnecessarily, I do not attach hereto all the annexures to the prescribed form. Most of these have already been referred to above, and will be made available to the court, if necessary, at the hearing of this matter.

51. The Applicants have paid the prescribed fees, and complied with all the procedural requirements of the Act relating to the request for access to the records of FNB Trust Services that would reflect the full transaction history of all the bank accounts in question.

52. The request for access to records was sent, by means of registered post, by Ms Fowlie to Ms Barbara Botha, the Head of the Legal and Compliance Department of FNB Trust Services. No response was received to the request. At no stage hitherto did FNB Trust Services (or its legal department) indicate that the request is refused upon any of the grounds for refusal as contemplated in Chapter 4 of the Act.

CONCLUSION

53. The Applicants are presently in possession of incomplete bank statements in respect of the various bank accounts in question. As a consequence, Lombard is severely curtailed in his attempt to carry out a proper forensic investigation of Applicants' financial affairs. The transactions that would be reflected on the missing bank statements that form the subject-matter of this application, are essential for purposes of a proper investigation of the Applicants' affairs. These bank statements constitute the primary source documents in respect of all the revenue received by the Applicants, and all the expenses incurred on their behalf.
54. Having regard to the large number and extent of the transactions that are reflected on the available bank accounts over a period of 16 years, as well as the serious nature of the apparent discrepancies that had already been revealed on the available bank statements, it is imperative that the Applicants should have access to the records of FNB Trust Services that reflect the full transaction history of each of the bank accounts in issue. According to Lombard he requires access to the full transaction history in respect of each account (and not only those parts thereof that FNB Trust Services has hitherto failed to make available) to obtain a complete picture of all the transactions on each account.
55. The Second and/or the Third Applicant were entitled to all the rental payments that were received on their behalf, by David Newham and/or



Claassen Stone and/or Clasto Konsultante. In the event of it being established, by means of a proper forensic investigation, that any of these entities (or any other person or entity) had misappropriated any funds to which the Applicants were entitled, or utilised any portion of such funds in an irregular or unauthorised manner, the Applicants would have the right to recover any damages they had suffered as a consequence thereof, from the guilty party.

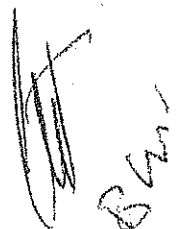
56. In such event, the extent to which FNB Trust Services or any other related department/ division might have breached the fiduciary duties that rested on its employees in relation to the Second and Third Applicants' affairs, would also be subject to scrutiny.

57. As I have demonstrated above, the Applicants require access to the records of FNB Trust Services that reflect the full transaction history on these accounts, in order to protect their aforesaid rights. I submit that I, as the sole director and shareholder of the Second Applicant, has a direct and substantial interest in the outcome of a proper investigation of the Applicants' financial affairs, and therefore *locus standi in iudicio* to be joined as a co-applicant in this application. Any substantial damages that may be recovered, as envisaged in paragraph 55 above, will not only increase the value of my shares in the Second Applicant, but also any dividends that I may be entitled to as a consequence of the recovery of such damages.

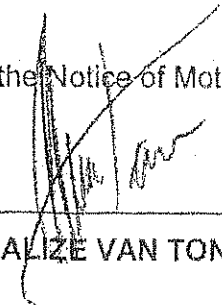


URGENCY

58. I have been advised that any claim that may be instituted by the Applicants (or myself) pursuant to the intended forensic investigation of the Second Applicant and/or the Third Applicant's affairs, could possibly be defended with a special defence of prescription.
59. It goes without saying that I do not concede that a defence of special prescription would have merits. However, I respectfully submit that it would be premature to address this potential issue in this affidavit. Suffice it to say that the longer it may take to investigate the Applicants' financial affairs and to institute any intended action as referred to above, the greater the potential that it could successfully be met with a defence of prescription.
60. Put differently, any substantial delay in the prosecution of this application, could potentially prejudice the Applicants' prospects of success of enforcing a claim, as contemplated in paragraph 55 above.
61. In the premises I respectfully request that, insofar as it may be possible, preference be given to this application with regard to the enrolment and hearing thereof.

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62. I accordingly pray that an order be granted in terms of the Notice of Motion.



ANALIZE VAN TONDER

I certify that the deponent acknowledged to me that he/she knows and understands the contents of this declaration, has no objection to taking the prescribed oath and considers the prescribed oath to be binding on his/her conscience. The deponent thereafter uttered the words: "I swear that the contents of this declaration are true, so help me God". The deponent signed this declaration in my presence at CAPE TOWN on this the 1ST day of MARCH 2012.



COMMISSIONER OF OATHS

BRONWYN CHARLOTTE WHARTON
COMMISSIONER OF OATHS
PRACTISING ADVOCATE
10th FLOOR, HUGUENOT CHAMBERS
40 QUEEN VICTORIA STREET
CAPE TOWN 8001

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UITTREKSEL UIT DIE NOTULE VAN 'N VERGADERING VAN DIREKTEURE
VAN WEMA BELEGGINGS (EDMS) BPK Registrasienuommer: 1976/002536/07

GEHOU TE KAAPSTAD

OP DIE 1^{ste} DAG VAN maart 2012

DIT WORD EENPARIG BESLUIT DAT:

1. ANNELIZE VAN TONDER, 'n Direkteur van WEMA BELEGGINGS (EDMS) BPK Registrasienuommer: 976/002536/07 gemagtig word om as Direkteur van gemelde Maatskappy met die forensiese oudit voort te gaan en enige tussentydse regsstappe te neem wat benodig mag word om gemelde forensiese oudit te finaliseer en om daarna met enige verdere regsstappe voort te gaan, wat benodig mag word om die Maatskappy se belange te beskerm.


DIREKTEUR

Datum: 1 maart 2012



" Az "

UITTREKSEL UIT DIE NOTULE VAN 'N VERGADERING VAN DIREKTEURE
VAN PEGMA MINERALE (EDMS) BPK Registrasienommer: 1962/001959/07

GEHOU TE KAAPSTAD

OP DIE 1^{ste} DAG VAN Maart 2012

DIT WORD EENPARIG BESLUIT DAT:

1. ANNELIZE VAN TONDER, 'n Direkteur van PEGMA MINERALE (EDMS) BPK, Registrasienommer 1962/001959/07 gemagtig word om as Direkteur van gemelde Maatskappy met die forensiese oudit voort te gaan en enige tussentydse regsstappe te neem wat benodig mag word om gemelde forensiese oudit te finaliseer en om daarna met enige verdere regsstappe voort te gaan, wat benodig mag word om die Maatskappy se belange te beskerm.

DIREKTEUR

Datum: 1 Maart 2012

Besluit

First National Bank
Eerste Nasionale Bank

of Southern Africa (Ed) Von Südafrika Afrika Bank
Registered Bank/Getreeregistreerde Bank
Reg. No. 27 Reg. nr. 71/05895/06

"B1"

Bank Statement
Bankstaat
Estate Account
Boedelrekening

5000137

Branch Trosel	EAST END	Account No. Rekening No.	29
Time Tyd	PRETORIA	ESTATE OFFICER : 6	
ESTATE LATE : VAN TONDER F J			

Date	Account No.	Description	Debit	Credit	Balance
		BALANCE FORWARD			0.00
89	1439	SERVICE FEE			
0/11/89	21214	ESTATE ACCOUNT RECEIVED	30.00		30.00-
3/11/89	13239	TRAVELLERS CHEQUES		900.00	870.00
9/11/89	860	CASH ADVANCE A VAN TONDER	600.00		270.00
8/12/89	15605	DEPOSIT ACCOUNT INTEREST FIRST NATIONAL BANK RECEIVED		0.78	270.78
5/12/89	20418	O J SCHOLTZ & DE WIT RECEIVED		741.00	1011.78
8/12/89	14548	ARNO VAN ZYL RECEIVED		116.50	1128.28
8/12/89	14841	ARNO VAN ZYL RECEIVED		644.89	1773.17
8/12/89	1432	DIVIDEND ON GEN MINING UNION COR LTD		52.20	1825.37
8/12/89	7700	CASH ADVANCE A VAN TONDER	800.00		1025.37
8/12/89	10449	CAPITAL CLAIM CLAASSEN STONE	40.00		985.37
8/12/89	10449	CAPITAL CLAIM STELLENBOSCH UNIVERSITY	28.52		956.85
6/12/89	16451	CAPITAL CLAIM M N SCHULTZ	835.46		121.39
3/12/89	20904	PROCEEDS CURRENT ACCOUNT FNB PRETORIA NORTH		7331.89	7453.28
1/12/89	6083	REVERSAL OF CHEQUE ENTRY ENTRY 16451 DD.08/12/89		835.46	8288.74
1/12/89	16685	CAPITAL CLAIM J S DUVENHAGE	835.46		7453.28
1/12/89	9337	ADMINISTRATION EXPENSE CITY LOCKSMITHS	53.11		7400.17
1/12/89	395	RENTAL COLLECTED 406 ZEEZICHT FOR DEC 89		550.00	7950.17
1/12/89	3440	DEPOSIT ACCOUNT INTEREST FIRST NATIONAL BANK		44.13	7994.30
1/12/89	6295	DIVIDEND ON BOESMANLAND-BELEGGINGS		656.00	8650.30

Ascertained by the auditor to be correct and true
Cheques have been deposited in the bank and cleared
Date of balance sheet: 1/12/89

Ascertained by the auditor to be correct and true
Cheques have been deposited in the bank and cleared
Date of balance sheet: 1/12/89

Blaw

2700261



First National Bank
First National Bank of Southern Africa Ltd. (Incorporated in South Africa)
Registered Bank/Geïntegreerde Bank
Reg. No. 12949/06

Bank Statens
Bankstaat
Estate Account
Boedelrekening

"B"
B2

BLANKS FORM OF SA 2012/13/14

Branch Tak	005-EINDE-PRETORIA		Account No. Rekeningnr.	
Name Naam	PEGHA MINERALE (EDMS) BEPERK		BOEDEL BEAMPT: 06	

Date Datum	Entry No. Inskryf. nr.	Cheque No. Rekv. nr.	Narrative Beskrywing	Credit and Debit Tjekkings en Debits	Balance Saldo
05/04/94			SALDO OORGEBRING Diverse bise ten gunste Huurgeld ontvang ex Claassen S	7239.65	134406. 141646.

A voucher is not normally provided for the following items: Cheque books, interest, fees, Revenue stamps and Reversals. Debits should be entered in the debit column and credits in the credit column. Debits should be entered in the debit column and credits in the credit column.

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BCW

5000157

Bank Statement

Bank of Africa

Current Account

Branch: Johannesburg

"L3"

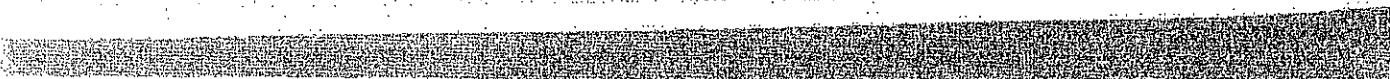
005-EINDE: PRETORIA

MEHA BELEGGINGS (EDMS) BEPERK

BOEBEL BEAMPTTE: 06

DATE	DESCRIPTION	DEBIT	CREDIT	BALANCE
	SALDO OORGEBRING			47.31
05/04/94	Diverse eise ten gunste	135.00		(177.11)
	Huurgeld ontvang ex Mhra Schre			
05/04/94	Diverse eise ten gunste	1210.80		(1387.91)
	Huurgede ontvang ex Claassen			
24/05/94	Diverse eise ten gunste	1072.50		(2460.41)
	Huurgede ontvang ex Claassen			
30/06/94	7987 Eerste Nasionale Bank Finale Distribusie	2460.40		0.0

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FIRST NATIONAL TRUST PRETORIA
 P O BOX 40078
 CAUTIA
 01

Handwritten initials: B H

PLEASE DIRECT
 MRS R ERASMUS
 ACCOUNT ADMIN
 P O BOX 40078
 CAUTIA
 0107

PAGE 01

F J VAN TONDER ANALIZE TRUST
 TRANSACTION STATEMENT FOR THE PERIOD 1992-03-01 TO 1993-02-28

TRANSACTION DESCRIPTION DEBIT

CAPITAL TRANSACTIONS

- 1992-03-01 OPENING BALANCE
- 1992-05-18 SOLD 100 WEST WITWATERSRAND GOLD
- 1992-05-18 SOLD 100 STR ROODEPOORT M R A G
- 1992-05-18 INV INTRODUCED 450 KNIGHTS GOLD MIN CO LTD
 DIVIDEND IN SPECIE 450 RHM PER 100 SH
- 1992-05-18 SOLD 100 RAND LEASES G M CO L
- 1992-05-19 SALE SETTLEMENT 100 RAND LEASES G M CO L
- 1992-05-22 SALE SETTLEMENT 100 STR ROODEPOORT M R A G
- 1992-05-22 SALE SETTLEMENT 100 WEST WITWATERSRAND GOLD
- 1993-02-12 PURCHASE 100 DRIEFONTEIN CONS LTD
- 1993-02-15 SOLD 2000 KNIGHTS GOLD MIN CO LTD
- 1993-02-15 SOLD 450 KNIGHTS GOLD MIN CO LTD
- 1993-02-15 SOLD 100 GROOTVLEI PTY MINES LTD
- 1993-02-16 PURCH SETTLEMENT 100 DRIEFONTEIN CONS LTD
- 1993-02-16 SALE SETTLEMENT 100 GROOTVLEI PTY MINES LTD
- 1993-02-25 SOLD 2028 73 FIRST NATIONAL BANK MONEY MKT DAILY CALL

9-716-24

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"B5"

F. H. B. TRUST SERVICES, PRETORIA
 P. O. BOX 40076
 ARCADIA
 0007

PLEASE DIRECT ENQUIRIES TO:
 MRS. E. Y. AMTAK
 TRUST & TAMM SPECIALIST
 P. O. BOX 40076
 ARCADIA
 0007 TEL (012) 348 1843

PAGE: 10

DUIT NO: 0308780
 COURT NAME: #REV A AMIS - PECHA (EDMS) BPK

TRANSACTION STATEMENT FOR THE PERIOD 2001-03-01 TO 2006-06-15

DATE	TRANSACTION DESCRIPTION	DEBIT	CREDIT	BALANCE
2005-09-15	PAY TO FIRSTCARD	20 183.10		212 304.98 CR
2005-09-20	PAY OBO A AMIS TO CLASTO KONSULTANTE BPK TRUSTEEN PECHA MINERALE (EDMS) BPK/WEMA BELEGGINGS (EDMS) BPK	67 853.32		144 451.66 CR
2005-09-28	PAY OBO A AMIS TO VAN TONDER/BONDED PROP 66271 FNB MENLYN SQUARE BRANCH	18 000.00		126 451.66 CR
2005-09-29	PAY OBO A AMIS TO SUNDRY CREDITOR FNB CARD	326.70		123 184.96 CR
2005-09-30	INT ON INC CASH		887.13	124 072.09 CR
2005-10-18	PAY OBO A AMIS TO FIRSTCARD	30 000.00		94 072.09 CR
2005-10-25	CASH INTRODUCED CLASTO KONSULTANTE BPK		92 881.01	186 953.10 CR
2005-10-27	PAY OBO A AMIS TO VAN TONDER/BONDED PROP 66271 FNB MENLYN SQUARE BRANCH	10 000.00		176 953.10 CR
2005-10-28	INT ON INC CASH		467.53	177 420.63 CR
2005-11-14	PAY OBO A AMIS TO FIRSTCARD	30 000.00		147 420.63 CR
2005-11-25	INT ON INC CASH		604.64	148 025.27 CR
2005-11-28	PAY TO A AMIS VAN TONDER/BONDED PROP 66271 FNB MENLYN SQUARE BRANCH	10 000.00		138 025.27 CR
2005-11-28	CASH INTRODUCED KLASTO KONSULTANTE		94 779.77	232 805.04 CR
2005-12-01	PAY OBO A AMIS TO FIRSTCARD	25 491.22		207 313.82 CR
2005-12-21	CASH INTRODUCED CLASTO KONSULTANTE		36 357.28	243 671.10 CR
2005-12-29	PAY TO A AMIS VAN TONDER/BONDED PROP 66271 FNB MENLYN SQUARE BRANCH	10 000.00		233 671.10 CR
2005-12-30	INT ON INC CASH		977.59	234 648.69 CR
2006-01-03	PAY OBO A AMIS TO FIRSTCARD	181.99		234 466.70 CR
2006-01-12	PAY OBO A AMIS TO FIRSTCARD	29 176.02		205 290.68 CR
2006-01-24	CASH INTRODUCED CLASTO KONSULTANTE BPK		123 466.60	328 757.28 CR
2006-01-27	INT ON INC CASH		849.41	329 606.69 CR
2006-01-31	PAY TO A AMIS VAN TONDER/BONDED PROP 66271 FNB MENLYN SQUARE BRANCH	10 000.00		319 606.69 CR
2006-02-02	PAY OBO A AMIS TO FIRST CARD	24 464.06		295 142.63 CR
2006-02-23	PAY OBO A AMIS TO FIRST CARD	30 240.22		264 902.41 CR
2006-02-24	INT ON INC CASH		1 063.15	265 965.56 CR

700138

[Handwritten Signature]
 B. M.

"B6"

F N B TRUST SERVICES, PRETORIA
 P O BOX 40076
 ARCADIA
 0037

PLEASE DIRECT ENQUIRIES TO:
 MRS E Y ANTAK
 TRUST & FAMS SPECIALIST
 P O BOX 40076
 ARCADIA
 0007 TEL (012) 348 1843

COUNT NO: 0008701
 ACCOUNT NAME: HONEY A AMIS - WEMA BELEGINGS

PAGE: 6

TRANSACTION STATEMENT FOR THE PERIOD 2005-06-29 TO 2006-06-29

DATE	TRANSACTION DESCRIPTION	DEBIT	CREDIT	BALANCE
2005-05-25	CASH INTRODUCED		15 729.98	370 802.13 CR
2005-05-27	CLASTO KONSULTANTE BK			
2005-06-02	INT ON INC CASH		1 232.90	372 034.51 CR
2005-06-02	PAY TO C A DAY	2 000.00		370 034.51 CR
2005-06-24	0008781 TONDERW-PERM GEORGE			
2005-07-01	INT ON INC CASH		1 278.61	371 313.12 CR
2005-07-01	CASH INTRODUCED		28 466.17	399 779.29 CR
2005-07-04	CLASTO KONSULTANTE BK			
2005-07-04	PAY TO C A DAY	1 000.00		397 779.29 CR
2005-07-27	0008781 TONDERW-PERM GEORGE			
2005-07-29	CASH INTRODUCED		17 063.52	414 842.81 CR
2005-07-29	CLAASEN STONE HUNIGELD VERSKEIE HONDERS			
2005-08-02	INT ON INC CASH		1 702.76	416 545.57 CR
2005-08-02	PAY TO C A DAY	2 000.00		414 545.57 CR
2005-08-08	0008781 TONDERW-PERM GEORGE			
2005-08-26	PAY OBO A AMIS TO GEORGE MUNICIPALITY	7 563.32		406 982.25 CR
2005-09-02	CRC 30093470101 ENF 30 9347			
2005-09-26	INT ON INC CASH		1 413.04	408 395.29 CR
2005-09-02	PAY TO C A DAY	2 000.00		406 395.29 CR
2005-09-30	0008781 TONDERW-PERM GEORGE			
2005-10-03	INT ON INC CASH		1 753.89	407 849.18 CR
2005-10-03	PAY TO C A DAY	2 000.00		405 849.18 CR
2005-10-25	0008781 TONDERW-PERM GEORGE			
2005-10-25	CASH INTRODUCED		31 160.94	437 010.12 CR
2005-10-28	CLASTO KONSULTANTE BK			
2005-10-28	INT ON INC CASH		1 416.96	438 427.08 CR
2005-11-02	PAY TO C A DAY	2 000.00		436 427.08 CR
2005-11-25	0008701 TONDERW-PERM GEORGE			
2005-11-25	INT ON INC CASH		1 507.64	437 934.72 CR
2005-11-25	CASH INTRODUCED		30 203.03	468 137.75 CR
2005-11-25	CLASTO KONSULTANTE			
2005-12-02	PAY TO C A DAY	2 000.00		466 137.75 CR
2005-12-02	0008781 TONDERW-PERM GEORGE			
2005-12-29	PAY TO C A DAY	5 000.00		461 137.75 CR
2005-12-30	0008781 TONDERW-PERM GEORGE			
2005-12-30	INT ON INC CASH		2 004.25	463 142.00 CR

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ACCOUNT NO: 0005803
 ACCOUNT NAME: F J VAN TONDER ANALIZE TRUST

TRANSACTION STATEMENT FOR THE PERIOD 2004-03-01 TO 2004-07-21

DATE	TRANSACTION DESCRIPTION	DEBIT
INCOME TRANSACTIONS:		
2004-03-01	OPENING BALANCE	
2004-03-01	ADMIN FEE	
	VAT @ 14.00 % R 437.19	3 559.97
2004-03-26	INT ON CAP CASH	
2004-03-26	INT ON INC CASH	
2004-03-31	PAY 000 A MHS TO FIRSTCARD	22 684.44
2004-04-01	ADMIN FEE	
	VAT @ 14.00 % R 413.90	3 533.82
2004-04-05	DIVIDEND RECD 100 LIBERTY HOLDINGS LTD	
2004-04-05	DIVIDEND RECD 90 LIBERTY GROUP LIMITED	
2004-04-13	DIVIDEND RECD 200 NEDCOR LIMITED	
2004-04-13	DIVIDEND RECD 700 STANDARD BANK GROUP LTD	
2004-04-13	DIVIDEND RECD 500 SASOL LTD	
2004-04-29	DIVIDEND RECD 650 ANGLO AMERICAN PLC	
2004-04-30	INT ON CAP CASH	
2004-05-03	ADMIN FEE	
	VAT @ 14.00 % R 433.80	3 533.01
2004-05-05	DIVIDEND RECD 141 LIBERTY INT PLC	
2004-05-19	DIVIDEND RECD 1150 SANLAM LTD	
2004-05-20	INT ON CAP CASH	
2004-06-01	ADMIN FEE	
	VAT @ 14.00 % R 480.18	3 982.90
2004-06-10	ADMIN FEE	
	VAT @ 14.00 % R 79.13 DP R1149242.84	644.33
2004-06-25	INT ON CAP CASH	
2004-07-01	ADMIN FEE	
	VAT @ 14.00 % R 37.37	304.30
2004-07-20	ADMIN FEE	
	VAT @ 14.00 % R 25.73 DP R160459.11	209.52
2004-07-21	INT ON CAP CASH	
2004-07-21	INT ON INC CASH	
2004-07-21	ACC PAY TO ACC MHS A VAN TONDER	3 493.69


 BCW

7000293
 First National Asset Management and Trust Company (Pty) Ltd
 Registration No 1986/003488/07
 Mrs Eugene Yvette Amls
 Specialist
 Private Bag X5
 Menlo Park
 0102

"B8"

FT
 FNB Trust Services, Pretoria
 Private Bag X5
 Menlo Park
 0102

e-Mail: fnbtrustho@fnb.co.za
 Web: www.fnb.co.za

Enquiries: (012) 348 1843
 (012) 348 0070
 0860 102 765
 An Authorised Financial Services Provider

Transaction Statement for account Mrs A Amls** Tams
 Account No: 0007709 for the period 01 January 2005 to 28 February 2007

Date	Transaction Description	Debit	Credit	Balance
	Capital Transactions			
2005/01/01	Opening Balance			8,252.68 Cr
2005/01/13	Inv Withdrawn 1. Wema Beleggings (Edms)			8,252.68 Cr
2005/01/13	Inv Introduced 1000. Wema Beleggings (Edms)			8,252.68 Cr
2005/03/15	Cap Issue 230. Imperial Hid Book-Split			8,252.68 Cr
2005/03/17	Cap Issue 400. Bidvest Book-Split			8,252.68 Cr
2005/03/18	Inv Withdrawn 230. Imperial Hid Book-Split			8,252.68 Cr
2005/03/22	Inv Withdrawn 400. Bidvest Book-Split			8,252.68 Cr
2005/03/22	Cash Introduced		402.50	8,655.18 Cr
	1pl Cash Distr @ 1.75 Per Shr			
2005/03/30	Cash Introduced		623.36	9,278.54 Cr
	BVI Cap Cash Distr @ 1.5584 Per Shr			
2005/04/15	Sold 1000. Richmond Securities Dr Terminated 28/10			9,278.54 Cr
2005/04/18	Purchase 750. Medi-Clinic Corp Ltd Ord			9,278.54 Cr
2005/04/18	Purchase 260. Mtn Group Ltd			9,278.54 Cr
2005/04/18	Purchase 775. Old Mutual Plc			9,278.54 Cr
2005/04/18	Sold 419. The Spar Group Ltd			9,278.54 Cr
2005/04/21	Sale Settlement 1000. Richmond Securities Dr Termi		19,624.24	28,902.79 Cr
2005/04/21	Sale Settlement 419. The Spar Group Ltd		9,749.66	38,652.44 Cr
2005/04/21	Purch Settlement 750. Medi-Clinic Corp Ltd Ord	11,481.59		27,170.75 Cr
2005/04/21	Purch Settlement 260. Mtn Group Ltd	11,115.16		16,055.59 Cr

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BGW

Lombard - Registered Accountants and Auditors

Registered Accountant & Auditors / Chartered Accountants (SA)

19 Visvangeweg, Melkbosstrand, Cape Town, 7441

Tel. (021) 553 5476 / (021) 553 5467

Cell. (083) 446 0583

Fax. (086) 575 7570

Email address: lombard.a@mweb.co.za

PO Box 60434

Table View

Cape Town

7439

13 September 2010

Millers Prokureurs

Beaconhuis, Meadestraat 123, George

6350

Your reference: Mr Lefevre Joubert/wl/v6340/wv3113


Pegma Minerale (Pty) Ltd and Wema Beleggings (Pty) Ltd

With reference to your letter dated 27 July 2010.

We are mandated by the abovementioned entities to conduct a forensic investigation into the financial affairs of the said entities for the period: 1989 to 2005. During the course of the investigation we have received approximately 13,289 pages of documentation (contained in 33 files) from Pegma and Wema. Our methodology, of indentifying incomplete information, was to allocate a unique reference number to each page received by number stamping the "hard copy" documentation presented to us. The referenced pages were then recorded in an electronic index and classified according to the following categories:

- Financial documentation;
- General correspondence documentation;
- Legal documentation;
- Statutory documentation; and
- Tax documentation.

Our forensic analysis of the said documentation found several instances where documentation was either lacking and/or insufficient. From our analysis we were able to compile a list of documentation that we would require in order to complete our forensic analysis for the full period under investigation.


BOW

Lombard - Registered Accountants and Auditors

Registered Accountant & Auditors / Chartered Accountants (SA)

19 Visvangerweg, Melkbosstrand, Cape Town, 7441

Tel. (021) 553 5476 / (021) 553 5467

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Fax. (086) 575 7570

Email address: lombard.a@mweb.co.za

11
C2

PO Box 60434
Table View
Cape Town
7439

The documentation that we require is classified and discussed under the following headings:

- Rental statements;
- Contractual agreements;
- Minutes of directors meetings;
- SARS documentation;
- Financial information;
- Bank account statements. //

CONFIDENTIAL

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Lombard - Registered Accountants and Auditors

Registered Accountant & Auditors / Chartered Accountants (SA)

19 Visvangerweg, Melkbosstrand, Cape Town, 7441

Tel. (021) 553 5476 / (021) 553 5467

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PO Box 60434

Table View

Cape Town

7439

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1157 111

April 27

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6. Bank account statements - Pegma/Wema

The bank account statements, that we require for the relevant periods, are discussed below.

Bank account statements required for the period 1989 to 2005.

First National Bank account - Estate Van Tonder FJ

The account holder was noted to be Estate van Tonder FJ (no bank account number was evident from the bank statements inspected). The following bank statements were found to be missing:

- 9/28/1993 to 6/16/1994 (Capital transactions); X
- 2/22/1996 to date of closure of account (Capital transactions). ✓
- From inception to 3/5/1992 (Income transactions); ✓
- 2/24/1995 to 3/6/1995 (Income transactions); and ✓
- 7/10/1995 to date of closure of account (Income transactions). ✓

First National Bank account - Estate Pegma


The account holder was noted to be Estate Pegma (no bank account number was evident from the bank statements inspected). The following bank statements were found to be missing:

- 1/6/1990 to 29/01/1992;
- 30/06/1994 to 29/03/1995; and
- 28/02/1999 to date of closure of account.

First National Bank account - Estate Wema

The account holder was noted to be Estate Wema (no bank account number was evident from the bank statements inspected). The following bank statements were found to be missing:

- From inception to 26/06/1991; and
- 4/8/1993 to 9/8/1993.


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Lombard Registered Accountants and Auditors

Registered Accountant & Auditors / Chartered Accountants (SA)
19 Visvangerweg, Melkbosstrand, Cape Town, 7441
Tel. (021) 553 5476 / (021) 553 5467
Cell. (083) 446 0583
Fax. (086) 575 7570
Email address: lombard.a@mweb.co.za

PO Box 60434
Table View
Cape Town
7439

First National Bank account – Estate FJ van Tonder – Analyze Trust

The account holder was noted to be Estate FJ van Tonder – Analyze Trust (no bank account number was evident from the bank statements inspected). The following bank statements were found to be missing:

*not repeated
per above
attached*

- From inception to closure of the bank account.

Standard bank account number 081313063:

The account holder was noted to be Clasto Konsultante. From our analysis it appears that this bank account was used to account for the bulk of cash flow transactions associated with both Pegma and Wema (from as early as 10 June 1994). The following bank statements were found to be missing:

- 15/11/1996 to 2/12/1996;
- 13/9/2003 to 17/12/2003;
- 30/12/2003 to 02/1/2004; and
- 31/03/2006 to 2/5/2006.

First National Bank account number 0008780:

The account holder was noted to be Mrs A Amis – Pegma (Edms) Bpk. From our analysis it appears that this bank account was used to receive Pegma rental income (from as early as 1 January 1995). The following bank statements were found to be missing:

- 28/2/2001 to 16/03/2001.

First National Bank account number 0008781:

The account holder was noted to be Mrs A Amis – Wema Investments. From our analysis it appears that this bank account was used to receive Wema rental income (from as early as 1 January 1995). The following bank statements were found to be missing:

- 23/2/2001 to 8/3/2001; and
- 25/10/2006 to 27/10/2006.

BAW

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Lombard - Registered Accountants and Auditors

Registered Accountant & Auditors / Chartered Accountants (SA)

19 Visvangerweg, Melkbosstrand, Cape Town, 7441

Tel. (021) 553 5476 / (021) 553 5467

Cell. (083) 446 0583

Fax. (086) 575 7570

Email address: lombard.a@mweb.co.za

PO Box 60434

Table View

Cape Town

7439

First National Bank account number 0005803: *Supplied*

The account holder was noted to be FJ Van Tonder - Analyze Trust. The following bank statements were found to be missing:

- 3/5/2004 to 21/7/2004
- From inception to 22/07/2003 (Income transactions)

First National Bank account number 0007709: *Supplied*

The account holder was noted to be A Amis Tams - Tams. The following bank statements were found to be missing:

- 31/8/1998 to 30/9/1998; and
- 28/04/2000 to date of closure of account.

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B

Lombard - Registered Accountants and Auditors

Registered Accountant & Auditors / Chartered Accountants (SA)

19 Visvangerweg, Melkbosstrand, Cape Town, 7441

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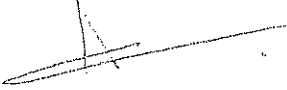
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7. Conclusion

We need to point out that the above requested information only relates to incomplete Pegma and Wema documentation. The documentation that is in our possession, and that we do deem to be complete, is currently being investigated in detail. The results of the said investigations will lead to additional requests for documentation and/or explanations from Claassen Stone, Clasto Konsultante and the FNB Trust.

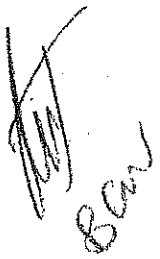


Adriaan Lombard

B-Com LLB (University of Stellenbosch) / Post Graduate Diploma in Accounting (U.C.T.)

Chartered Accountant (S.A.) / Registered Accountant & Auditor (R.A.A.)

Commissioner of Oaths



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8 November 2010

Millers Prokureurs

Beaconhuis, Meadestraat 123, George

6350

Your reference: LSI/MM/V6340/-WV3113

Pegma Minerale (Pty) Ltd and Wema Beleggings (Pty) Ltd

With reference to your fax received on 21 October 2010.

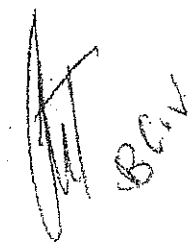
We received the abovementioned fax and attachments received from the FNB Trust Services. In addition to the fax we received the emailed response, from the FNB Trust Services, dated on 13 October 2010 (and attached to this letter as **Exhibit A**). We noted that the email was in response to our letter dated 13 September 2010.

From the information faxed to us we compiled an index of the documentation contained in the attachments that were received from the FNB Trust Services. The said index is attached to this document as **Annexure A**.

This letter's only objective is to address the response from FNB with regards to our request for information relating to FNB bank accounts. From our review of the documentation, contained in the attachments, we found that the only significant information relating to FNB bank accounts were the following:

- FNB FJ van Tonder Analize van Tonder Trust account number 0005803 (25 June 1991 to 22 July 2003); and
- FNB A Amis Tams account 0007709 (28 April 2000 to 20 September 2007).

Apart from the above we noted that our request for the remainder of FNB bank statements was however not addressed.

 BCW

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The following request for information relating to FNB bank accounts remains unresolved:

First National Bank account – Estate Van Tonder FJ

The account holder was noted to be Estate van Tonder FJ (no bank account number was evident from the bank statements inspected). The following bank statements were found to be missing:

- From inception to 1/3/1992 (Capital transactions);
- 22/2/1996 to date of closure of account (Capital transactions).
- From inception to 5/3/1992 (Income transactions);
- 24/2/1995 to 6/3/1995 (Income transactions); and
- 10/7/1995 to date of closure of account (Income transactions).

First National Bank account – Estate Pegma

The account holder was noted to be Estate Pegma (no bank account number was evident from the bank statements inspected). The following bank statements were found to be missing:

- 1/6/1990 to 29/01/1992;
- 30/06/1994 to 29/03/1995; and
- 28/02/1999 to date of closure of account.

First National Bank account – Estate Wema

The account holder was noted to be Estate Wema (no bank account number was evident from the bank statements inspected). The following bank statements were found to be missing:

- From inception to 26/06/1991; and
- 4/8/1993 to 9/8/1993.

First National Bank account number 0008780:

The account holder was noted to be Mrs A Amis – Pegma (Edms) Bpk. From our analysis it appears that this bank account was used to receive Pegma rental income (from as early as 1 January 1995). The following bank statements were found to be missing:

- 28/2/2001 to 16/03/2001.

[Handwritten signature]
BLW

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First National Bank account number 0008781:

The account holder was noted to be Mrs A Amis - Wema Investments. From our analysis it appears that this bank account was used to receive Wema rental income (from as early as 1 January 1995). The following bank statements were found to be missing:

- 23/2/2001 to 8/3/2001; and
- 25/10/2006 to 27/10/2006.

AT
Ben

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In addition to the above it was noted with concern that the same FNB bank account (A Amis Tams account 0007709) recorded different capital transaction balances for the same date:

- A Amis Tams account 0007709 - R123 832.07 Cr (23 May 2000)¹; and
- A Amis Tams account 0007709 - R125 525.42 Cr (23 May 2000)².

Both of the above FNB bank statements were obtained from the FNB Trust Services on different dates. In light of this we are hereby withdrawing our earlier request, pertaining solely to FNB bank statements, as expressed in our letter dated 13 September 2010.

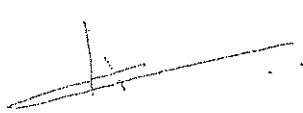
We will now seek to obtain a full set of FNB bank statements, from inception to the closure of the account, for all the FNB bank accounts listed in our letter dated 13 September 2010.

From a review of the correspondence between yourselves and FNB Trust Services we noted the following statement by Eugene Antak (FNB Trust Services Trust and Tams Specialist):

"As we have undertaken to assist you wherever possible, we reiterate that our files can be made available to you. This would avoid both duplication of work and documentation"

In regards to the above statement my firm would be willing to accept an invitation to inspect the files if it can be made available to us.

In regards to our amended request and with regards to information requested but not supplied to us due to claims of internal constraints within FNB's own financial system, we hereby request a meeting with the internal audit function of FNB, in order to evaluate the validity of the claims that the information can not be sourced from within FNB's own financial system.


Adriaan Lombard (practice number 903637)

B-Com LLB (University of Stellenbosch) / Post Graduate Diploma in Accounting (U.C.T.)

Chartered Accountant (S.A.) / Registered Accountant & Auditor (R.A.A.)

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¹ Refer Exhibit B

² Refer Exhibit C



"E"

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9 March 2011

Millers Prokureurs

Beaonhuis, Meadestraat 123, George

6350

Your reference: L Joubert/wl/V6340/-WV3113

Pegma Minerale (Pty) Ltd and Wema Beleggings (Pty) Ltd

We can confirm that a meeting between ourselves and the FNB Asset Management and Trust Services (Pty) Ltd took place at their offices in Pretoria on 4 February 2011.

On 1 February 2011 we forwarded an agenda to the FNB Asset Management and Trust Services (Pty) Ltd (a copy of the agenda is attached to this letter as Annexure A).

The agenda listed specific cash flow transactions associated with the following FNB bank accounts, relevant to our investigation:

1. First National Bank account -- Estate Van Tonder FJ;
 2. First National Bank account -- Estate Pegma;
 3. First National Bank account -- Estate Wema;
 4. First National Bank account -- Estate FJ van Tonder -- Analize Trust;
 5. First National Bank account number 0008780;
 6. First National Bank account number 0008781;
 7. First National Bank account number 0005803; and
 8. First National Bank of South Africa account number 0007709;
- See also [unclear]*

[Handwritten signature]

"E2"

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From the outset of the meeting we indicated that the completeness of FNB bank accounts is crucial in completing our mandate as forensic auditors. ←

In response to this, William Barfoot (Audit Manager FNB Wealth) informed us that it was not:

"a specific requirement to maintain all the records for an unlimited period and when systems were changed and upgraded then history as at that specific date was saved onto a microfiche. That was handed over to a branch. Our problem at this stage is that we don't know which branch it was held at. Going back to try and trace, from pre '1996... That history will have to rely on print statements or microfiche. So if you're talking from inception until 1996, that could be tricky. From 1996 to current you should be able to get that history. It depends on user rights, but from head office it's definitely available"

We include a transcribed copy of the said meeting as **Annexure B**.

On 16 February 2011, we received an email from Mr Barfoot (attached to this letter as **Exhibit A**) with an excel copy of the following FNB bank accounts ("transaction statements"), with transactions commencing after 1 January 1996:

1. First National Bank account number 0008780;
2. First National Bank account number 0008781;
3. First National Bank account number 0005803; and
4. First National Bank of South Africa account number 0007709;

The information for the abovementioned FNB bank accounts ("transaction statements"), all commenced with a nil balances on 1 January 1996 (therefore raising concerns that opening balances could have been omitted). The closing balances for all of the said bank accounts ("transaction statements") reflected a balance other than nil (therefore raising the concern that we have not obtained all the bank account transactions up to the point of closure of these accounts). We attached a copy of the excel document provided to us as **Exhibit B**. We expressed our concern regarding the closing balances to Mr Barfoot on 1 March 2011 (a copy of the email as **Exhibit C**). To date we have not received a reply.

WJ
BCW

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On 7 March 2011, we received the following reply from Mr Barfoot (a copy of the email is attached as Exhibit D) pertaining to FNB bank statements ("transaction statements") prior to 1 January 1996:

"nobody is aware of where the Microfiche or stored documents are. There was no hand-over documentation or record of this procedure. The history we have is however in line with minimum requirements of the Companies' Act for maintaining accounting records for Companies (including Trusts, CC's and other legal entities) which allows for a 15 year period. Attached, please find the SAICA guide on the retention of documents as a reference. I trust this is in order."

From our preliminary findings, based on incomplete FNB bank statements in our possession, we have found:

- We could trace R 7,706,672.53 of Claassen Stone rental statement amounts to cash paid into our client's bank accounts¹;
- • We were unable to trace R619,120.30 of Claassen Stone rental statement amounts to cash inflows into our client's bank accounts
- We could trace R 1,617,337.92 of David Newham rental statement amounts to cash paid into our client's bank accounts²;
- • We were unable to trace R 289,232.99 of David Newham rental statement amounts to cash inflows into our client's bank accounts

In the absence of a complete set of FNB bank statements we are unable to confirm that the exceptions above were in fact not paid into our clients bank accounts.

Copy 144 - R 986 124

¹ The period relates to rental income received during 1995 to 2006. Refer to Annexure C

² The period relates to rental income received during 1989 to 1994. Refer to Annexure D

BCW

"E4"

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In addition to the above several other critical matters, currently under investigation, is dependent on the completeness of FNB bank account records. Some of these matters are:

- Our ability to investigate the completeness of repairs and maintenance expenses for the period ending February 1995;
 - Our ability to investigate the completeness of rental income for the period March 1994 to October 1994;
 - Our ability to investigate the completeness of receipt of VAT refund payments from the SARS
- [Handwritten signature]*
B.C.W.

Lombard - Registered Accountants and Auditors

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During the meeting we undertook to supply the FNB Asset Management and Trust Services (Pty) Ltd with an additional list of F J Van Tonder - Analyze Trust and A Amis Investment reports that we require for our investigation.

On 9 February 2011 we provided a list of investment reports to the FNB Asset Management and Trust Services (Pty) Ltd (a copy of the email is attached to this letter as **Exhibit E**)

We have received the following from the FNB Asset Management and Trust Services (Pty) Ltd to date:

- FNB bank statements ("transaction statements") discussed *supra* (for the following accounts 8780, 8781, 7709 and 5803)
- F J Van Tonder - Analyze Trust Investment reports (for the period 1992, 1993, 2001, 2002 and 2003)³

³ Refer to Exhibit F

Handwritten signature and initials

Handwritten "E" with "5" below it and "3" to the right

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We would appreciate it if your firm can assist us in obtaining a full set of FNB bank account statements, for the FNB bank accounts listed *supra*, from FNB Asset Management and Trust Services and/or FNB of South Africa Ltd.

In order to assist you we inquired, on 8 March 2011, from Mr Barfoot to confirm:⁴

1. The exact description of the bank accounts/transaction statements (as discussed in detail in our meeting dated 4 February 2011); and
2. The legal entity responsible for the safekeeping of the above bank accounts/transaction statements (FNT or FNB)

We will inform you of the response when we receive it from Mr Barfoot.


Adriaan Lombard

B-Com LLB (University of Stellenbosch) / Post Graduate Diploma in Accounting (U.C.T.)

Chartered Accountant (S.A.) / Registered Accountant & Auditor (R.A.A.)

Commissioner of Oaths

⁴ Refer to Exhibit F


BCW

"7" 37

Adriaan Lombard

From: Barfoot, William <william.barfoot@firstrandbank.co.za>
Sent: Monday, March 07, 2011 12:49 PM
To: Adriaan Lombard
Cc: Sacks, Cheryl; Baatsen, Rene; DuBois, Karen
Subject: RE: FORENSIC AUDIT - A VAN TONDER/ WEMA PEGMA
Attachments: image001.jpg; Guide_retention_of_records_sep2009.pdf

Hi Adriaan

As discussed last week, nobody is aware of where the Microfiche or stored documents are. There was no hand-over documentation or record of this procedure.

The history we have is however in line with minimum requirements of the Companies' Act for maintaining accounting records for Companies (including Trusts, CC's and other legal entities) which allows for a 15 year period.

Attached, please find the SAICA guide on the retention of documents as a reference.

I trust this is in order.

Regards

William Barfoot
(011) 371 8475

From: Adriaan Lombard [mailto:lombard.a@mweb.co.za]
Sent: 07 Mar 2011 11:45 AM
To: Barfoot, William
Cc: anniev3@juno.com; Liesl Fowley
Subject: RE: FORENSIC AUDIT - A VAN TONDER/ WEMA PEGMA

Good morning William,

Need to report back to my client tomorrow morning. Any feedback at this stage?

Kind regards

Adriaan Lombard CA(SA)

From: Barfoot, William [mailto:william.barfoot@firstrandbank.co.za]
Sent: Thursday, March 03, 2011 3:46 PM
To: Adriaan Lombard
Subject: FW: FORENSIC AUDIT - A VAN TONDER/ WEMA PEGMA

FYI

I will follow up with head office. There had to have been a hand-over process

William Barfoot
(011)-371 8475

"G" 37

Adriaan Lombard

From: Wilna Lloyd <Wilna@millers.co.za>
Sent: Monday, May 23, 2011 4:06 PM
To: 'Liesl Fowley'
Cc: 'anniev3@juno.com'; 'Adriaan Lombard'
Subject: FW: Analize van Tonder

From: Botha, Barbara [mailto:babotha@fnbwealth.co.za]
Sent: 23 May 2011 16:03
To: Wilna Lloyd
Cc: Kirkman-Pillay, Felicite; Baatsen, Rene
Subject: Analize van Tonder



how can we help you?

Millers Attorneys
123 Meade Street
George
6530

Dear Sirs,

RE: ESTATE NO: 1635/90: FJ VAN TONDER – ANALIZE TRUST, PEGMA MINERALE (PTY) LTD, WEMA BELEGGINGS (PTY)

We refer to the above and to your letter dated 16 May 2011.05.23

We note from the Auditors' report attached to your letter, that most outstanding matters may be traced in the banking statements of FNB Trust Services Trust Services prior to 1996.

We have located the microfiche trust account records, and are currently arranging for a reader as the format is not compatible with current bank software. Should we not be able to read these records, we will request the relevant banking statements for FNB Trust Services' banking account (the common transactional banking account), and provide same to you. The latter course will, however require us to blackout all transactions not pertaining to the accounts under review.

We therefore request an extension of 30 days in order to either obtain the reader or process the banking statements.

Yours Faithfully

THAT IS WHAT WE WANT !

Barbara Botha

Handwritten signature and initials (possibly 'BCW')


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BCW

H 20



PER COURIER

10 June 2011

Attorneys Millers
123 Meade Street
GEORGE
6530

Your ref: Mr L Joubert/wl/V6340/WV3113

Dear Mr Joubert

F J VAN TONDER – ANALIZE TRUST/ PEGMA MINERALE/ WEMA BELEGGINGS

We refer to your letter of 16 May 2011.

2.1.1. FIRST NATIONAL BANK ACCOUNT – ESTATE F J VAN TONDER

The response for this payment is the same as that for 3.2.2. We advise that these payments of 16 June 1991 and 26 June 1991 represent two payments that were made from the estate account which was closed on 26 June 1991. These funds were subsequently transferred and credited to the estate account of which the bank statements are attached. The reason why two cheques were issued was that cheques could not be issued for amounts in excess of R1 million. (These payments are a straight transfer from the first account to a subsequent account. The exact amount debited was credited and therefore no detailed statement or reconciliation should be necessary.)

2.1.2 FIRST NATIONAL BANK ACCOUNT – TRUST PEGMA

We attach:

Interest received FNB	01/10/1997	31 145.06
Interest received FNB (Rental received rec.from Claassen Stone – Jan 1999)	25/01/1999	67 178.82
Kontant onttrek (First Bowring short term insurance Premium – Sep 1996)	14/08/1996	21 476.55
Belasting bet	19/08/1996	119 928.00*
Belasting bet	19/02/1997	38 988.00

A member of:
The Fiduciary Institute of South Africa

Pretoria

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Sto Letter – E (E) – NEW F
Directors: J Dempsey (Chairman), M Mjodwa, N D Moino, J Richter

First National Asset Management and Trust Company (Pty) Limited Registration Number 1978/003485/07 – A member of FirstRand Bank Holdings Limited.
An Authorised Financial Services Provider

(IRP 6 2 ND Period 1997) Belasting bet (IRP 6 -- First Period 1999 -- R39009.73 Belg gedelg (Proof of the redemption of the invest- ment together with interest earned during the period 27/5/96 -- 2/8/1996 is attached)	28/08/1998	34 615.27
B/w FJ van Tonder Dep beleg ENB	13/07/1996	332 073.31
Dep beleg ENB	06/08/1993	450 000.00*
Dep beleg ENB	19/10/1995	540 000.00
Dep beleg ENB	26/07/1996	300 000.00*
Diverse eise ten gunste (1994 Pegma Tax assessment) ENB	02/08/1996	157 900.00
(Proceeds Pegma Minerale Estate Account)	28/06/1995	118 554.73
Frans van Tonder -- diverse eise ten Gunste	30/06/1994	104 254.38
Honolulu Konstruksie Eis	02/04/1992	21 036.99*
Honolulu Konstruksie Eis	09/07/1992	16 493.57*
Honolulu Konstruksie Eis	25/11/1993	23 448.92*
(inv 308 dd 22/3/1994) Sold 157900 FNB	31/01/1994	2 063.64*
Van Tonder -- A Trust (CI Stone) (Rental statement Oct 1995 -- transfer From FNT)	28/03/1994	1 055.64
Van Tonder -- A Trust (CI Stone) See letter from Claassen Stone Dd 21/9/1998)	14/11/1997	157 900.00
	26/09/1995	35 086.90
	29/10/1998	23 047.06

2.1.3 FIRST NATIONAL BANK ACCOUNT -- ESTATE WEMA

Div 44 Boesmanland (Boedel)	12/08/1991	55 724.00
B/w F J Van Tonder (Letter dd 5/10/1994)	06/08/1993	1 012 335 52

2.1.4 FIRST NATIONAL BANK PEGMA ACCOUNT NUMBER 8780

Claassen Stone -- 1 st 1997 (Prov tax 1 st period 1997)	26/08/1996	38 989.00
--	------------	-----------

[Handwritten signature]
BCW

2.1.5 FIRST NATIONAL BANK WEMA ACCOUNT NUMBER 8781

Pay to A Amis (See proof of payment and annexures)	10/03/2005	200 000.00
Pay obo A van Tonder to CS (Springbok Municipality – rates 49 Voortrekker Street)	15/09/2000	15 973.20
Pay to First Card	17/10/2006	22 833.58*
Pay obo Trust to Honolulu (Inv 354 dd 10/7/1994)	00/00/1994	25 040.10
Pay obo Trust to Honolulu	00/00/1994	48 668.40*
Pay obo A Amis to MD Distributors (50% of invoice 07/0305 dd 9/3/05)	10/03/2005	30 780.00

2.1.6. FJV AN TONDER – ANALIZE TRUST ACC NO 5803

Pay to Mrs A Amis (Dt Trust Cr Tams)	20/06/2001	102 960.00
Pay to Mrs A Amis (Dr Trust Cr Tams)	04/09/2003	102960.00
Pay to Mrs A Amis (Dr Trust cr Tams)	07/01/2004	102960.00
Pay to Mrs A Amis (From the attached voucher it is evident that the transaction was from the trust account to the Tams account and not a payment as such)	21/07/2004	63 481.11
Pay obo A Amis to Firstcard (Statement dd 20/4/1998)	25/03/1998	40 000.00
Pay obo A Amis to Krediteur (Peninsula Painters and Decorators Inv 84 dd 19/7/1999)	26/07/1999	28 203.29
Cash withdrawn (Deposit Home Loan Acc 5885 1179780)	23/10/1998	8 000.00
Inv Deposit FNB Fix 6 months	07/06/2000	33000.00
Inv Deposit FNB Fix 6 months	19/12/2000	57727.00
Inv Deposit FNB Fix 6 months	27/06/2001	79929.00*
Inv Deposit FNB Fix 6 months	10/01/2002	80404.00
Inv Deposit FNB Fix 6 months	19/07/2002	81649.00
Inv Deposit FNB Fix 6 months	22/01/2003	81600.00
Inv Deposit FNB Fix 6 months	09/09/1998	100000.00
Inv Deposit FNB Fix 6 months		
Sale Settlement 9400 FNB	30/06/1997	9400.00*

BW

31/08/2006	13 369.92	Payment to Pace Weatherproof
28/07/2006	12 221.00	Of Latter Day Saints - letter dd 8/9/96)
18/09/2006	29 420.84	(Tithing The Church of Jesus Christ
12/03/2002	34 183.00	G Patterson - Payment to creditor
25/08/1997	63 816.13	(Statement dd 18/9/2006)
22/08/1997	70 000.00	Pay obo A Amis to Firstcard
07/01/1999	70 000.00	No SL47115372)
21/12/2006	97 000.00	(Letter dd 20/11/2002 - policy
29/09/1999	232 779.00*	Momentum Life Policy
06/03/1999	134 000.00	(Wema Belegings 28/2/1998)
15/06/1999	134 779.00*	Om leningsrek te verninder
15/12/1998	119 500.00*	28/2/1998)
12/09/1998	13 700.00*	712855 Ln1)(Wema Belegings
12/01/1998	2 800.00*	(Wema 8781 Credit loan acc
16/09/1998	2 569.00*	Om Leningrek te verninder
04/12/1996	26 220.00	Letter dds/1/99 attached)
17/01/2005	12 586.69*	(Date incorrect - Deposit slip and
17/12/2004	10 352.94*	Lauren Ann de Kock
10/08/2007	1 785.71*	Inv red 97000
07/08/2007	35 385.59*	Inv red 232779 FNB M/Mkt
08/07/2007	2 261373.87*	Inv red 134000 NBS
		Inv FNB M/ Mkt
		Inv FNB M/ Mkt
		Inv FNB M/ Mkt
		Inv FNB M/ Mkt
		Inv FNB M/ Mkt
		Inv FNB M/ Mkt
		Admin Fee
		Admin Fee
		Cash withdrawn - final distribution
		A Amis
		Cash withdrawn - final distribution
		Cash withdrawn

2.1.7 FNB A AMIS ACCOUNT NUMMER 7709

30/06/1997	13 600.00	Sale Settlement 13 600 FNB
27/01/1999	3 880.00	Sale Settlement 3880 FNB
27/01/1999	2 000.00	Sale Settlement 2000 FNB
31/12/1998	5 880.00	Sale Settlement 5880 FNB
24/02/1999	25 000.00	Sale Settlement 25000 FNB
28/04/1999	15 000.00	Sale Settlement 15000 FNB
30/06/1999	20 000.00	Sale Settlement 20000 FNB

(Inv 11430 dd 10/7/2006)		
Payment from A Amis – Wema Inv (Inv withdrawn LH712855 LN1)	18/07/1996	20 000.00
Tax payment (A Amis provisional tax third period 2005)	29/09/2005	14 833.20
Receiver of Revenue (A van Tonder income tax refund 2000 tax year)	15/02/2001	7 415.04
Receiver of Revenue (2002 income tax refund A van Tonder)	12/11/2002	14 633.80
Receiver of Revenue (Tax refund A van Tonder)	18/03/2005	3 879.72

3 SPECIFIC MATTERS THAT REQUIRE CLARIFICATION FROM FNT

3.1 SPECIFIC MATTERS RELATING TO THE COMPLETENESS OF FNB BANK ACCOUNT STATEMENTS

3.1.1 We refer to our email of 29 March 2010 when statements were forwarded to Liesl Fowley. We refer to our letter of 22 June 2010 couriered to Millers to which transaction statements were attached. Transaction statements were also attached to our email of 20 October 2010. Due to the statements already provided and the volume of copies involved, it would be appreciated if we could be provided with details of statements still required.

3.2 SPECIFIC MATTERS RELATING TO THE ESTATE OF THE LATE F J VAN TONDER

3.2.1 10% SHARES IN WEMA KONSTRUKSIE

Wema Konstruksie was the owner of one property, erf 1210 Springbok. The property was sold in terms of a Deed of Sale dated 2 January 1990. See annexure 3.2.1. We attach a letter from CK Friedlander Shandling and Volks dated 8 January 1980 which letter is a detailed Deeds Office Search of all the properties registered in the name of F J Van Tonder and his companies. Page 3 of the aforesaid letter refers to erf 1210 and no mention of erf 1711 Springbok is made in the letter. See exhibit 3.2.1 We also attach a copy of letters dated 9 March 1990 and 16 June 1992 indicating that documents

were referred to the attorneys to attend to the transfer and that the business was eventually deregistered.

We attach a copy of the Inventory dd 24/11/1989 in respect of the estate, as well as Financial Statements in respect of F J van Tonder for the year ended 28 February 1989 and 5 November 1989.

3.2.2 SUNDRY PAYMENTS R1 433 425.00

These payments 16 June 1991 and 26 June 1991 represent two payments that were made from the estate account that was closed on 26 June 1991. These funds were subsequently transferred and credited to the estate account of which the bank statements are attached. The reason why two cheques were issued was that cheques could not be issued for amounts in excess of R1 million. (As this is a straight transfer from the first to a subsequent account and the exact balances were transferred no detailed statement or reconciliation appears necessary.)

3.2.3 WEMA TO ESTATE FJ VAN TONDER – R1 012 335.00

See the voucher under item 2.1.3.

3.3 SPECIFIC MATTERS RELATING TO THE PEGMA AND WEMA RENTAL INCOME

3.3.1 R289 232.00 OF PEGMA AND WEMA RENTAL INCOME DAVID NEWHAM

A reconciliation statement is being prepared and our reply will be provided once completed.

3.3.2 R619120.00 OF PEGMA AND WEMA RENTAL REVENUE CLAASSEN STONE

A reconciliation statement is being prepared and our reply will be provided once completed.

3.3.3 PEGMA AND WEMA RENTAL INCOME FOR 1994

We are reviewing all the documents which we have in our possession to establish whether we can provide the rental statements for the period March 1994 – August 1994.

3.4 SPECIFIC MATTERS RELATING TO THE PEMA AND WEMA REPAIRS AND MAINTENANCE EXPENSES

3.4.1 REPAIRS AND MAINTENANCE R529 940.00 1994

We attach a copy of a letter dated 5 December 1994 which indicates how the amount is made up.

3.5 SPECIFIC MATTERS RELATING TO THE PEGMA AND WEMA VAT REFUNDS

3.5.1 PEGMA AND WEMA VAT REFUNDS – R11 672.87 and R77 789.94

We will provide vouchers in respect of the VAT refunds of R11 672.87 and R77 789.94 as soon as possible. The VAT refunds were not paid to us directly but usually formed part of the monthly statements.

3.6 SPECIFIC MATTERS RELATING TO WEMA SUBSIDIARY COMPANIES

3.6.1 FINANCIAL POSITION OF WEMA KONSTRUKSIE

This is being attended to and we shall revert to you soon.

3.6.2 FINANCIAL POSITION OF WES-ORANJE

We attach a copy of the Wes Oranje Reconciliation as well as the bank statements for the period 28/2/1990 – 29/5/1990 and 26/6/1991 – 28/7/1993.

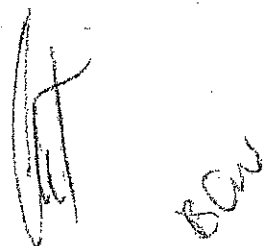
3.6.3 FINANCIAL POSITION OF WEMA GROUP

This is being attended to and will be responded to in the near future.

3.7 SPECIFIC MATTERS RELATING TO THE FJ VAN TONDER ANALIZE TRUST

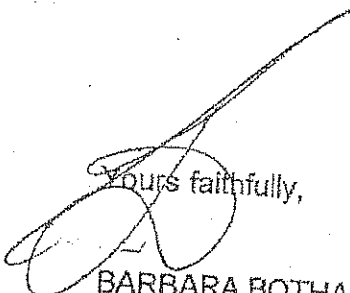
3.7.1 31 SHARES ADMINISTERED IN TRUST

We are in the process of preparing a reconciliation which will be forwarded.

Handwritten signature and initials in the bottom right corner of the page.


3.7.2 SARS PAYMENT TO TRUST OF R84 729.96 24/1/2002 -

We attach a copy of the cheque counterfoil for R84 729.96 together with a copy of the income tax assessment for 1999. The difference between the assessment and the amount received is interest.


Yours faithfully,

BARBARA BOTHA
HEAD: LEGAL AND COMPLIANCE
E-mail address bbotha@fnbwealth

- **These vouchers are either not available or will be supplied.*
- *By way of explanation the "Deposito", "Inv Deposit", "Sale Settlement" and "Inv Redeemed" refer to funds invested on another platform via our Securities Management Centre. These investments were made when credit funds were not immediately required for disbursements. This does not refer to payments made.*


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REPUBLIC OF SOUTH AFRICA

FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head:

BARBARA BOTHA.

HEAD: LEGAL AND COMPLIANCE

PRIVATE BAG X 5 MENLO PARK. 0102.

E-MAIL: fnbtrustho@fnb.co.za.

FIRST FLOOR, SOUTH BLOCK, MENLYN SQUARE
CNR. KOS & GOBIE STREETS NEWLANDS, EXT 3
PRETORIA 0081.

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: LEFEURE STEVAN JOUBERT MILLERS INC. ON BEHALF OF
 Identity number: 6408275092087 OF A. VAN TONDER
 Postal address: P.O. BOX 35 GIDAGE
 Telephone number: (011) 8711140 Fax number: (011) 0865172872
 E-mail address: stj@millas.co.za
 Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: ANELIZE VAN TONDER
 Identity number: 6807210043481

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

SEE ATTACHED ANNEXTURES

2. Reference number, if available:

SEE ABOVE

3. Any further particulars of record:

SEE ABOVE

E. Fees

- A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

N.A.

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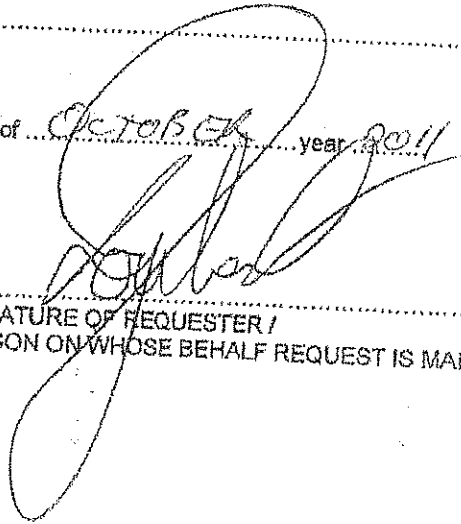
FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at CAPE TOWN this day 7TH of OCTOBER year 2011



SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE



Lombard - Registered Accountants and Auditors

Registered Accountant & Auditors / Chartered Accountants (SA)

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Tel. (021) 553 5476 / (021) 553 5467

Cell. (083) 446 0583

Fax. (086) 575 7570

Email address: lombard.a@mweb.co.za

PO Box 60434

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15 September 2011

Department of Justice

Momentum Centre,

329 Pretorius Street (c/o Pretorius and Prinsloo Streets),

Pretoria

To whom it might concern,

Form C: Request for access to record of private body

We act as forensic auditors for Anelize van Tonder the director and sole shareholder of the following property rental companies:

- Pegma Minerale (Pty) Ltd; and
- Wema Beleggings (Pty) Ltd.

We were mandated to conduct a forensic investigation into the financial affairs of Pegma Minerale (Pty) Ltd and Wema Beleggings (Pty) Ltd. Our period under investigation is from 1 March 1989 to 28 February 2006. During this period the National Asset Management and Trust Company (Pty) Ltd (First National Trust) was appointed as trustees by the will and testament of our client's late father, FJ van Tonder.

Our client was the main beneficiary of the late FJ van Tonder's estate. The First National Trust acted as administrators of the trust for a significant part of the period under investigation¹.

We were appointed as forensic auditors on 12 July 2010. At the date of our appointment our client had almost no accounting records (other than financial statements) in her possession; for the above-mentioned entities; for the period under investigation.

¹ The trust was appointed by the will and testament of the late FJ van Tonder until his daughter and main beneficiary of his estate reached the age of 35 (21 July 2003). After this date the trust continued their function as trustees.

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Through the course of our investigation we found that the First National Trust contracted the accounting function to an entity styled Clasto Konsultante CC (under the supervision of an auditing firm Claassen Stone). Clasto Konsultante CC created a Standard bank trust account into which our client's entities' rental income was collected and expenses paid. We requested and received a complete set of the Standard bank trust account bank statements from Clasto Konsultante CC.

In addition to the above Standard bank trust bank account, the First National Trust created several FNB bank accounts on behalf of our client. The FNB bank accounts were under the control of the First National Trust and were used to transact on behalf of our client and our client's entities.


On 4 February 2011, we met with the First National Trust at their offices in Pretoria. During the said meeting both parties agreed on a sample of FNB transactions for which supporting documentation would be found. Our letter dated 22 August 2011 records our request, on behalf of our client, for information as well as the response from First National Trust (a copy of the letter is attached as Annexure A).

The said letter records some specific request for supporting documentation pertaining to financial transactions recorded on the FNB bank accounts. The letter also includes a request to the First National Trust for the following basic information:

- Our client's request for a complete set of FNB bank account statements, from inception to closure of the bank accounts²;
- Our client's request for the financial statements for subsidiary companies of our client's entities that were either de-registered or liquidated during the period under investigation (The entities in question are: Wema Konstruksie (Pty) Ltd, Wes-Oranje (Pty) Ltd, Wema Groep (Pty) Ltd).

We have received incomplete FNB bank account statements from the First National Trust. Upon pointing this out to the First National Trust we received additional FNB bank account statements that seemed to contradict previous bank balances recorded in the incomplete FNB bank statements supplied to us.

² Refer to our letter dated 22 August 2011 for a complete list of FNB bank accounts under investigation


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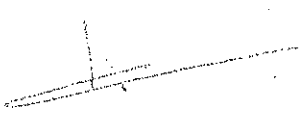
Denying our client the request for a supporting documentation pertaining to financial transactions recorded on FNB bank accounts would deny our client the right to obtain assurance that the transactions were valid and that the trust did not deviate from its fiduciary duties.

Denying our client the request for a complete set of FNB bank statements would deny our client the right to independently confirm, amongst other things:

- Whether or not all rental income recorded in the financial statements were received in our client's entity's FNB bank accounts;
- Whether or not all commissions paid to rental agents were disclosed;
- Whether or not all income tax and VAT refunds cheques, paid by the SARS, were received in our client's entity's FNB bank accounts
- Whether or not all investment income recorded in the financial statements were received in our client's entity's FNB bank accounts

Denying our client the request for financial statements of our client's subsidiary companies would deny our client the right to investigate the merits of the de-registration and liquidation of subsidiary companies.


In order to protect our client's rights, afforded to her as a beneficiary of a trust that was administered on her behalf, our client should have the right to access the information as requested on her behalf.


Adriaan Lombard (practice number 903637)

B-Com LLB (University of Stellenbosch) / Post Graduate Diploma in Accounting (U.C.T.)

Chartered Accountant (S.A.) / Registered Accountant & Auditor (R.A.A.)

Commissioner of Oaths


BCW

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22 August 2011

Millers Prokureurs

Beaonhuis, Meadestraat 123, George

6350


Your reference: LSJ/MM/V6340/-WV3113

Pegma Minerale (Pty) Ltd and Wema Beleggings (Pty) Ltd

The letter from the FNB Asset Management and Trust Services to Miller Attorneys, dated 10 June 2011 refers (a copy of the letter is attached as Annexure A). We take note that the said letter was in response to our letter to Miller Attorneys, dated 5 April 2011 (a copy of the letter is attached as Annexure B).

On 14 July 2011 we received 505 pages of couriered documentation accompanying the said letter from FNB Asset Management and Trust Services (subsequent to this date we received additional documentation on 15 August 2011). We noted that the said documentation was submitted, by the FNB Asset Management and Trust Services, in response to our request for supporting documentation as recorded in our letter dated 5 April 2011. We performed the following procedures on the documentation received:

- We compiled a index of the documentation received (attaching an internal reference number to each page received);
- We compared the supporting documentation, submitted by the FNB Asset Management and Trust Services, with the list of requested documentation as recorded in our letter dated 5 April 2011; and
- We compiled a schedule listing our request for supporting documentation and classifying each request as resolved, partially resolved or unresolved.


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From our letter dated 5 April 2011 we identified 110 requests for supporting documentation, contained in the said letter. We attach a schedule, which records each of the 110 requests, as Annexure C to this letter. The said schedule recorded the following:

- We found 62 requests (56%), for supporting documentation, was deemed to be resolved¹;
- We found 23 requests (21%), for supporting documentation, was partially resolved²; and
- We found 25 requests (23%), for supporting documentation, remained unresolved³.

In addition to the above we would like to take the opportunity to address a specific aspect of the letter from FNB Asset Management and Trust Services, dated 10 June 2011. Section 3.1.1 of the said letter relates to our request for a full set of FNB transaction statements ("bank statements"). The letter records⁴:

"We refer to our email of 29 March 2010 when statements were forwarded to Liesl Fowley. We refer to our letter of 22 June 2010 couriered to Millers to which transaction statements were attached. Transaction statements were also attached to our email of 20 October 2010. Due to the statements already provided and the volume of copies involved, it would be appreciated if we could be provided with details of statements still required"

We do not dispute that transaction statements were provided by the FNB Asset Management and Trust Services on the dates mentioned *supra*. We do however point out that the transaction statements provided contained missing transaction statements. This was communicated to the FNB Asset Management and Trust Services, through Miller Attorneys, in our letter dated 13 September 2010 (a copy of the letter is attached as Annexure D)⁵. The said letter specified the missing transaction per period per FNB bank account.

- ¹ Refer to Annexure C - Denoted in the said annexure with the colour green
- ² Refer to Annexure C - Denoted in the said annexure with the colour yellow
- ³ Refer to Annexure C - Denoted in the said annexure with the colour red
- ⁴ Refer to Annexure A Section 3.1.1
- ⁵ Refer to Annexure D Section 6 Listing the missing FNB bank account statements per bank account

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Subsequent to this date we did receive missing transaction statements, from the FNB Asset Management and Trust Services. On inspection of the missing transaction statements, supplied to us, we noted that balances, reflected on the missing transaction statements, did not agree with the balances reflected on the transaction statements already in our possession. In light of this our concerns pertaining to the accuracy of balances carried over from one transaction statement to the next were raised.

These concerns were communicated to the FNB Asset Management and Trust Services, through Miller Attorneys, in our letter dated 8 November 2010 (a copy of the letter is attached as Annexure E)⁶. In this letter we explained our decision to insist on a full set of transaction statements, from inception to closure, for all the relevant FNB bank accounts under investigation.


On 4 February 2011 we met with the FNB Asset Management and Trust Services at their offices in Pretoria. During the meeting we agreed with the FNB Asset Management and Trust Services to obtain a full set of transaction statements for the relevant FNB bank accounts. It was explained to us that transaction statements from 1996 to present could quite easily be supplied to us in electronic format (Excel). The transaction statements prior to 1996 was however more difficult to obtain as it was held at branch level on microfiche.

On 16 February 2011 we received four FNB bank statement accounts, in electronic format (Excel), from FNB Asset Management and Trust Services (a copy of the email is attached to this letter as Annexure F). On inspection of the said FNB bank statements our earlier concerns, surrounding the accuracy of balances carried over, were yet again raised.

From the FNB bank statements we noted that all four FNB bank accounts recorded a nil opening balance for the period 1996. As we are aware of the occurrences of significant transactions prior to 1996, relating to these FNB bank accounts, the nil balances seems to further cast doubt about the accuracy of balances carried over from one period to the next. Our concerns were yet again expressed to the FNB Asset Management and Trust Services in our letter dated 9 March 2011 (a copy of the letter is attached as Annexure G)⁷.

⁶ Refer to Annexure E page 4

⁷ Refer to Annexure G page 2


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On 7 March 2011, we received the following reply from Mr Barfoot (Audit Manager FNB Wealth) (a copy of the email is attached to this letter as Annexure H) pertaining to FNB bank statements prior to 1 January 1996:

“nobody is aware of where the Microfiche or stored documents are. There was no hand-over documentation or record of this procedure. The history we have is however in line with minimum requirements of the Companies’ Act for maintaining accounting records for Companies (including Trusts, CC’s and other legal entities) which allows for a 15 year period. Attached, please find the SAICA guide on the retention of documents as a reference. I trust this is in order.”

An email from Mrs Botha (Legal department FNB Wealth) to Miller Attorneys dated 23 May 2011 (a copy of the email is attached to this letter as Annexure I), however recorded:

“We have located the microfiche trust account records, and are currently arranging for a reader as the format is not compatible with current bank software. Should we not be able to read these records, we will request the relevant banking statements for FNB Trust Services’ banking account (the common transactional banking account), and provide same to you”

From the above our expectations were raised that the FNB bank statements could be retrieved for the period prior to 1996. Although we are aware of the volumes of transactions involved, we deem it essential, for the purposes of our investigation, that we obtain a full set of transaction statements for all the FNB bank accounts selected. At present we are in possession of incomplete FNB bank account statements. Obtaining only selected transaction statements, as done in the past, has proved to be an approach that has delivered unsatisfactory results and which has raised even more serious concerns surrounding the accuracy of balances carried over from one period to the next.


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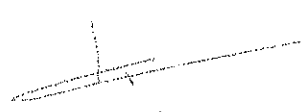
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In order to obtain reasonable assurance, that we are indeed looking at all transactions reflected on our client's FNB bank accounts, we insist on our request for a complete set of FNB bank account statements (which records all transactions from the inception of the account to its closure). In addition we are awaiting the remainder of the supporting documentation that has been classified *supra* as unresolved.

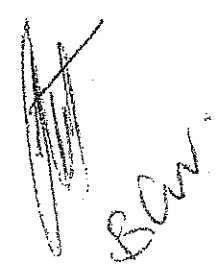


Adriaan Lombard

B-Com LLB (University of Stellenbosch) / Post Graduate Diploma in Accounting (U.C.T.)

Chartered Accountant (S.A.) / Registered Accountant & Auditor (R.A.A.)

Commissioner of Oaths



SAW

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG SOUTH DIVISION)

Case No:

In the matter between:

ANALIZE VAN TONDER
WEMA BELEGGINGS (PTY) LTD
PEGMA MINERALE (PTY) LTD

First Applicant
Second Applicant
Third Applicant

and

FNB TRUST SERVICES (PROPRIETARY) LIMITED
(Registration No. 1986/003488/07)
FIRSTSTRAND BANK LIMITED
(Registration No. 1929/001225/06)

First Respondent
Second Respondent

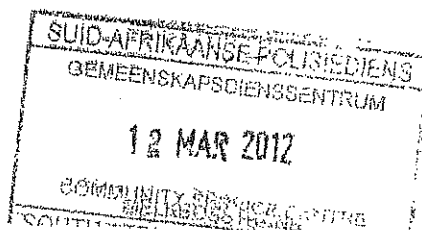
CONFIRMATORY AFFIDAVIT

I, the undersigned,

ADRIAAN LOMBARD,

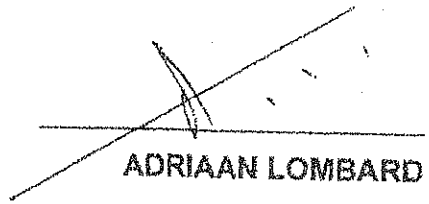
do hereby make oath and state:

1. I am a registered chartered accountant and I practise as such under the name and style of Lombard – Registered Accountants and Auditors, at 19



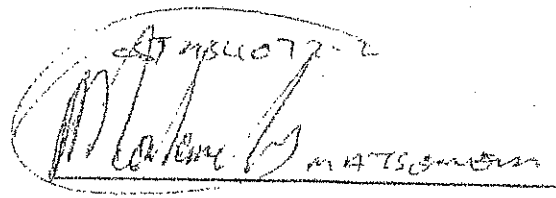
Visvanger Road, Melkbosstrand.

2. I have read the founding affidavit of the First Applicant, Analize van Tonder.
3. I confirm that the contents thereof, insofar as it applies to me, is correct.

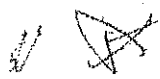

ADRIAAN LOMBARD

I certify that the deponent acknowledged to me that he/she knows and understands the contents of this declaration, has no objection to taking the prescribed oath and considers the prescribed oath to be binding on his/hér conscience. The deponent thereafter uttered the words: "I swear that the contents of this declaration are true, so help me God". The deponent signed this declaration in my presence at MELKBOSSTRAND on this the 12 day of MARCH 2012.

AFRIKAANSE POLISIEDIENS
GEWENSKAPSDIENSSENTRUM
12 MAR 2012
COMMUNITY SERVICE CENTRE
MELKBOSSTRAND
SOUTH AFRICAN POLICE SERVICE


MATSOMEN

COMMISSIONER OF OATHS
SAAW MELKBOSSTRAND
OTTO DE PLESSIS Jnr
MELKBOSSTRAND
EX. 2134072-2



IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG SOUTH DIVISION)

Case No:

In the matter between:

ANALIZE VAN TONDER
WEMA BELEGGINGS (PTY) LTD
PEGMA MINERALE (PTY) LTD

First Applicant
Second Applicant
Third Applicant

and

FNB TRUST SERVICES (PROPRIETARY) LIMITED
(Registration No. 1986/003488/07)

FIRSTRAND BANK LIMITED
(Registration No. 1929/001225/06)

First Respondent
Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

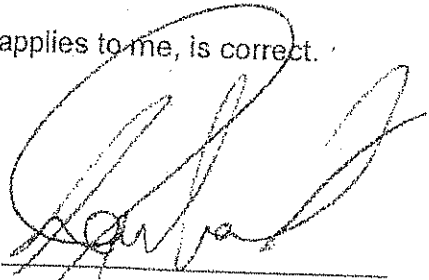
LEFEVRÉ STEYN JOUBERT,

do hereby make oath and state:

1. I am an attorney of this Honourable Court and a director of Millers Incorporated of Beacon House, 123 Meade Street, George, being the Applicants' attorneys of record.



2. I have read the founding affidavit of the First Applicant, Analize van Tonder.
3. I confirm that the contents thereof, insofar as it applies to me, is correct.



LEFEVRÉ STEYN JOUBERT

I certify that the deponent acknowledged to me that he/she knows and understands the contents of this declaration, has no objection to taking the prescribed oath and considers the prescribed oath to be binding on his/her conscience. The deponent thereafter uttered the words: "I swear that the contents of this declaration are true, so help me God". The deponent signed this declaration in my presence at GEORGE on this the 6 day of MARCH 2012.



L. BRUMA
COMMISSIONER OF OATHS

SUID-AFRIKAANSE POLISIEDIENS
STASIEKOMMISSARIS AANGEWESE VUURWAPENBEAMPT
06 MAR 2012
STATION CCM, FESICHER DESIGNATED FIREARM OFFICER GEORGE
SOUTH AFRICAN POLICE SERVICE

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG SOUTH DIVISION)

Case No:

In the matter between:

ANALIZE VAN TONDER

First Applicant

WEMA BELEGGINGS (PTY) LTD

Second Applicant

PEGMA MINERALE (PTY) LTD

Third Applicant

and

FNB TRUST SERVICES (PROPRIETARY) LIMITED
(Registration No. 1986/003488/07)

First Respondent

FIRSTRAND BANK LIMITED
(Registration No. 1929/001225/06)

Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

LIESL FOWLIE,

do hereby make oath and state:

1. I have read the founding affidavit of the First Applicant, Analize van Tonder.

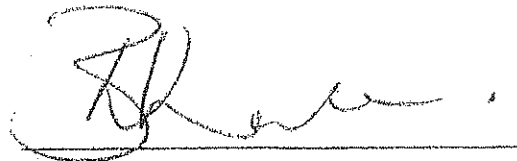
P. Bani

2. I confirm that the contents thereof, insofar as it applies to me, is correct.



LIESL FOWLIE

I certify that the deponent acknowledged to me that he/she knows and understands the contents of this declaration, has no objection to taking the prescribed oath and considers the prescribed oath to be binding on his/her conscience. The deponent thereafter uttered the words: "I swear that the contents of this declaration are true, so help me God". The deponent signed this declaration in my presence at CAPE TOWN on this the 1ST day of MARCH 2012.



COMMISSIONER OF OATHS

BRONWYN CHARLOTTE WHARTON
COMMISSIONER OF OATHS
PRACTISING ADVOCATE
10th FLOOR, HUGUENOT CHAMBERS
40 QUEEN VICTORIA STREET
CAPE TOWN 8001

**IN THE HIGH COURT OF SOUTH AFRICA
(South Gauteng High Court, Johannesburg)**

Case No. 10945/12



In the matter between:

ANLIZE VAN TONDER:1ST AND TWO OTHERS

Applicant

and

FNB TRUST SERVICES (PROPRIETAY) LIMITED

1st Respondent

RETURN: SERVICE OF NOTICE OF MOTION

IT IS HEREBY CERTIFIED:

That on 23 March 2012 at 14h50 at 4 MERCHANT PLACE, FREDMAN PLACE, SANDOWN, SANDTON being the principal place of business of FNB TRUST SERVICES (PROPRIETAY) LIMITED, a copy of the Notice of Motion and Founding Affidavit signed by Anelize Van Tonder, Annexures "A1 TO A2", "B1 TO B8", "C1 TO C6", "D1 TO D4", "E1 TO E6", "F TO I", "J1 TO J4", "K1 TO K3", "L1 TO L5" was served to Miss Izolde Janse Van Rensburg, legal secretary a responsible employee of FNB TRUST SERVICES (PROPRIETAY) LIMITED, after the original document was displayed and the nature and contents thereof explained to her. Miss Izolde Janse Van Rensburg a person apparently not less than sixteen years of age and in the employ of FNB TRUST SERVICES (PROPRIETAY) LIMITED accepted service. Rule 4[1](a)(v).

Court date: 17 April 2012

Note: Sandown is in Sandton, not Johannesburg.

SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
Cellular call	5.00	2	12.00				
Service	44.00	1	44.00				
Registration & Return	29.00	1	29.00				
Postage (353X250mm)	5.48	1	5.48				
Travelling.	3.00	8	24.00				

TO: THE REGISTRAR OF THE HIGH COURT,

Zero rated items	0.00
Sub-total	114.48
VAT	16.03
Total	130.51

Account No.: ERASMUSD10
TO: ERASMUS DE KLERK INC

 Dx - 29 NORTHCLIFF

 Your Reference: M239/NVDEKLERK/EDB

MR A. Jonker - Deputy Sheriff
 (Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)
 Signed at Sandton on 26/03/12
 My Reference: 2012/01/02300.00 / YM

Acting Sheriff Sandton - Ms. M.E. de Kock
 Private Bag X9903, Sandton, 2146 - Dx 127 Randburg
 Tel: +27-11-781-3445
 Fax: +27-11-781-3451
 VAT No./BTW Nr.: 4870149855

**IN THE HIGH COURT OF SOUTH AFRICA
(South Gauteng High Court, Johannesburg)**

Case No. 10945/12



In the matter between:

ANLIZE VAN TONDER:1ST AND TWO OTHERS

Applicant

and

FIRSTRAND BANK

2nd Respondent

RETURN: SERVICE OF NOTICE OF MOTION

IT IS HEREBY CERTIFIED:

That on 23 March 2012 at 14h50 at 4 MERCHANT PLACE, FREDMAN DRIVE, SANDOWN, SANDTON the principal place of business of FIRSTRAND BANK, a copy of the Notice of Motion and Founding Affidavit signed by Anelize Van Tonder, Annexures "A1 TO A2", "B1 TO B8", "C1 TO C6", "D1 TO D4", "E1 TO E6", "F TO "I", "J1 TO J4", "K1 TO K3", "L1 TO L5" was served to Miss Izolde Janse Van Rensburg, legal secretary a responsible employee of FIRSTRAND BANK, after the original document was displayed and the nature and contents thereof explained to her. Miss Izolde Janse Van Rensburg a person apparently not less than sixteen years of age and in the employ of FIRSTRAND BANK accepted service. Rule 4[1](a)(v).

Court date: 17 April 2012

Note: Sandown is in Sandton, not Johannesburg.

SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
Service	44.00	1	44.00				
Registration & Return	29.00	1	29.00				
Travelling.	3.00	8	24.00				

TO: THE REGISTRAR OF THE HIGH COURT,

Zero rated items	0.00
Sub-total	97.00
VAT	13.58
Total	110.58

Account No.: ERASMUSD10
TO: ERASMUS DE KLERK INC
 Dx - 29 NORTHCLIFF

Your Reference: M239/NVDEKLERK/EDB.



MR A Jonker - Deputy Sheriff

(Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)

Signed at Sandton on 26/03/12

My Reference: 2012/02/02300.00 / YM

Acting Sheriff Sandton - Ms. M.E. de Kock
 Private Bag X9903, Sandton, 2146 - Dx 127 Randburg
 Tel: +27-11-781-3445
 Fax: +27-11-781-3451
 VAT No./BTW Nr.: 4870149855

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



Case No:

In the matter between:

ANALIZE VAN TONDER

FIRST APPLICANT

WEMA BELEGGINGS (PTY) LTD

SECOND APPLICANT

PEGMA MINERALE (PTY) LTD

THIRD APPLICANT

And

FNB TRUST SERVICES (PROPRIETARY) LIMITED
(Registration Number: 1986/003488/07)

FIRST RESPONDENT

FIRSTRAND BANK LIMITED
(Registration Number: 1929/001225/06)

SECOND RESPONDENT

NOTICE OF INTENTION TO OPPOSE

BE PLEASED TO TAKE NOTICE THAT the Respondents hereby give notice of their intention to oppose the application and appoint the address of their attorneys as set out hereunder, at which service of all documents in the above action shall be valid and effectual, the said address being within 8 kilometres of the Court-house.

DATED AT RANDBURG ON THIS THE 23RD DAY OF MARCH 2012.

SG. GROBLER VAN DER MERWE

BEZUIDENHOUT VAN ZYL & ASSOCIATES INC.
RESPONDENTS' ATTORNEYS



Unit 5, Surrey Square on Republic
Cnr. Republic Road and Surrey Avenue
Ferndale, Randburg
TEL: (011) 789 - 3050
FAX: (011) 787 - 8507
EMAIL: grobler@bvzlaw.co.za
REF: MR G VAN DER MERWE/MAT
C/O ROSSOUWS ATTORNEYS
8 SHERBORNE ROAD
PARKTOWN
JOHANNESBURG

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
JOHANNESBURG

AND TO: MILLERS INCORPORATED
APPLICANTS' ATTORNEYS
BEACON HOUSE
123 MEADE STREET
GEORGE
C/O ERASMUS DE KLERK INC
299 PENDORING ROAD
PENDORING OFFICE PARK
BLOCK 6
GROUND FLOOR
BLACKHEATH
CRESTA
2194
TEL: (011) 678 - 1988
REF: NV de Klerk/edb/M239

Kayn Gray

Ontvang Deur / Received By
ERASMUS DE KLERK
INGELYF / INCORPORATED
14.08 Tyd/Time: 09:00 Datum/Dat: 08-08-2010
SONDER BENADELING VAN RESTE
WITHOUT PREJUDICE

g

RECEIVED A COPY HEREOF:

DATE: _____

TIME: _____

(ON BEHALF OF APPLICANTS' ATTORNEYS)

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



Case No: 10945/2012

In the matter between:

ANALIZE VAN TONDER

FIRST APPLICANT

WEMA BELEGGINGS (PTY) LTD

SECOND APPLICANT

PEGMA MINERALE (PTY) LTD

THIRD APPLICANT

And

FNB TRUST SERVICES (PROPRIETARY) LIMITED
(Registration Number: 1986/003488/07)

FIRST RESPONDENT

FIRSTRAND BANK LIMITED
(Registration Number: 1929/001225/06)

SECOND RESPONDENT

FILING NOTICE: RESPONDENTS' ANSWERING AFFIDAVIT

BE PLEASED TO TAKE NOTICE THAT the Respondents herewith present their Answering Affidavit for service and filing.

DATED AT RANDBURG ON THIS THE 18TH DAY OF APRIL 2012.

Sgd. ORSALLIE VAN DER MERWE

BEZUIDENHOUT VAN ZYL & ASSOCIATES INC.

RESPONDENTS' ATTORNEYS

Unit 5, Surrey Square on Republic
Cnr. Republic Road and Surrey Avenue
Ferndale, Randburg



TEL: (011) 789 - 3050

FAX: (011) 787 - 8507

EMAIL: grobler@bvzlaw.co.za

REF: MR G VAN DER MERWE/MAT

C/O ROSSOUWS ATTORNEYS

8 SHERBORNE ROAD

PARKTOWN

JOHANNESBURG

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
JOHANNESBURG

AND TO: MILLERS INCORPORATED
APPLICANTS' ATTORNEYS
BEACON HOUSE
123 MEADE STREET
GEORGE
C/O ERASMUS DE KLERK INC
299 PENDORING ROAD
PENDORING OFFICE PARK
BLOCK 6
GROUND FLOOR
BLACKHEATH
CRESTA
2194
TEL: (011) 678 - 1988
REF: NV de Klerk/edb/M239

Erasmus De Klerk
Ontvang Deur / Received By
ERASMUS DE KLERK
NGELVE / INCORPORATED
Tel: 011 678 1988 / Disput: 18-04-2012
SONNEN DEUR / RECEIVED
WITHOUT PREJUDICE
Ed

RECEIVED A COPY HEREOF:
DATE: _____
TIME: _____

(ON BEHALF OF APPLICANTS' ATTORNEYS)