

**PHUMELELA GAMING & LEISURE LIMITED
(IN BUSINESS RESCUE)**

12 MARCH 2021

**NOTICE TO AFFECTED PARTIES TO AMEND THE BUSINESS RESCUE PLAN
("the Business Rescue Plan")**

OF

PHUMELELA GAMING & LEISURE LIMITED (IN BUSINESS RESCUE)

KINDLY TAKE NOTICE THAT THE BUSINESS RESCUE PRACTITIONER WISHES TO AMEND THE BUSINESS RESCUE PLAN BY:

- 1. ADDING TO THE DISPUTE RESOLUTION PROCESS A RIGHT OF APPEAL AGAINST THE DECISION / AWARD OF THE EXPERT**

The proposed amendment is to be made in accordance with paragraphs 13.3 and 13.4 of the Business Rescue Plan which reads as follows:

- "13.3 Provided that any amendment will not be prejudicial to any of the Affected Persons, but subject to paragraph 14.4 [a typographical error and obviously a reference to paragraph 13.4], the BRP shall have the ability, upon 14 Days prior written notice, to amend, modify or vary any provision of this Business Rescue Plan, provided that at all times the BRP in doing so acts reasonably. The amendment will be deemed to take effect on the 14th day of the date of the written notice of the amendment to all Affected Persons.*
- 13.4. If prior to the expiry of the 14th day as provided for in 13.3 any one or more Creditor(s) objects to any such amendment(s), the BRP will put such amendment to the vote of Creditors and the proposed amendment(s) will be carried by a simple majority of independent Creditor(s) of voting interests (reckoned and determined by the BRP at time of the vote) who vote in favour of it/them."*

Legal Advisors

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Pursuant hereto the Business Rescue Practitioner proposes the following amendments:

1. By Amending paragraph 7.16.2.5 by deleting it and substituting it with the following:

7.16.2.5 Subject to the appeal process and procedure as set out in paragraph 7.16.2.7, below, the Creditor(s) agree(s) that the determination of the expert will be final and binding on him/her/it/the Company and the BRP.

2. By the insertion of the following additional paragraphs to read as follows:

7.16.2.7 That any party to the dispute being the Creditor(s) and/or the BRP who wish to take the expert's determination on appeal can do so as follows:

7.16.2.7.1 the appeal bench will comprise three of the following retired judges:

- Brand;
- Nugent;
- Froneman;
- Cameron;
- Du Plessis (Ben);
- Streicher;
- Boruchowitz.

7.16.2.7.2 the Creditor(s) or BRP bringing the appeal will be entitled to choose one judge, the other party a second judge and the two judges so nominated will appoint the third judge.

7.16.2.8 The appeal procedure will follow High Court Rule 49 as follows:

- 49(2);
- 49(3);
- 49(4);
- 49(7) save that a reference to "Registrar" will be a reference to the Appeal Bench;
- 49(8)(a) and (b);
- 49(9);
- 49(10);

- 49(13)(a);
- 49(13)(b) save that if there is no agreement on quantum of security it shall be R2,000,000.00 (Two Million Rand);
- 49(15);
- Heads of Argument – on a date as determined by the Appeal Bench.

7.16.2.9 The date for the hearing of the appeal will be agreed with the Appeal Bench and the legal representatives of the Creditor(s) and the BRP.

7.16.2.10 The Creditor(s) agree(s) that the majority decision of the Appeal Bench will be final and binding on him/her/it, the Company and the BRP and will not be subject to any further appeal or review.

7.16.2.11 Either party may apply to court to have the award of the Expert and, if subject to appeal, the Appeal Bench award made an Order of the High Court, Gauteng Local Division.

You do not need to do anything if you are happy with the amendment.

If you wish to object to the amendment kindly do so in accordance with paragraph 13.3 as read with paragraph 13.4 quoted above.

If no objections are received these amendments will be effective after 14 days from tomorrow.

Yours sincerely



John Evans

Business Rescue Practitioner

Legal Advisors

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ATTORNEYS