

# SPITSKOP VILLAGE PROPERTIES LTD

Master's Ref: T5133/09  
(IN LIQUIDATION)  
Reg. No: 2006/011790/06

Claim number .....

\_\_\_\_\_  
PRESIDING OFFICER

Affidavit to prove claim not based on promissory note or Bill of Exchange

Claims against SPITSKOP VILLAGE PROPERTIES \ LTD (IN LIQUIDATION), 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 Spitskop Village Properties Ltd (in liquidation)
2. The claim arose in the manner aforesaid and as set out in Annexure A hereto. 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

\_\_\_\_\_  
Print Name

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 INVESTOR

of SPITSKOP VILLAGE PROPERTIES LIMITED (IN LIQUIDATION)  
(Hereinafter referred to as the said Creditor)

do hereby nominate constitute and appoint

CHRISTIAAN JOHANNES VAN COLLER and/or DANIËL FRANSISCUS BLIGNAUT and/or

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:

SPITSKOP VILLAGE PROPERTIES LTD (IN LIQUIDATION)

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.

(NATURAL PERSON)

**AFFIDAVIT SUPPORTING PROOF OF CLAIM**

**ANNEXURE "A"**

I, the undersigned, (insert full names and surname) \_\_\_\_\_

\_\_\_\_\_

do hereby state under oath:

1. I am an adult (insert occupation) \_\_\_\_\_ residing at  
(insert adres) \_\_\_\_\_

\_\_\_\_\_

2. The facts contained herein are both true and correct and, unless the contrary appears, they fall within my personal knowledge.

3. I invested an amount of R \_\_\_\_\_ in the unlawful scheme of Spitskop Village Properties Ltd (in liquidation).

4. The claim arose as the result of misrepresentations made to myself and I am advised that due to the fact that this is an unlawful investment scheme I am entitled to receive the amount which I invested from the said scheme minus whatever I receive from the scheme in terms of the *condictio turpem ob vel iniustam causa* .

5. The amounts I invested have been summarized in Annexure "B" hereto and the amounts I received are also stipulated in Annexure "B".
6. My proof of payment in the aforesaid amounts are annexed hereto as Annexure "C".
7. My nett claim is therefore R \_\_\_\_\_.
8. A power of attorney for either Christiaan Johannes van Coller or Daniel Fransicus Blignaut to vote on my behalf is attached hereto as Annexure "D".

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**DEPONENT**

**I HEREBY CERTIFY THAT THE DEPONENT DECLARES THAT THE DEPONENT KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT AND THAT IT IS TO THE BEST OF THE DEPONENT'S KNOWLEDGE BOTH TRUE AND CORRECT. THIS AFFIDAVIT WAS SIGNED AND SWORN TO BEFORE ME AT \_\_\_\_\_ ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.**

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**COMMISSIONER OF OATHS**

(FOR COMPANIES, CLOSE  
CORPORATIONS AND/OR TRUSTS)  
**AFFIDAVIT SUPPORTING PROOF OF CLAIM**

**ANNEXURE "A"**

I, the undersigned, (insert full names and surname) \_\_\_\_\_

do hereby state under oath:

1. I am an adult (insert occupation)\_\_\_\_\_ and a member / director / trustee (delete what is not applicable) of (insert name of Company, Close Corporation or Trust) \_\_\_\_\_ (hereinafter referred to as "the entity")
2. The facts contained herein are both true and correct and, unless the contrary appears, they fall within my personal knowledge.
3. I have been authorised to proof the claim and to depose to this affidavit on behalf of the entity as is clear from a resolution attached hereto as Annexure "R 1".

4. In the resolution I have also been authorised on behalf of the entity to give an power of attorney to Christiaan Johannes van Coller or Daniel Fransicus Blignaut to vote at the first meeting of creditors on behalf of the entity in their discretion.
5. The entity invested and amount of R \_\_\_\_\_ in the unlawful scheme of Spitskop Village Properties Ltd (in liquidation).
6. The claim arose as the result of misrepresentations made to the entity and I am advised that due to the fact that this is an unlawful investment scheme the entity is entitled to receive the amount which it invested from the said scheme minus whatever it receive from the scheme in terms of the *condictio turpem ob vel iniustam causa* .
7. The amounts the entity invested have been summarized in Annexure "B" hereto and the amounts the entity received are also stipulated in Annexure "B".
8. The entity's proof of payment in the aforesaid amounts are annexed hereto as Annexure "C".
9. The entity's nett claim is therefore R \_\_\_\_\_.

10. The power of attorney for either Christiaan Johannes van Coller or Daniel Fransicus Blignaut to vote on behalf of the entity is attached hereto as Annexure "D".

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**DEPONENT**

**I HEREBY CERTIFY THAT THE DEPONENT DECLARES THAT THE DEPONENT KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT AND THAT IT IS TO THE BEST OF THE DEPONENT'S KNOWLEDGE BOTH TRUE AND CORRECT. THIS AFFIDAVIT WAS SIGNED AND SWORN TO BEFORE ME AT \_\_\_\_\_ ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.**

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**COMMISSIONER OF OATHS**