

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

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24/3/2021

Case No: 17327 / 2020

Before the Honourable Mr. Justice Bozalek
Cape Town: Wednesday, 24 March 2021

In the application between:

TREVO CAPITAL LTD

Applicant / Intervening Party

and

HAMILTON BV

First Respondent

HAMILTON 2 BV

Second Respondent

STEINHOFF INTERNATIONAL HOLDINGS (PTY) LTD

Third Respondent

In re the matter between:

HAMILTON BV

First Applicant



HAMILTON 2 BV

Second Applicant

and

STEINHOFF INTERNATIONAL HOLDINGS (PTY) LTD

Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	
Private Bag 29020, Cape Town 8000	
	
2021 -03- 2 6	
WCB 008 ORDER	
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	

Having read the papers filed of record and having heard counsel for the Applicant / Intervening Party and the First, Second, and Third Respondents

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IT IS ORDERED THAT:

1. Trevo Capital Limited ('Trevo') is granted leave to intervene as an applicant in case number 17327 / 2020 ('the declaratory application').
2. Steinhoff International Holdings (Pty) Ltd ('SIHPL'), Trevo and Hamilton BV and Hamilton 2 BV ('Hamilton') are to give notice of the declaratory application and this order, no later than ten (10) court days after the date of this order, to all creditors and potential creditors of SIHPL, and in the following manner:

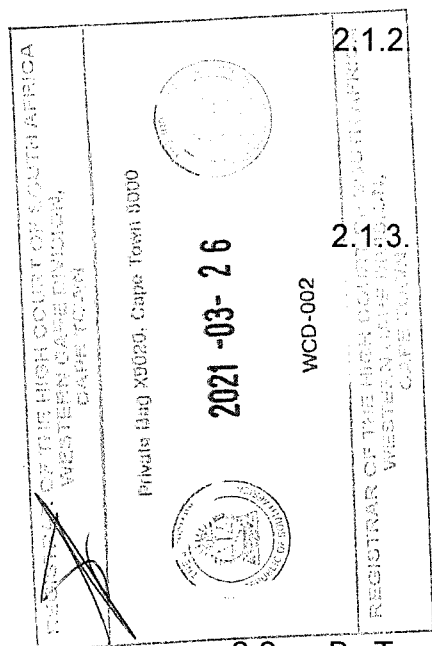
2.1. By SIHPL publishing the notice contemplated in **Annexure A** ('the notice') as follows:

2.1.1. on the website of Steinhoff International Holdings N.V. ('SIHNV');
and

2.1.2 on the Steinhoff Settlement website – available at <https://www.steinhoffsettlement.com/>.

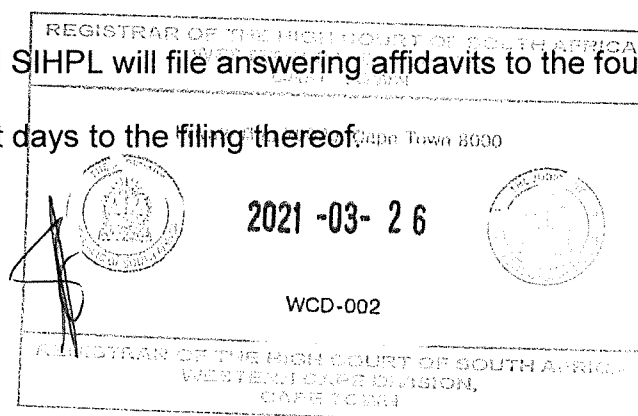
2.1.3 by making electronic copies available on the Steinhoff Settlement website (<https://www.steinhoffsettlement.com/>) of all of the papers filed in the declaratory application and the intervention application, as well as this order, available for download by way of an internet link / hyperlink.

2.2. By Trevo and Hamilton between them, publishing the notice by e-mail to each of the recipients specified in paragraphs 2.5 and 4 of the order of this Honourable Court per Saldanha J of 25 January 2021 under case



number 16377 / 2020 (**'the Saldanha J order'**), in which regard SIHPL shall furnish to Trevo and Hamilton a full list of email addresses in its possession in relation to the above recipients within three (3) court days of this order.

3. The costs of the aforesaid notice shall be paid in equal shares by (i) Hamilton and (ii) Trevo.
4. It is declared that delivery to all of the aforementioned recipients as envisaged in terms of this Order, shall be deemed to have been effected, on the third calendar day following publication of all of the papers filed in the declaratory application and the intervention application, as well as this order on the Steinhoff Settlement website.
5. Trevo, Hamilton and SIHPL (collectively **'the Parties'**) shall each file an affidavit in respect of compliance (**'the compliance affidavit/s'**) with the aforesaid steps within five (5) court days of giving notice. The Parties will be required to note any objections in respect of the compliance affidavit/s within a further five (5) court days.
6. Trevo shall file its founding affidavit in the declaratory application within ten (10) court days of the date of this order.
7. Hamilton and SIHPL will file answering affidavits to the founding affidavit within ten (10) court days to the filing thereof.




- 8. If any other creditor or potential creditor of SIHPL, to which notice of the declaratory application and this order is to be given in terms of this order, intends to apply to intervene in the declaratory application, such creditor or potential creditor is to file its intervention application together with any supporting affidavit no later than fifteen (15) court days after deemed receipt of the notice.

- 9. The declaratory application shall only be set down for hearing once any further intervention applications arising out of the notice have been adjudicated and all papers in the declaratory application which arise out of any such further intervention applications have been lodged.

- 10. SIHPL is directed to pay Trevo and Hamilton's costs pertaining to the intervention application, including the costs of two counsel.

BY ORDER OF COURT



REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WILLEMSESTRAAT 119, CAPE TOWN

Private Bag X9020, Cape Town 8000

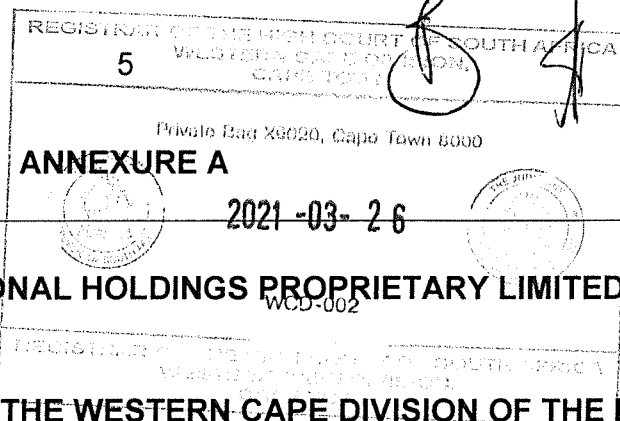
2021 -03- 26

WCD-002

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WILLEMSESTRAAT 119, CAPE TOWN

COURT REGISTRAR

BOX 43
 Bowmans Inc
 Per. J de Hutton
 Email: juliette.dehutton@bowmanslaw.com



STEINHOFF INTERNATIONAL HOLDINGS PROPRIETARY LIMITED
WCD-002

NOTICE OF APPLICATION IN THE WESTERN CAPE DIVISION OF THE HIGH COURT OF SOUTH AFRICA

1. Notice is hereby given of an application instituted by Hamilton BV and Hamilton 2 BV (**'Hamilton'**) in the Western Cape Division of the High Court of South Africa, under case number 17327 / 2020, in terms of which Hamilton seeks an order declaring that the Contractual Claimants class and the SIHPL Market Purchase Claimants class, as defined in the proposal published by Steinhoff International Holdings Proprietary Limited (**'SIHPL'**) in terms of section 155 of the Companies Act, fail to constitute a *'class of creditors'* as envisaged by section 155(2) of the Companies Act (**'the declaratory application'**).

2. In terms of the order of the Western Cape Division of the High Court of South Africa granted on 24 March 2021 under case number 17327 / 2020, Trevo Capital Limited (**'Trevo'**) has been granted leave to intervene as a co-applicant in the declaratory application and has been directed to file its founding papers in the declaratory application within ten (10) court days of the date of the order.

3. Any other creditor or potential creditor of SIHPL, that wishes to apply to intervene in the declaratory application, must file its intervention application, if any, together with any supporting affidavit, no later than fifteen (15) court days after the deemed date of this notice, being the third calendar day following publication of all the papers filed in the declaratory application and the intervention application, and the

court order on the Steinhoff Settlement website
(<https://www.steinhoffsettlement.com/>).

- 4. Electronic copies of the papers filed by SIHPL, Hamilton and Trevo in the declaratory application and Trevo's intervention application, as well as the court order referred to in paragraph 3 above, are accessible at and may be downloaded from the following link: <https://www.steinhoffsettlement.com/>

