



# INVESTTRUST Insolvency Practitioners

Reg. no. 2005/140619/23 Full Swing Trading – 726 CC t/a

Our Ref: HJV VICTOR

11 OCTOBER 2021

## CIRCULAR TO ALL KNOW INVESTORS & RELEVANT PARTIES OF SILGONEX

Dear Sir/Madam,

**RE: SILGO INTERNATIONAL(PTY) LTD (IN LIQUIDATION)**

**MASTER'S REFERENCE: T001828/2021**

1. Please see attached claim form.
2. We request investors to send their claim documents to [silgoclaims@investrust.co.za](mailto:silgoclaims@investrust.co.za) and [jomien@investrust.co.za](mailto:jomien@investrust.co.za).
3. Please courier the original claim documents to 64 Stella Street, Brooklyn, Pretoria,0181.
4. Claim document:
  - 4.1 Complete claim document with all relevant information;
  - 4.2 The affidavit must be commissioned (RSA citizens)/ notarized (non-RSA citizens);
  - 4.3 Supporting documents (bank statements, proof of payments, contractual documentation, documentation relating orders of silver, all communication between creditor and the "company", any other relevant information to substantiate the claim)
5. More information will follow on our website, [www.investrust.co.za](http://www.investrust.co.za)

Yours faithfully

HJV VICTOR

PROVISIONAL JOINT LIQUIDATOR

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VAT no. 4660-233-19-0 BEE Compliant no. 11278  
Tel: -12 343 0477 Website: [www.investrust.co.za](http://www.investrust.co.za)  
PO Box 12545, The Tramshed, 0126 64 Stella Street, Brooklyn, 0181, Pretoria  
Email: [info@investrust.co.za](mailto:info@investrust.co.za)  
Members: AW van Rooyen

**AFFIDAVIT TO PROVE CLAIM NOT BASED ON PROMISSORY NOTE OR BILL OF EXCHANGE**

**SILGO INTERNATIONL (PTY) LTD T/A CRYPTOSA (PTY) LTD T/A SILGONEX (IN LIQUIDATION)**

**MASTER'S REFERENCE: T001828/21**

*Office use only Claim number .....  
Submitted and proved at ..... meeting before*

\_\_\_\_\_  
Presiding officer

Claims against \_\_\_\_\_,  
hereafter referred to as "the debtors"

Creditor full names:	
Street address:	
Postal address:	
Tel numbers:	ID number:
E-mail address:	
Name of agent through whom investments placed:	
Claim amount <i>(total amount invested (excluding reinvestments) – less capital repaid)R</i>	
Amount in words	

I, the undersigned ..... (full names) In my capacity as the creditor in person / ..... and as such fully cognizant of the claim, having been personally involved  
*If not creditor in person, delete and fill in your position or capacity*  
and duly authorised hereto, state under oath that:

1. The above named debtor whose estates have been wound up were on the date of liquidation and still are indebted to the above named creditor in the sum set out above for moneys deposited by the creditor in terms of an investment scheme operated by .....
2. The claim arose in the manner aforesaid. The dates and amounts of the deposits and receipts are listed in the attached list. All available documents are attached.
3. No other person besides the debtor are liable for the said debt or any part thereof save for any claims by the creditor against any persons who participated in the operation of the scheme.
4. The creditor holds no security for the claim and the claim was not acquired by cession.

\_\_\_\_\_  
Deponent signature in the presence of a commissioner of oaths  
Name

\_\_\_\_\_  
Print

Duly signed and sworn before me on the .....day of .....at.....after compliance with prescribed formalities, by the above deponent who acknowledged knowing and understanding the contents hereof, having no objection to taking the prescribed oath, and that the oath binds his/her conscience.

Full names
Designation
Business address
_____ Commissioner of oaths

**REMEMBER – complete the list of moneys in and out, power of attorney and attach supporting documents**



**POWER OF ATTORNEY TO PROVE CLAIMS ETC.**

I, the undersigned \_\_\_\_\_

in my capacity as \_\_\_\_\_

of \_\_\_\_\_

(Hereinafter referred to as the said Creditor)

do hereby nominate constitute and appoint

\_\_\_\_\_ with power of substitution to be the said Creditor's lawful Attorney and Agent in the said Creditor's name, place and stead, to attend all meetings of Creditors in the matter of:

\_\_\_\_\_ on the said Creditor's behalf to prove the said Creditor's claim, interrogate any creditor or others and to exercise on the said Creditor's behalf all voting and other powers in respect of such claim particularly in respect of the appointment of a Trustee/Liquidator/Judicial Manager and/or any offer of Composition and/or submission to arbitration of any dispute and/or the Composition or admission of any claim against the Estate/Company and to give the Trustee's/Liquidator/Judicial Manager's directions as to the administration of the Estate/Company and generally to act on the said Creditor's behalf at all meetings of the Estate/Company in all matters and things in which the said Creditor's interests are concerned, hereby promising to ratify and confirm whatsoever the said Agent may do or perform by virtue of these presents.

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

AS WITNESSES:

1. \_\_\_\_\_ SIGNATURE

2. \_\_\_\_\_

- PLEASE NOTE:
- 1 In the case of a Limited Company this Power of Attorney must be signed by a Director and in all other cases by a Partner or Proprietor. Any other person must attach an authority to sign the Power.
  - 2 Section 53(2) of the Insolvency Act prohibits the Trustee or Liquidator, his Employer, Employee, Co-employee, Spouse, close relative or any person having a pecuniary interest in his remuneration from acting as a Nominee for Creditors.

## EXPLANATORY NOTES TO THE CLAIM DOCUMENTS:

1. AFFIDAVIT:

- a. In the event of the claim being based on a promissory note, cheque or other Bill of Exchange, the relevant affidavit will be required to be obtained from our offices;
- b. If security is being claimed under (6) of the affidavit, the nature and particulars of the security must be stated and the amount at which the creditor values such security must be inserted. A creditor who relies upon his security for the satisfaction of his claim, should state that fact on the affidavit above the signature of the declarant;
- c. A claim based on a mortgage bond or hire purchase agreement requires the original bond or agreement to be attached to the claim together with a statement reflecting the calculation of the amount due;
- d. The affidavit must be attested to before a Commissioner of Oaths who must insert his full names and business address as well as his designation;

2. STATEMENT OF ACCOUNT:

- a. A statement of account is required to be completed in terms of Section 44 (6) of the Insolvency Act by all creditors who wish to prove a claim for goods supplied on an open account. "A" and "B" must reflect the full period of trading or a period of twelve (12) months before date of liquidation, whichever is the lesser. If no payments were received or credits given state "NIL" under "B";

3. POWER OF ATTORNEY:

- a. The attention of creditors is drawn to Section 53(2) of the Insolvency Act whereby a Trustee/Liquidator and/or his employee / employer is precluded from representing creditors at statutory meetings. The name of the Trustee/Liquidator or any member of his staff should therefore not appear on the Power of Attorney attached to the claim document;
- b. Creditors should insert therein the name of the person/s whom they desire to represent them at the said meetings, or alternatively, should they be prepared to agree to the representative agreed to be appointed by the general body of creditors (with no charge), it is suggested that the Power of Attorney be completed with the relevant portion left blank.

4. RESOLUTION:

- a. Where a company proves a claim, the affidavit and Power of Attorney may be signed by a director or any other person properly authorized to do so. The resolution need only be completed if the said documents are not signed by a director. Where the company has already passed such a resolution, this must be annexed to the claim document and the attached resolutions may be ignored.