



BOMBANI

Liquidators and Trustees of insolvent estates

Date: 4 April 2013

Our Ref: ML Stewart

Your Ref:

TO ALL KNOWN CREDITORS

Dear Sirs

BOND CARE FINANCING CC (IN LIQUIDATION) (MASTERS REF NO T 3976/12)
INSOLVENT ESTATE OF BOND CARE TRUST (MASTERS REF NO T 4353/12)
INSOLVENT ESTATE OF BC TRUST ASSOCIATION (MASTERS REFERENCE T 4352/12)
INSOLVENT ESTATE OF LOUIS JEREMIA CORNELIUS SMIT (MASTERS REF T3989/12)

The estate of the abovenamed estates have been liquidated by an order of the North Gauteng High Court, Pretoria.

Mr ML Stewart of this firm has been appointed Provisional Trustee / Liquidator by the Master of the Supreme Court of all four estates.

I enclose my first report to creditors.

Yours faithfully

ML Stewart
Liquidator / Provisional Trustee

Bombani Liquidators & Trustees CC

Reg No: 2003/058155/23

126 Silverpine Avenue, Malanshof, Randburg.

P O Box 1337 Fontainebleau 2032

Tel no 011 793 1727 Fax no 011 793 3457

E- Mail bombani@msts.co.za

Vat no 4150 215 111 JHB (Stewart Trust Services)

Members K Masoanganye *(B Com) and M L Stewart ** (AIPSA Ins Dip)

**Member of the SARIPA

*Member of the Association for the Advancement of Black Insolvency Practitioners.

IN THE MATTER OF

BONDCARE FINANCING CC (IN LIQUIDATION) (MASTERS REF NO T 3976/12)
INSOLVENT ESTATE OF BONDCARE TRUST (MASTERS REF NO T 4353/12)
INSOLVENT ESTATE OF BC TRUST ASSOCIATION (MASTERS REFERENCE T 4352/12)
INSOLVENT ESTATE OF LOUIS JEREMIA CORNELIUS SMIT (MASTERS REF T3989/12)

FIRST REPORT SUBMITTED BY THE LIQUIDATOR / TRUSTEE TO ALL KNOWN CREDITORS

The estates of the abovenamed were provisionally sequestrated by an order of the North Gauteng High Court, Pretoria on the 18th September 2012. The estate of Bondcare Financing CC was placed in final liquidation by the court. On the return date Mr LJC Smit entered appearance to defend the issuing of final sequestration orders on the 3 remaining estates. The defence was based on technicalities in law and not on any reasons to show that he or any of the entities were in fact solvent. **The matters were heard by the court in early March and the judge issued a judgement in which he issued final a sequestration order against all the above entities on the 14th March 2013.** Mr ML Stewart of this firm has been appointed Liquidator / Provisional Trustee by the Master of the Supreme Court under his Certificates of Appointment in all 4 of the above estates.

The First Meeting of Creditors has not yet been convened by the Master of the High Court.

This office will attend to the day to day administration of the estates. The work of the inspectors appointed by the South African Reserve Bank ("the inspectors") has now been completed and I as the Liquidator/ Provisional Trustee have taken over from the inspectors in regard to the further administration of the estate. Accordingly, all further correspondence in regard to any aspect of the administration of the estates and the proof of claims are to be directed to this office.

Claim documents were sent out previously by e mail and if any creditor still needs to submit a claim he should contact this office and we will send you the forms for completion. Please note that only creditors who prove claims will ultimately receive any dividends payable from the estates.

From my investigations and the investigations conducted by the South African Reserve Bank inspectors the financial position of the insolvents as at date of sequestration of the various estates appears to be as follows. It should also be noted that Mr Smit and others involved in Bondcare have to date not cooperated with me and this information could change as and when we get more details of assets of specifically Mr Smit who is still in Canada.

INSOLVENT ESTATE OF LOUIS JEREMIA CORNELIUS SMIT (MASTERS REF T3989/12)

ASSETS

SECURED ASSETS

NOMINAL VALUE

ESTIMATED RECOVERY

None

0

UNSECURED ASSETS

Claim LL van der Walt	1	9 324 293	unknown
Claim for payment on De Rus property	2	1 200 000	1 200 000
Smit familie Trust	3	200 000	unknown
Attorneys deposits for bridging finance	4	12 670 982	5 000 000
Claims for refunds of profit / interest payments (<i>Potential claims in terms of section 26 (1) of the Insolvency Act in respect of profit / interest payments</i>)	5	To be determined	unknown

TOTAL ASSETS

6, 200, 000

LIABILITIES

Secured Creditors claims estimated at		0
Preferent Creditors – Vat, Tax etc	6	Unknown
Concurrent Creditors – Capital investors estimated at	6	48, 954, 415

TOTAL ESTIMATED CLAIMS

48, 954, 415

Estimated apparent shortfall before payment of creditors	42, 754, 415
--	--------------

Notes

1. The amount reflected is the net amount of funds transferred by Mr Smit to Mrs van der Walt, his wife. Every effort will be made to recover these funds.
2. The amount reflected is the net amount of funds transferred by Mr Smit to ORA TRUST (OT 5643/00) to purchase a property in the Cape. Every effort will be made to recover these funds.
3. The amount reflected is the net amount of funds transferred by Mr Smit to Smit Familie Trust. This claim is being investigated and every effort will be made to recover the funds.
4. Over the period of 2008 to date of sequestration Mr Smit invested R29 397 192 with various attorney firms. Of this amount R 16, 726, 210 has been repaid. Every effort will be made to recover the balance of the funds. Mr Smit prior to his sequestration instituted court actions against some of the firms concerned and they are in turn defending the actions. The value of the recoverable amount is estimated and cannot be guaranteed.
5. It is not possible to quantify what amount will be recovered in regard to the section 26 (1) claims relating to the profit / interest payments made by Mr Smit. It is however anticipated that the recovery process will take a long time to finalise
6. The amount of creditor's claims is estimated based on information provided by the South African Reserve Bank inspectors. The amount reflected is the amount of funds received by The Insolvent estate of Bondcare Trust (T 4353/12) and Bondcare Financing CC (in Liquidation) (T3976/12) from members of the public and transferred to the various bank accounts and credit cards of Mr Smit. On receipt of creditor's claims we will be able to determine a more accurate value of the claims.

INSOLVENT ESTATE OF BOND CARE TRUST (MASTERS REF NO T 4353/12)

ASSETS

SECURED ASSETS		NOMINAL VALUE	ESTIMATED RECOVERY
None			0
UNSECURED ASSETS			
Claim LL van der Walt	1	115 784	unknown
Claim Insolvent estate of LJC Smit	2	21 351 870	2 000 000
TOTAL ASSETS			2 000 000

LIABILITIES

Secured Creditors claims estimated at		0
Preferent Creditors – Vat, Tax etc	3	Unknown
Concurrent Creditors – Capital investors estimated at	3	21, 376, 791
TOTAL ESTIMATED CLAIMS		21, 376, 791
Estimated apparent shortfall before payment of creditors		19, 376, 791

Notes

1. The amount reflected is the net amount of funds transferred by Mr Smit on behalf of the Trust to Mrs van der Walt, his wife. Every effort will be made to recover these funds.
2. Dividends received from Mr Smit's estate will determine what amounts can be paid to creditors.
3. The amount of creditor's claims is estimated based on information provided by the South African Reserve Bank inspectors. The amount reflected is the amount of funds received by Mr Smit from The Insolvent estate of Bondcare Trust (T 4353/12) The funds originated from members of the public and were transferred to the various bank accounts and credit cards of Mr Smit. On receipt of creditor's claims we will be able to determine a more accurate value of the claims.

INSOLVENT ESTATE OF BC TRUST ASSOCIATION (MASTERS REFERENCE T 4352/12)

ASSETS

SECURED ASSETS		NOMINAL VALUE	ESTIMATED RECOVERY
None			0
UNSECURED ASSETS			
Claim LL van der Walt	1	2 900	unknown
Claim Bondcare Financing CC (In Liquidation)	2	27 804 924	3 000 000
Smit familie Trust	3	300 000	unknown
TOTAL ASSETS			3 000 000

LIABILITIES

Secured Creditors claims estimated at		0
Preferent Creditors – Vat, Tax etc	4	Unknown
Concurrent Creditors – Capital investors estimated at	4	31, 922, 381
TOTAL ESTIMATED CLAIMS		31, 922, 381
Estimated apparent shortfall before payment of creditors		28, 922, 381

Notes

1. The amount reflected is the net amount of funds transferred by Mr Smit on behalf of the Trust to Mrs van der Walt his wife. Every effort will be made to recover these funds.
2. Dividends received from Bondcare Financing CC (In Liquidation) will determine what amounts can be paid to creditors.
3. The amount reflected is the net amount of funds transferred by Mr Smit to Smit Familie Trust. This claim is being investigated and every effort will be made to recover the funds.
4. The amount of creditor's claims is estimated based on information provided by the South African Reserve Bank inspectors. The amount reflected is the amount of funds received from members of the public and transferred to the bank account of Bondcare Financing CC (In Liquidation) and from that estate to the various bank accounts and credit cards of Mr Smit. On receipt of creditor's claims we will be able to determine a more accurate value of the claims.

BOND CARE FINANCING CC (IN LIQUIDATION) (MASTERS REF NO T 3976/12)

ASSETS

SECURED ASSETS

		NOMINAL VALUE	ESTIMATED RECOVERY
None			0

UNSECURED ASSETS

Claim LL van der Walt	1	176 483	unknown
Claim Insolvent estate of LJC Smit	2	27 504 545	3 000 000
TOTAL ASSETS			3 000 000

LIABILITIES

Secured Creditors claims estimated at		0
Preferent Creditors – Vat, Tax etc	3	Unknown
Concurrent Creditors – BC Trust Association estimated at	3	27, 804, 924
TOTAL ESTIMATED CLAIMS		21, 376, 791
Estimated apparent shortfall before payment of creditors		19, 376, 791

Notes

1. The amount reflected is the net amount of funds transferred by Mr Smit on behalf of the Association to Mrs van der Walt, Mr Smit's wife. Every effort will be made to recover these funds.
2. Dividends received from Mr Smit's estate will determine what amounts can be paid to creditors.
3. The amount of creditor's claims is estimated based on information provided by the South African Reserve Bank inspectors. The amount reflected is the amount of funds received by the estate from The Insolvent estate of BC Trust Association (T 4352/12) The association in turn received the funds from members of the public. The funds were transferred from this estate to the various bank accounts and credit cards of Mr Smit.

DATED at Randburg this 5th day of April 2013


ML Stewart
Provisional Liquidator