

# CLAIM FORM

IN THE MATTER OF:

**ORTHOTOUCH (PTY) LTD (UNDER BUSINESS RESCUE)**  
**REGISTRATION NUMBER: 2010/004096/07**

**FULL NAME OF CREDITOR /EMPLOYEE/AFFECTED PERSON:**

\_\_\_\_\_

**ADDRESS IN FULL:**

\_\_\_\_\_

\_\_\_\_\_

**E-MAIL ADDRESS; TEL NO; FAX; CELL:**

\_\_\_\_\_

**BANK ACCOUNT (NAME OF BANK, BRANCH CODE, ACCOUNT NUMBER, REFERENCE):**

\_\_\_\_\_

**TOTAL AMOUNT OF CLAIM AT THE DATE THAT BUSINESS RESCUE PROCEEDINGS COMMENCED:**

**R**

\_\_\_\_\_

1. I, \_\_\_\_\_ do hereby confirm: -

In my capacity as \_\_\_\_\_

Of \_\_\_\_\_ (**Creditor**)

2. That **ORTHOTOUCH (PTY) LTD** which has been placed under business rescue on the 7<sup>th</sup> November 2019 (filed at CIPC), was at the date of commencement of the business rescue, and still is, justly and truly indebted to the Creditor the sum of:

R \_\_\_\_\_ (amount in words)

Being for: \_\_\_\_\_

3. That the said debt arose in the manner and at the time set forth in the supporting document\* hereunto annexed. (**\*please attach relevant statement / invoice as supporting documents**).

4. That no other person besides the said is liable for the said debt or any part thereof.

5. That the Creditor has not, nor has any other person, in my knowledge on the Creditor's behalf received any security for the said debt or any part thereof save and except:

\_\_\_\_\_

Which security I value at R \_\_\_\_\_

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_.

SIGNATURE: \_\_\_\_\_

**CC/COMPANY STAMP IF APPLICABLE:**



Du Toit Business  
**RESCUE PRACTICE**

70 CARMINE DRIVE  
BURGUNDY ESTATE  
TEL: 021 948 2224  
info@dtbbusinessrescue.co.za  
www.dtbbusinessrescue.co.za

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## INFORMATION TO ASSIST WITH THE PROOF OF CREDIOTR CLAIMS

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1. The Creditor is requested to:
  - a. Complete the Proof of Claim Form
  - b. Submit the Form with all supporting documents to [info@dtbbusinessrescue.co.za](mailto:info@dtbbusinessrescue.co.za)

Within a reasonable period, The BRP will respond to the Creditor in respect of the documents they have received.

2. In terms of Section 147 of the Companies Act No 71 of 2008, (“the Act”) the Business Rescue Practitioner MAY receive proof of claims at the first meeting of Creditors.
3. Failure to submit proof of claim to the first meeting of Creditors, convened in terms of Section 147 of the Act, will not preclude a creditor from submitting its claim at a later stage.
4. The Business Rescue Plan will contain detail on how disputed or rejected claims shall be dealt with.
5. Pending the acceptance of a disputed or rejected claim by the Business Rescue Practitioner, the quantum of the Creditor’s claim as per the Company’s records, shall be used by the Company in all its calculations.
6. Independent Creditor
  - **Section 128 1 (g) if the Companies Act 71 of 2008 as amended (herein referred to as the Companies Act) reads as follows:**
    - (g) “independent creditor” means a person who-
      - (i) Is a creditor of the company, including an employee of the cc who is a creditor in terms of section 144(2); and
      - (ii) Is not related to the company, a director, or the practitioner, subject to subsection (2);
  - **Section 144(2) of the Companies Act reads as follows:**
    - (2) To the extent that any remuneration, reimbursement for expenses or other amount of money relating to employment became due and payable by a company to an employee at any time before the beginning of the company’s business rescue proceedings, and had not been paid to that employee immediately before the beginning of those proceedings, the employee is a preferred unsecured creditor of the company for the purposes pf this Chapter.

- **Subsection (2) of Section 128 of the Companies Act reads as follows:**

(2) For purposes of subsection (1)(g), an employee of a company is not related to that company solely as a result of being a member of a trade union that holds securities of that company.

**Is the creditor an independent creditor as contemplated in section 128 (1)(g) of the Companies Act 71 of 2008 as amended YES/NO?\***

**If the answer is No, please give details as to why the creditor is not an independent creditor as contemplated in section 128(1)(g) of the Companies Act. The details as follows:**

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**\*\* Circle whichever is applicable.**