THE HIGH COURT OF SOUTH AFRICA NORTH WEST DIVISION, MAFIKENG

CASE NO.: UM89/23

In the intervening application of:

THE COMMISSIONER OF THE SOUTH AFRICAN REVENUE SERVICES

Intervening Party

In Re the matter between:

RUAN BOTES

First Applicant

JEANDRE VILJOEN

Second Applicant

and

TARIOMIX (PTY) LTD t/a FOREVER DIAMONDS AND GOLD

First Respondent

(Registration No. 2011/119689/07)

FINANCIAL SECTOR CONDUCT AUTHORITIES

Second Respondent

AFFIDAVIT: SUPPLEMENTARY REPORT OF THE PROVISIONAL JOINT LIQUIDATORS IN REGARDS TO THE INTERVENTION BY THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICES

I, the undersigned,

HERMANUS JOHANNES VAUGHN VICTOR

hereby declare under oath as follows:

I am a major male and duly admitted advocate of the High Court of South
 Africa with business address c/o Investrust, 63 Stella Street, Brooklyn,

HOV

Pretoria, Gauteng.

- The content of this affidavit is true and correct and falls within my own personal knowledge, unless the contrary clearly appears from the context or is otherwise stated.
- 3. Where I deal with legal issues, I do so on the advice of the jointly appointed provisional liquidators legal representatives, which advice I accept as correct and to be in accordance with the prevailing legal position.
- 4. The filing of this supplementary report is supported by my jointly appointed co-provisional liquidators being Ms Caroline Mmakgokolo Ledwaba, as well as Johanna Nini Mahanyele, being the jointly appointed liquidators of Tariomix (Pty) Ltd t/a Forever Diamonds and Gold (in provisional liquidation).
- 5. Once again this is supported by both my co-liquidators whose confirmatory affidavits have been annexed to the preliminary report of the provisional joint liquidators. In any event I attach their confirmatory affidavits hereto, marked as annexures "SR1" and "SR2", respectively.
- 6. I have perused the intervention application filed on behalf of the intervening party (the Commissioner of the South African Revenue Services) who has subsequently been joined to the proceedings and wish to comment thereon as follows hereunder.
- I do not intend to address each and every allegation contained in the papers
 particularly since much of the affidavit relates to facts which are not within

M

HOV

our personal knowledge and relates in particular to the first and second applicants.

- 8. However, certain material allegations are made which we as the jointly appointed provisional liquidators feel obliged to respond to and which will be dealt with hereunder.
- 9. In this regard my failure to deal with a particular allegation contained in the founding affidavit should as such not be construed as an admission as to the correctness thereof. To the contrary and insofar as I fail to deal with a particular allegation same should be considered as pertinently denied.
- 10. I will deal with the matters under themes and as follows:
- 10.1 In limine: the application launched by the South African Revenue Services is fatally flawed;
- 10.2 The importance of the order granted;
- 10.3 The knowledge of the provisional liquidators of the SARS preservation order;
- 10.4 The various investors;
- 10.5 Matters under investigation.

HSV

11. <u>IN LIMINE: THE APPLICATION LAUNCHED BY THE SOUTH AFRICAN</u> REVENUE SERVICES IS FATALLY FLAWED

- 11.1 From the outset, and insofar as this may not be raised by the applicants, it is imperative to note that the Commissioner of the South African Revenue Services intend to intervene in the current application seeking relief in terms of which it seeks to set aside a final winding-up order.
- 11.2 From a perusal of the founding papers filed on behalf of the South African Revenue Services it is *inter alia* stated as follows:
 - "2.4 In light of the aforesaid, I have deemed it prudent in light of the allegations identified and referred to in the first applicant's founding affidavit and the first respondent's answering affidavit to intervene in this application as a respondent and to apply for the rescission of the provisional liquidation order in terms of Rule 42 of the Uniform Rules of Court and as a consequence oppose the relief applied for by the applicants in the main application."
- 11.3 From a perusal of the order granted by the above honourable Court on 23 February 2023 it is clearly recorded that both the applicants and the respondent (the insolvent company Tariomix (Pty) Ltd) were represented at the hearing of the matter and by counsel.
- 11.4 Accordingly, I do not need to point out the obvious that the provisions of Rule 6(12)(c) do not apply in that all parties relevant to the matter were properly represented at the hearing of the matter, and insofar as this may still be a contention.
- 11.5 Furthermore, when one considers that the approach by the Commissioner of the South African Revenue Services is to seek the recission of and setting

M



aside of the order in provisions of Rule 42, alternatively the common law, I submit that this approach is wrong and as such the application is fatally flawed in law. As such and very simply they cannot succeed with the relief they seek.

- 11.6 This is because, the moment a provisional order was granted in the insolvent estate, the hand of the law vested upon the insolvent estate and a concursus creditorum was established.
- 11.7 The establishment of the *concursus creditorum* is an important thing since this has several legal consequences which related not only to the applicant and the respondents but all creditors including but not limited to the Commissioner of the South African Revenue Services.
- 11.8 As such, and so it will be argued on our behalf, in order to have succeeded in the relief that the Commissioner of the South African Revenue Services seeks, they ought to have brought the application in terms of the provisions of section 354 of the Companies Act, 61 of 1973.
- 11.9 It is furthermore not as simple as simply issuing an application in those circumstances, since there are various other interested parties now who have a material interest in the matter, such as for example all the other creditors, which from what we can determine would equate to several thousand investors in the fraudulent scheme purported under the guise of the first respondent.
- 11.10 As such, their interests also need to be established and determined and to

MA

simply launch an intervention application as was done by the Commissioner of the South African Services, gives rise to circumstances where the relief they seek cannot simply be granted on the basis they have brought the application.

11.11 On these grounds I submit that the above honourable Court ought to dismiss the application of the Commissioner of the South African Revenue Services to seek the recission of the order or alternatively its dismissal, with costs.

12. THE IMPORTANCE OF THE ORDER GRANTED

- 12.1 As has become apparent in the various papers filed in this application it appears that a gargantuan fraud has been perpetrated upon investors through the first respondent and as such this giving rise to the winding-up thereof.
- 12.2 In this regard and as I have already referred to above, the importance of the provisional order is that a *concursus creditorum* has been established upon the estate of the respondent and more particularly that this *concursus creditorum* has been established upon the deemed date of liquidation, as defined in terms of the provisions of section 348 of the Companies Act, 61 of 1973 which was established at the date of issue of the winding-up application. As such the affairs of the company have been in law crystalised as of that date and this has substantial consequences insofar as the actions of the various office bearers of the insolvent are concerned and more particularly when related to disbursements and dispositions made out of the company and at the hand of the various role-players.

Plu KAH

- 12.3 This furthermore attracts certain liabilities as defined in terms of the provisions of sections 26 through to 32 of the Insolvency Act, 24 of 1936 which is of application as considered in terms of the provisions of section 339 of the Companies Act, 61 of 1973 and on liquidations in general. The situation has also given rise to the seeking of the extension of the jointly appointed provisional liquidators' powers in terms of the provisions of section 386 of the Companies Act and more particularly authorising them to conduct an enquiry in terms of the provisions of section 417 and 418 of the Companies Act, 61 of 1973.
- The above procedures are not unusual. Furthermore, I submit the following since insofar as the Commissioner for the South African Services might suggest that this interferes in their process in terms of the provisions of section 163 of the Tax Administration Act, this is not the case since this is the usual route in which matters proceed.
- The position remains that the Commissioner for the South African Revenue Services and more particularly the South African Revenue Services itself remains a preferent creditor in the insolvent estate and furthermore qua creditor is entitled to participate in the process of winding-up the company.
- 12.6 Furthermore, as a creditor of a substantial sum, the South African Revenue Services have a material part to play in the winding-up proceedings, particularly in giving and issuing resolutions to the jointly appointed provisional liquidators as in how to administer the estate further.
- 12.7 I make mention of the above since it is extremely unusual for the South

HAN

African Revenue Services to oppose an application for the winding-up of a company as is the case now.

- 12.8 This particularly when one considers the Commissioner of the South African Revenue Services' founding papers which deal primarily on certain legal points and do not deal with the merits of the application itself. These being primarily:
- 12.8.1 Whether or not a fraud was perpetrated through the entity of the first respondent as they suspect;
- 12.8.2 Whether or not the first respondent is in fact insolvent and unable to pay its debts:
- 12.8.3 What the extent of the liabilities and assets of the first respondent are, facts which are clearly within their purview and are not dealt with;
- 12.8.4 What the status of the various joint venture agreements are, and more particularly the liability of the first respondent to the various investors (who ultimately from it appears become concurrent creditors);
- 12.8.5 Why the South African Revenue Services is prejudiced by the provisional order or for that matter the granting ultimately of a final order of winding-up.
- 12.9 I attach hereto as annexure "SR3" a copy of the affidavit filed by Mr Hilton Hope in support of the granting of the order as granted in terms of section 163 of the Tax Administration Act.

HAN

- 12.10 The abovementioned affidavit in detail demonstrates how monies were moved through various accounts and illustrated clearly that the Commissioner of the South African Revenue Services believe that this was nothing more than a scheme.
- 12.11 With reference to just one of the examples as follows:
 - "5.15 Further to the above, an analysis of the bank statements of Absa Bank credit card account number 4038228059353016 which is held in the name of the second respondent revealed inter alia that during the period 23 November 2019 to 8 January 2020 that an amount of R89 023 500.00 had been paid to casinos within Gauteng for the benefit of the first respondent. A copy of the section 46 notice issued to Emperor's Palace under the Tax Administration Act is annexed hereto as annexure "COM11", together with the information received from Emperor's Palace in analysis and support of the aforesaid contentions as annexure "COM12". Attached is an analysis of the payment amount of R89 023 500.00 paid to Emperor's Palace as annexure "COM13"."
- 12.12 From the above it is clear that R89 million worth of investors' funds were paid to casinos in order to apparently, as we understand this, convert these funds to cash.
- 12.13 Hope goes on to record further as follows:
 - "5.28.21 The first respondent stated the following in his affidavit dated 15 April 2021:
 - '99. I am aware that financial institutions are instructed and do keep a close eye on deposits of significant cash amounts in their account. This is a well-known occurrence. I know these institutions can and will suspend operations on account if they observe such transactions. I have often been subjected to such

HSV

freezing of accounts in my involvement in this industry. I also know that any suspension of operations on an account results in significant disruption to the business and takes some time to be resolved. This is obviously not desirable.

- 100. Therefore, I avoid making deposits of large amounts of cash. I rather retain the cash, where feasible, to not be hamstrung by such a 'freeze'. I do this in the comfort that the respondent's business is lawful.'"
- 12.14 From the above it is clear that Liebenberg, on behalf of the first respondent, has access to vast amounts of cash, and that this is done to frustrate legal processes such as the preservation order sought by the Commissioner of the South African Revenue Services. Furthermore, these aspects are matters which ought to be investigated properly, and clearly indicate various contraventions of the Prevention of Organized Crime Act, insofar as these transactions relate to money laundering.
- 12.15 As is common cause the provisional order was granted on 29 June 2021. I attach a copy of the order as granted by the Gauteng Division of the above honourable Court, Pretoria as annexure "SR4".
- 12.16 To the best of my knowledge this order is currently still in effect.
- 12.17 What is interesting to note is that the relationship with AE Switch was established shortly after the preservation order was granted.
- 12.18 From our preliminary investigations it appears that the business was moved after the preservation order and it appears that the business of Tariomix has now continued through the AE Switch platform, despite the preservation order.

- 12.19 It appears that for the first time the South African Revenue Services became aware of the existence of AE Switch was in Liebenberg's answering affidavit to the application launched in terms of the provisions of section 163.
- 12.20 Due to the prolixity thereof I do not attach this document but will ensure that the entire document remains available should the above honourable Court wish to consider same.

13. THE KNOWLEDGE OF THE PROVISIONAL LIQUIDATORS OF THE SARS PRESERVATION ORDER

- 13.1 In the application by Hope, he contends that the liquidators were at all material times aware of the preservation order. This is not factually correct.

 Subsequent to our appointment the provisional liquidators have conducted various investigations into the affairs of the first respondent.
- As is attached to our provisional report as annexure "VV15" a letter was dispatched to the attorneys acting on behalf of the Commissioner of the South African Revenue Services dated 15 March 2013, a copy of which is attached hereto as annexure "SR5", and which set out a history of the matter on our part.

13.3 This letter records as follows:

"INTRODUCTION

- 1. We refer to your previous correspondence in this regard to this matter and, in particular, also:
 - 1.1 Your first letter dated 10 March 2023 ("your first letter");
 - 1.2 Our response to your first letter, also dated 10 March 2023;

WY!

and

- 1.3 Your second letter dated 10 March 2023 ("your second letter).
- 2. We have been instructed to respond to your aforesaid letters on the basis as set out hereinbelow. To this end our clients will not respond to each and every allegation contained in your letters under reply and this letter is, as such, not intended as an exhaustive response thereto.
- 3. Our clients make no admission, concession or waiver of any nature by not responding to any particular allegation made in your letters under reply. In this respect our client's rights to respond more fully to your letters under reply, if necessary and at the appropriate time and in the appropriate forum, are reserved.
- 4. Against the aforesaid prelude and within the state of confines, our client responds to your letter as set out hereinbelow.

Your first letter:

AD PARAGRAPH 1 THEREOF

- 5. It is common cause between the parties that SARS obtained a provisional preservation order on 29 June 2021, in relation to Tariomix, and as envisaged by section 160 of the Tax Administration Act.
- 6. It is further common cause that Tariomix is presently in provisional liquidation. To this end Tariomix was placed in compulsory provisional liquidation by the High Court on 23 February 2023. In terms of section 348 of the Companies Act 61 of 1973, 20 February 2023 is the effective date of the commencement of Tariomix's liquidation proceedings, it being the date upon which the petitioning creditor presented its application for the winding-up of Tariomix to the High Court.

AD PARAGRAPH 2 THEREOF

- 7. The liquidation application sought a provisional (not final) order for the liquidation of Tariomix on an urgent basis, with the question as to whether Tariomix should be finally liquidated to stand over for determination in the ordinarily applicable time.
- The liquidation application liquidation was and remains prosecuted in compliance in the relevant statutory service and notice requirements as envisaged by the Companies Act 61 of 1973, and particularly insofar as SARS is concerned.
- The section 163 appointed curator bonis [Mr Cassim N.O.] ("the SARS curator") was, and remains, not a party who - as of



- necessity had to be notified of the prosecution of the liquidation application, separate of and/or in addition to SARS itself, prior to the applicants in the liquidation application being entitled to pursue a provisional order for the liquidation of Tariomix.
- 10. Apart from the aforesaid, the High Court only granted a provisional order for the liquidation of Tariomix. SARS has not, in the circumstances, been deprived of its rights for and for that matter the opportunity to participate in the final determination of the liquidation application. Simply put, SARS has not been prejudiced as a consequence of the provisional liquidation order being granted.

AD PARAGRAPH 3 THEREOF

11. Our clients take note of what your instructions are. That being said, our clients dispute that SARS has a bona fide defence, premised upon reasonable grounds to the liquidation application.

AD PARAGRAPH 4 THEREOF AND THE SUCCEEDING UNNUMBERED PARAGRAPH THEREOF

- 12. Our clients have been duly appointed by the Master of the High Court, pursuant to the commencement of liquidation proceedings in respect of Tariomix initiated pursuant to a valid order of the High Court, as liquidators of Tariomix.
- 13. Our clients are as such duty bound to perform their duty as duly appointed provisional liquidators of Tariomix and our clients will accordingly not desist from performing their duties as such.
- 14. The powers of the provisional liquidators were already extended by the High Court on 10 March 2023. Naturally, and for a number of reasons, neither SARS nor the SARS curator have any direct, substantial and/or substantive interest in the extension of the liquidators' powers.
- 15. Our clients, once again, take note of what your instructions are. That being said, our clients dispute that SARS is entitled to pursue any of the threatened relief, and is accordingly cautioned against doing so.
- 16. The threat of a punitive cost order against our firm is noted. SARS, and indeed yourselves, are cautioned against pursuing such an order and in the event that you and your client does not heed this warning, we will reciprocate accordingly.
- 17. To this end, we refer you to the provisions of section 74 of the Insolvency Act, which you and your client ought to be familiar with. Our clients' rights, in this regard, are reserved.
- 18. Your request for an undertaking is accordingly refused.

MAN

Your second letter

<u>AD PARAGRAPH 3 THEREOF</u>

- 19. SAR's application for the issue of the section 163 preservation order and commensurate appointment of a section 163 contemplated curator, informs the factual/evidential and legal basis upon which the relevant order was sought by SARS and premised upon which the subject order was granted.
- 20. Our clients were obviously required to properly consider the section 163 order, and indeed the basis upon which that order was sought and granted, before dealing with your first letter.
- 21. Your failure to understand that and indeed why, our clients needed to have regard to the contentions of SARS section 163 application prior to responding to your first letter is of no consequence.
- 22. That being said, your failure to understand is, notwithstanding, noted.

AD PARAGRAPH 4 THEREOF

- 23. Our clients have, to the extent necessary responded to your first letter.
- 24. The undertaking sought in terms thereof are refused.

CONCLUSION

- 25. The tone of your letters under reply is a clear indication that SARS and the SARS curator have adopted an adversarial and litigious stance towards our clients, in circumstances where there is no basis, in fact or in law, to do so.
- 26. The liquidation of Tariomix serves the interests of SARS and to this end when the present state of affairs and the legal consequences ensuring upon the liquidation of Tariomix are properly considered, it is clear that SARS should be taking hands with the Tariomix liquidators rather than threatening or entering into litigation with them.
- 27. The Tariomix liquidators assure you and SARS, that they are committed to performing their duties as liquidators of Tariomix, to the letter of the law and they would prefer to receive assistance from SARS in pursuance of doing so, rather than obstruction.
- 28. To this end, we are instructed to propose that a meeting be schedule to take place between the relevant representatives of SARS, yourselves, ourselves and the liquidators, so that any residual issues between the parties can be ironed out and the liquidation proceedings of Tariomix be peacefully progressed

MA

closer to finality.

29. Please kindly provide our offices with three dates and times when the relevant SARS representatives, the SARS curator and yourselves are available for purposes of such a meeting, so that the final arrangements can be made to secure such an appointment.

30. ..."

- 13.4 The abovementioned letter indicates that the jointly appointed provisional liquidators at all material times have been open and frank with the South African Revenue Services. Upon becoming aware of the order, we engaged them immediately, gave them our view which view it appears they have not considered in their application to intervene.
- 13.5 Quite frankly, they do not deal with this letter in their intervention application.
- 13.6 Furthermore, there has been no reply to the abovementioned letter despite two weeks passing.
- 13.7 The consequences of allowing the business of the first respondent to continue as has been the case since the granting of the preservation order in terms of the provisions of section 163 of the Tax Administration and during June 2021, is of great concern to the liquidators.
- 13.8 Effectively, this means that SARS through its *curator bonis* appointed has been conducting the business of the scheme for the period of almost two years, when one considers the powers afforded to the *curator bonis*.
- 13.9 The consequences of the above, be they intended or unintended, have a far-reaching impact on all the parties concerned and it is imperative that the

MA

hand of the law be vested upon the estate of the first respondent by the above honourable Court and through the provisional order as has been granted.

13.10 Eventually, it is clear that all parties concerned in this estate will have to account for what they have done, or not done, as the case may be.

14. THE VARIOUS INVESTORS

- 14.1 There have been various estimates as to the number of investors who have invested funds in the scheme.
- 14.2 If one considers the latest financial statements as at 28 February 2023 and as per annexure "VV10.1" of our initial report, the insolvent estate is vested with current liabilities of some R1.2 billion. This, on Liebenberg's (as director of Tariomix) own version and per Tariomix's own balance sheet.
- 14.3 These liabilities include some R333 million due to AE Switch and what is categorised as "unrealised diamond/gold transactions" in the sum of R878,726,908.83.
- 14.4 It is assumed at this stage that the extent of investors who have invested in the scheme reaches the sum of R1.2 billion.
- 14.5 From what we initially have heard during our investigations, there may be as many as 82,000 different investors in the scheme. What the jointly appointed provisional liquidators have done is to establish a website calling upon investors to identify themselves for purposes of dealing with the

estate. This website was established on 15 March 2023.

- 14.6 To date in excess of 4000 people have responded identifying themselves as investors who have not received funds from the first respondent.
- 14.7 As a way of example, I attach hereto twenty examples of the some 4000 responses we have received and in terms of which they identify themselves. For purposes of the confidentiality of the persons involved and more particularly since several of the individuals have already indicated that they have real concerns as to their own safety when challenging Liebenberg on behalf of the first respondent, we have removed any identification as to who they are. The original documents of these we are however prepared to disclose to the above honourable Court and upon suitable arrangements being made to secure the identity of these individuals. These are attached hereto as annexure "SR6".
- 14.8 Regarding the safety of the investors, these concerns appear to be legitimate concerns, for the following reasons:
- 14.8.1 Members of the liquidators have received death threats as a result of their involvement in this matter;
- 14.8.2 Liebenberg has himself made certain concerning remarks on social media relating to the recent murder of a prominent liquidator, the late Mr Cloete Murray and his son. In this regard I attach a copy of the front page of the Rapport newspaper of 26 March 2023, where *inter alia* Liebenberg's comments were reported on, as annexure "SR7".

JAN HAN

- 14.9 Furthermore, I attach hereto an extract from Trust Pilot of persons who have complained on public forums about the first respondent and having not received their funds as invested in the first respondent. These are attached hereto as annexure "SR8".
- 14.10 Tariomix is not able to pay its debts as they become due and owing. In confirmation of this, I attach hereto as annexure "SR9" an extract from one of the first respondent administrative personnel's phones, being a few pages of JV partners Whatsapp messages requesting payment of their "pakkies".

15. MATTERS UNDER INVESTIGATION:

- 15.1 As already alluded to herein above, the jointly appointed liquidators are in the process of investigating the affairs of the insolvent company, and subsequent to our recent appointment.
- There are certain aspects which we in this regard need to bring to the attention of the honourable Court regarding the affairs of the insolvent company, particularly if one considers the substantial concerns raised by the South African Revenue Services in their application to preserve the assets of the first respondent and appoint a *curator bonis*.
- 15.3 On 27 March 2023, Mr Liebenberg posted a video on Facebook to his investors where he purports to have a discussion with Mr Niedinger, and in terms of which he makes the following rather startling statement:

"Maar die kurator bonis het ons toegelaat om voort te gaan, om te bedryf,

W W

hy't, hy't ons as direkteure daar gelos vir twee jaar. Hier skielik kom 'n likwidateur, hy wil alles afbreuk, hy wil jou fire as prokureur, hy wil alles uit die pad hê sodat hy net soveel as moontlik kan inpalm. Ons ken, ons ken die Strydoms van Pretoria, maar wat ek wil sê rondom hierdie ding is, in hierdie Window periode, waar die regter dit nou nie as dringend beskou nie, sy wil dit self hanteer. Dis nou goed en wel maar intussentyd kom hierdie hiënas en hulle wil net nog inpalm. Dis 'n probleem."

15.4 This translates to English as follows:

"But the curator bonis allowed us to continue, to operate, he, he left us there as directors for two years. Here suddenly comes a liquidator, he wants to destroy everything, he wants to fire you as a lawyer, he wants everything out of the way so that he can collect as much as possible. We know, we know the Strydoms of Pretoria, but what I want to say about this thing is, in this window period, where the Judge does not consider it urgent now, she wants to handle it herself. That's all good and well, but in the meantime these hyenas come and they just want to collect more. It's a problem."

- 15.5 A copy of the transcription, and a translation thereof to English is attached hereto as annexure "SR10". A full copy of the video will also be made available to the honourable Court should it so require.
- 15.6 Considering the above, it appears that Mr Liebenberg is publishing to all who care to listen that the *curator bonis* appointed by SARS allowed him to continue trading the first respondent for a further two years.
- 15.7 Whether or not this is in fact the case is a matter that still requires investigation, but suffice to state, that it in our view renders matters serious enough that the honourable Court retain the hand of the law on the estate,

MA

since it appears Mr Liebenberg has only been stopped as a result of the provisional order and not the preservation order.

- 15.8 Mr Liebenberg has also over the last few days made several posts on social media, aimed at his investors. I attach a selection of these hereto as annexure "SR11".
- 15.9 In particular I attach hereto a post made on the morning of 28 March 2023, as annexure "SR12", wherein he records *inter alia* as follows:
 - "...Vandag sal ook die laaste keer wees dat ek diamantpakkies aanbied waarby julle kan inkoop. Indien die pakkies wat ek vandag plaas nie ten volle opgeneem word nie, sal dit die laaste keer wees wat dita an hierdie groep aangebied word..."
- 15.10 The jointly appointed provisional liquidators believe that the above demonstrates the following:
- 15.10.1 Leibenberg is not concerned by the preservation order, and still trades the business of the first respondent as he likes;
- 15.10.2 That Liebenberg is still trying to solicit investments from the nearly 100,000 investors (as he alleges in this post) in the scheme perpetrated by Liebenberg and through the first respondent;
- 15.10.3 That he may be considering moving the business to a different "group", which could mean that he is in the process of or has already moved the business of the first respondent elsewhere.

M Hx

- 15.11 The above again makes it imperative that the hand of the law remain firmly entrenched on the estate of the first respondent.
- 15.12 Finally, during the course of our investigations, we have come across a curious voice note, which was recorded by Nadia de Lange and was sent to Maria (surname unknown), both of which are employees of the first respondent which details a meeting ostensible between two members of SARS relating to the tax affairs of Mr Louis Liebenberg and his companies, which took place at Emperors Palace Casino on the 8 March 2023, shortly prior to the intervention of the SARS to the current application. Although we would be required to investigate the exact context of this voice note, it does raise key concerns, particularly when one considers that Emperors Palace Casino was used to ostensibly launder several millions of Rands, this according the Section 163 application brought by SARS, aforementioned. I attach hereto a transcription of the voice note, as well as date stamp and properties of same as proof of the authenticity of the voice note and the source thereof, marked as annexures "SR13" and "SR14", respectively

16. **CONCLUSION**

- 16.1 Considering the above it is submitted on behalf of the jointly appointed provisional liquidators that:
- 16.1.1 The application to intervene and to seek the setting aside of the provisional order as launched by the Commissioner of the South African Revenue Services is fatally flawed and ought to be dismissed with costs;

MI

- 16.1.2 It is clear that the hand of the law must remain established upon the insolvent estate of the first respondent in order to ensure that the affairs of the first respondent are properly investigated in order to determine what monies can be recovered in order to settle indebtedness due both to the South African Revenue Services *qua* preferent creditor for any tax assessment raids and furthermore the various investors on a concurrent creditor basis.
- As such, it is also clear if one considers the balance sheet once again of 28 February 2023 of the first respondent that despite owing some R1.2 billion in current creditors, the only assets available for distribution are some R98 million worth of assets. Of these R98 million it appears that the majority of these are accounts receivable and as such that there is no cash.
- 16.3 Furthermore if one considers what is already within the purview of the South African Revenue Services that at least R89 million was expended in cash, that there should be several cash assets available, which ought to be seized to the benefit of the *concursus creditorum*.
- 16.4 Accordingly, the jointly appointed provisional liquidators persist that the first respondent remains in liquidation and that the hand of the law remain properly established upon it.
- 16.5 Finally, as we are going through the various documents seized from the first respondent *inter alia*, we are discovering many more issues which are material to the scheme being conducted such as for example how the AE Switch accounts work and in particular how Liebenberg would on a daily

40

basis withdraw the account balances therefrom and as such we reserve the right to report on these aspects to the above honourable Court in due course and as our investigations continue.

DEPONENT

COMMISSIONER

MARCELLE KLOPPER
COMMISSIONER OF OATHS
F van Wyk Inc.

PRACTISING ATTORNEY
DELMONDO OFFICE PARK, SORRENTO BUILDING
1ST FLOOR, 169 GARSFONTEIN RD,
ASHLEA GARDENS, PRETORIA

IN THE HIGH COURT OF SOUTH AFRICA (NORTH WEST DIVISION, MAFIKENG)

CASE NO: UM29/23

In the matter between:

TARIOMIX (PTY) LIMITED

T/A FOREVER DIAMONDS AND GOLD

(REGISTRATION NUMBER: 2011/119689/07)

(For its Liquidation)

And

RUAN BOTES

JEANDRE VILJOEN

In re the liquidation application of:

RUAN BOTES

JEANDRE VILJOEN

and

TARIOMIX (PTY) LIMITED

T/A FOREVER DIAMONDS AND GOLD

(REGISTRATION NUMBER: 2011/119689/07)

(For its Liquidation)

FINANCIAL SECTOR CONDUCT AUTHORITY

Applicant

First Respondent

Second Respondent

First Applicant

Second Applicant

First Respondent

Second Respondent

ent M

CONFIRMATORY AFFIDAVIT

I, the undersigned,

CAROLINE MMAKGOKOLO LEDWABA

Do hereby declare and state under oath:

1.

1.1. I am an adult female insolvency practitioner, practising as such under the name and style of Lefika Corporate Recoveries, with its business address situated at 870 Park Street, Arcadia, Pretoria.

2.

The facts contained in this affidavit fall within my personal knowledge, unless the contrary appears from the context hereof, and I confirm such facts to be true and correct.

3.

I have read the supplementary report of the provisional joint liquidators in regards to the intervention by the Commissioner for the South African Revenue Services of JHV Victor in this matter and I confirm the contents thereof insofar as it relates to me.

				
		Ī	DEPONENT	
I hereby certify that the the contents of this	affidavit, whic	h was signed	and sworn	before me at
regulations contained and Government Noti complied with.	in Government N	lotice No R1258	of 21 July 19	
COMMISSIONER OF	OATHS			

MY



IN THE HIGH COURT OF SOUTH AFRICA (NORTH WEST DIVISION, MAFIKENG)

CASE NO: UM29/23

In the matter between:

TARIOMIX (PTY) LIMITED

T/A FOREVER DIAMONDS AND GOLD

(REGISTRATION NUMBER: 2011/119689/07)

(For its Liquidation)

And

RUAN BOTES

JEANDRE VILJOEN

In re the liquidation application of:

RUAN BOTES

JEANDRE VILJOEN

and

TARIOMIX (PTY) LIMITED

T/A FOREVER DIAMONDS AND GOLD

(REGISTRATION NUMBER: 2011/119689/07)

(For its Liquidation)

FINANCIAL SECTOR CONDUCT AUTHORITY

Applicant

First Respondent

Second Respondent

First Applicant

Second Applicant

First Respondent

Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

JOHANNA NINI MAHANYELE

Do hereby declare and state under oath:

1.

1.1. I am an adult female insolvency practitioner, practising as such under the name and style of Ranel Trust, with its business address situated at 2 Riana Avenue Northcliff, Randburg.

2.

The facts contained in this affidavit fall within my personal knowledge, unless the contrary appears from the context hereof, and I confirm such facts to be true and correct.

3.

I have read the supplementary report of the provisional joint liquidators in regards to the intervention by the Commissioner for the South African Revenue Services of JHV Victor in this matter and I confirm the contents thereof insofar as it relates to me.

WR Ir. I

	DEPONENT
I hereby certify that the deponent has acknowled the contents of this affidavit, which was	
	lay of 2023, the
regulations contained in Government Notice No and Government Notice No R1648 of 19 Aug complied with.	R1258 of 21 July 1972, as amended,
COMMISSIONER OF OATHS	

HBI

B1

IN THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

					Case Hulfiber.		
In the	ex parte application	•					
THE	COMMISSIONER	FOR	THE	SOUTH	AFRICAN	Applicant	
REVE	NUE SERVICES						
In re:			Ş				
THE	COMMISSIONER	FOR	THE	SOUTH	AFRICAN	Applicant	
REVE	NUE SERVICES						
and							
LOUIS PETRUS LIEBENBERG First Respondent						First Respondent	
(Identification number: 6405235144081)							
MAGDALENA PETRONELLA KLEYNHANS Second Respond					Second Respondent		
(Identification number: 7012030043085)							
TARIOMIX (PTY) LTD Third Respondent							
(Registration number: 2011/119689/07)							
MARAUDER HOUSE (PTY) LTD Fourth Respondent							
(Registration number: 2021/412015/07							

B1 WW

SUPPORTING AFFIDAVIT

I, the undersigned,

HILTON HOPE

hereby declare under oath as follows:

1.

- 1.1 I am employed by the Applicant, the Commissioner for the South African Revenue Service ("the Commissioner" or "SARS") as an Operational Specialist within SARS' Tactical Analysis and Investigations (Criminal and Illicit Economic Activities) Division whose offices are situated at Project 166, 22 Hans Strijdom Avenue, Cape Town, Western Cape.
- 1.2 I was tasked on or about October 2020 to oversee the investigation by SARS into possible contraventions of the provisions of the Tax Administration Act, Act 28 of 2011 ("the Tax Administration Act"), the Income Tax Act, Act 58 of 1962 ("the Income Tax Act") and the Value-Added Tax Act, Act 89 of 1991 ("the VAT Act") (cumulatively referred to herein as "the tax Acts"). The investigation was initiated in response to a complaint received by SARS.

- 1.3 The facts contained herein fall within my personal knowledge, save where otherwise indicated or where the contrary appears from the context and are to the best of my knowledge and belief true and correct.
- 1.4 In so far as I make submissions of a legal nature, I do so on the advice of SARS' legal representatives which advice I believe to be correct.
- 1.5 I exercise my duties under the control, direction and supervision of the Commissioner as contemplated in sections 3 and 6 of the Tax Administration Act, section 3(1) of the Income Tax Act and section 5(1) of the Value-Added Tax Act.
- 1.6 I am duly authorised as envisaged in terms of section 11 of the Tax AdministrationAct to depose to this affidavit.
- 1.7 I wish to point out that some of the investigations and analysis detailed herein, were done by a team of SARS officials who report to me having been specifically tasked with overseeing and conducting the aforementioned investigation. Further, the details as set out herein with reference to the SARS system are the details and information which appear from the SARS electronic system at the time that this affidavit was being prepared.

2.

[A] THE NATURE OF THE APPLICATION

2.1 This is an application for an ex parte application brought on behalf of SARS for a preservation order in accordance with the provisions of section 163(1) of the Tax B3

Administration Act in order to prevent the Respondents realisable assets from being disposed or removed which may frustrate the collection of the full amount of tax that is due or payable or based on the reasonable grounds identified I am satisfied may be due or payable.

- 2.2 I have been authorised to launch this application in terms of the provisions of the of section 163 (1) of the Tax Administration Act by Mr Anwar Mustapha ("Mustapha"), a Senior Manager: Tactical Analysis & Investigations (Criminal & Illicit Economic Activities) Division employed as such at SARS with offices located at Project 166, 22 Hans Strydom Avenue, Cape Town. In support of what I have stated above, I annex hereto a copy of a confirmatory affidavit deposed to by Mustapha marked as Annexure "COM1".
- 2.3 It is apparent from the reading of the provisions of section 163(3) of the Tax Administration Act that a preservation order may be required to secure the collection of tax referred to in section 163(1) of the Tax Administration Act.
- 2.4 I set out in detail the facts and evidence relied upon by SARS to demonstrate that the requirements for a preservation order as set out in section 163 of the Tax Administration Act have been met which section requires that SARS establish in relation to the Respondents that:
 - 2.4.1 there is an amount of tax that is due or payable by the Respondent's;
 - 2.4.2 alternatively, that an official of SARS is satisfied on reasonable grounds that an amount of tax may be due or payable;

nat HW

- 2.4.3 the preservation order is required to prevent any realisable assets from being disposed of or removed by the Respondents or any other person;
- 2.4.4 the disposal or removal of assets may frustrate the collection of the full amount of tax.
- 2.5 An analysis of the Respondents tax affairs based on the information and documentation secured to date has revealed that the Respondents are non-compliant with the provisions of the tax Acts or have committed an offence under the tax Acts.
- 2.6 The preservation order is required to preserve the realisable assets of the Respondents wherever they may be located.
- 2.7 SARS has reasonable grounds to believe that unless a preservation order is granted, the realisable assets of the Respondent's may be disposed of or removed in order to frustrate the collection of the full amount of tax which amount is due or payable or which may be due or payable.

3.

[B] THE RESPONDENTS

The FIRST RESPONDENT is LOUIS PETRUS LIEBENBERG an adult male businessman with identity number: 6405235144081 and residential address at Aqua Vista Mountain Estate, 24 Meerkat Avenue, Bronkhorstbaai, Bronkhorstspruit,

Gauteng Province. A copy of the CSI Person Trace report is annexed as Annexure "COM2".

- 3.2 The First Respondent is a director of the Third and Fourth Respondents.
- 3.3 The SECOND RESPONDENT is MAGDALENA PETRONELLA KLEYNHANS an adult female businesswoman with identity number: 7012030043085 and residential address 46 Black Eagle Lane, Bronkhorst Bay, Bronkhorstspruit, Gauteng Province.

 A copy of the CSI Person Trace report is annexed as Annexure "COM3". It is noted from an application launched before the Western Cape High Court under case number: 19131/2020 that the Second Respondent claims under oath in her founding affidavit in support of the relief claimed that she resides at 24 Meerkat Avenue, Aquavista, Bronkhorstbay, Bronkhorstspruit, Gauteng Province. A copy of Kleynhans' founding affidavit under case number: 19131/2020 is annexed below in support of what I have stated above.
- 3.4 The Second Respondent is a director of the Third Respondent.
- The THIRD RESPONDENT is TARIOMIX (PTY) LTD with registration number 2011/119689/07, a company duly registered in accordance with the laws of the Republic of South Africa with physical address at Farm Rietdraai, Lichtenburg, Northwest. A copy of the CSI Company Report is annexed as Annexure "COM4". According to the Joint Venture Agreements entered into with various investors, the contracting parties, in particular the Third Respondent, choose as its domicilium citandi et executandi address as 24 Meerkat Avenue, Bronkhorstbaai. A copy of the Joint Venture Agreement is annexed below.

Spy of the AB6

3.6 The FOURTH RESPONDENT is MARAUDER HOUSE (PTY) LTD with registration number 2021/412015/07, a company duly registered in accordance with the laws of the Republic of South Africa with address at 67 Marauder Street, Rhodesfield, Kempton Park, Gauteng. A copy of the CSI Company Report is annexed as Annexure "COM5".

4.

[C] WARRANT FOR SEARCH AND SEIZURE

- 4.1 In the normal course SARS is entitled to obtain documentation and information from taxpayers and vendors in accordance with the provisions of section 46 of the Tax Administration Act.
- 4.2 However, in view of the specific circumstances of this matter, SARS has reason to believe for reasons documented below that the Respondents have failed alternatively neglected to comply with their respective obligations under the tax Acts and/or have committed tax offences as envisaged under the tax Acts.
- 4.3 SARS has been investigating the Respondents tax affairs since October 2020 and as part of this SARS obtained a search and seizure warrant on 25 June 2021 in terms of section 74D of the Income Tax Act and section 57D of the VAT Act. A copy of the warrant is annexed hereto as Annexure "COM6".

AB7 ML

5.

[D] BACKGROUND TO THE INVESTIGATION AND RELEVANT MATERIAL FACTS

- 5.1 The Tactical Analysis and Investigations (Criminal and Illicit Economic Activities)

 Division of SARS received external complaints involving an individual identified as

 Louis Petrus Liebenberg (First Respondent) whose business operations purportedly
 involved engaging members of the general public to make capital investments in

 various diamond transaction(s).
- The nature, scope and extent of the various diamond transactions were recorded in various Joint Venture Agreements entered into between investors and the Third Respondent. At all material times the Third Respondent was represented by the First Respondent.
- As per our investigation, diamonds according to First Respondent would be acquired at a low cost and in turn sold at a high margin ("diamond transaction"), in certain instances diamond transactions could net a profit of 180% which resulted in substantial returns for investors.
- 5.3 The returns on the investments would only be realised once the First Respondent had acquired sufficient capital investment in order to acquire the diamonds and negotiated a price at which the diamonds would in turn be sold.
- 5.4 The First Respondent made use of social media (Facebook) and messaging applications (WhatsApp) to market and promote his business operations

HN

H B8 W

alternatively the interests of the legal entities which he used as conduits to conduct his business operations.

- Investors who agreed to invest in diamond transaction(s) were required to enter into 5.5 a "Joint Venture Agreement", the contracting parties being:
 - The First Party, being Tariomix 1/a Forever Diamonds & Gold (the Third 5.5.1 Respondent) as represented by the First Respondent; and
 - The Second Party, being the respective investor. 5.5.2
- Upon completing the information as required under the Joint Venture Agreement, 5.6 the joint venture partner was required to submit the completed "Joint Venture Agreement" together with proof of payment of the capital investment made to louis@foreverdiamondsandgold.co.za. An example of a "Joint Venture Agreement" provided to investors for signature is attached hereto as Annexure "COM7".
- The following information appears from the express provisions of the "Joint Venture 5.7 Agreement":
 - The Joint Venture Agreement involved a diamond transaction entered into 5.7.1 between the Third Respondent, a company with registration number: 2011/119689/07 which traded under the name and style of Forever Diamonds & Gold (the First Party) and the identified investor (the Second Party);

HW BRINK

- The First Party was identified as having expertise, experience and know-5.7.2 how in respect of the diamond industry, including trading in and in adding value to the diamond business;
- The business of the First Party necessitated additional working capital and 5.7.3 as such the First Party was willing to enter into Joint Venture Agreement with investors and in turn share the profits generated from the diamond transactions with the joint venture partners who had contributed to the working capital of the Third Respondent; and
- The payment of the agreed capital investment was to be paid into the 5.7.4 following nominated bank account:

Item	Description Gold Nugget	
Name		
Bank	FNB ,	
Account type	Business savings account	
Account number	62749890514	
Branch	Meyerton	

HAN BARRY

- As per the external complaint received, read together with the supporting 5.8 documentation secured during the investigation, the securing of working capital to fund the business operations/activities of the Third Respondent followed the following modus operandi:
 - The First Respondent would create a group on "WhatsApp" which group 5.8.1 would be identified, in the case of the complaint, Group 4, of which the complainant was a participant;
 - The participants in the group were all Joint Venture Partners in the 5.8.2 acquisition of diamonds which parcel of diamonds were described as "Parcel 94" and which was made up of 102.4 carat diamonds purchased for R1 530 092.00. The parcel of diamonds was in turn sold for R4 131 243.00, hence a return on investment for investors of 170% after a period of 60 working days;
 - The First Respondent posted "deals" on a daily basis, on some days 5.8.3 between three (3) and four (4) deals which posts on social media were accompanied with photos of the diamonds and/or a video of the diamond or group of diamonds offered to participants; and
 - Once the total investment amount had been taken up, an announcement 5.8.4 would be made via WhatsApp that the parcel was fully taken and that the participants were required to complete and submit a signed Joint Venture Agreement, together with proof of payment of the investment capital to the

First Respondent using the designated email address provided to investors, namely: louis@foreverdiamondsandgold.co.za.

- It must be pointed out that the modus operandi as described in the complaint 5.9 accords with the provisions recorded in the Joint Venture Agreement identified and referred to above.
- Our investigation revealed having reconciled the information obtained during the 5.10 investigation with the bank account information received from First National Bank ("FNB") in response to a request for information in terms of section 46 of the Tax Administration Act pertaining to account number: 62749890514 that the account holder thereof was identified as MP Kleynhans t/a Golden Nugget (the Second Respondent). A copy of the request for information issued in terms of section 46 of the Tax Administration Act dated 9 December 2020 is annexed hereto as Annexure "COM8".
- An analysis was performed in relation to bank account number: 62749890514 which 5.11 analysis identified the receipt of substantial credit inflows into the account as early as 2018 as evidenced by the transaction dates appearing on the face of the bank statements.
- It appears from the analysis performed that as per the transaction dates during 5.12 2018, 2019 and 2020 that both the First and Second Respondents benefited directly, from the credit inflows into account 62749890514, not to mention the debit outflows.

WW B12 W

ANALYSIS OF FIRST NATIONAL BANK ACCOUNT: 62749890514 HELD IN THE NAME OF MP KLEYNHANS T/A GOLDEN NUGGEST

- The analysis of the bank statements with account number: 62749890514 which 5.13 account number is identified in the Joint Venture Agreement identified and referred to above revealed inter alia the following:
 - 5.13.1 The opening balance on 21 February 2018 was R0;
 - 5.13.2 The credit inflows into account number: 62749890514 for the period 21 February 2018 to 31 December 2018 was R10 033 172.61;
 - 5.13.3 The credit inflows into account number: 62749890514 for the period 1 January 2019 to 31 December 2019 was R5 111 296.81;
 - 5.13.4 The credit inflows into account number: 62749890514 for the period 1 January 2020 to 31 December 2020 was R479 575 800.00;
 - 5.13.5 The credit closing balance as at 7 January 2021 was R170 968.42;
 - 5.13.6 The analysis also revealed internet transfer debits to ABSA Bank account number: 4095025576 which account is also held in the name of the Second Respondent; and
 - 5.13.7 The analysis also revealed internet transfer debits to ABSA Bank account econd WW number: 9353574705 which account is also held in the name of the Second Respondent.

5.13.8 A copy of the analysis performed in respect of account number: 62749890514 held in the name of Second Respondent is annexed hereto as Annexure "COM9".

ANALYSIS OF ABSA BANK ACCOUNT: 9353574705 HELD IN THE NAME OF MP KLEYNHANS

- 5.14 An analysis of the bank statements with account number: 9353574705 held in the name of the Second Respondent revealed *inter alia* the following:
 - 5.14.1 The credit inflows into account number: 9353574705 for the period 27 September 2019 to 31 December 2019 was **R954 619.00**;
 - 5.14.2 The credit inflows into account number: 9353574705 for the period 1

 January 2020 to 31 December 2020 was R13 228 589.00;
 - 5.14.3 The debit outflow into ABSA Bank credit card account number: 4038228059353016 held in the name of MP Kleynhans on 7 October 2020 for an amount of R12 000 000.00. A copy of the analysis performed on account number: 9353574705 is annexed hereto as Annexure "COM10".
- 5.15 Further to the above, an analysis of the bank statements of ABSA Bank credit card account number: 4038228059353016 which is held in the name of the Second Respondent revealed *inter alia* that during the period 23 November 2019 to 8 January 2020 that an amount of R89 023 500.00 had been paid to casino's within Gauteng for the benefit of First Respondent. A copy of the section 46 notice issued to Emperor's Palace under the Tax Administration Act is annexed hereto as

MOV

Annexure "COM11", together with the information received from Emperors Place and analysis in support of the aforesaid contentions as Annexure "COM12". Attached is an analysis of the payment amount of R89 023 500.00 paid to Emperors Palace as Annexure "COM13".

ANALYSIS OF ABSA BANK ACCOUNT: 4095025567 HELD IN THE NAME OF MP KLEYNHANS

- 5.16 An analysis of the bank statements with account number: 4095025567 held in the name of the Second Respondent revealed *inter alia* the following:
 - 5.16.1 The credit inflows into account number: 4095025567 for the period 15 September 2018 to 31 December 2018 was R35 500.00;
 - 5.16.2 The credit inflows into account number: 4095025567 for the period 1

 January 2019 to 31 December 2019 was R2 439 841.00;
 - 5.16.3 The credit inflows into account number: 4095025567 for the period 1

 January 2020 to 31 December 2020 was R162 674 967.07.
 - 5.16.4 A copy of the account analysis is annexed hereto as Annexure "COM14".
 A copy of the section 46 notice issued to ABSA Bank is annexed hereto as "COM15".
- 5.17 In addition to the bank accounts identified and referred to above, our investigation identified a further bank account held in the name of the Second Respondent with Capitec Bank with account number: 1714136610.

- 5.18 A request for information dated 9 December 2020 in respect of account number 1714136610 was directed to Capitec Bank in terms of section 46 of the Tax Administration Act. A copy of the request is annexed hereto as Annexure "COM16".
- Our analysis of account number: 1714136610 held in the name of the Second Respondent revealed *inter alia* that as per the transaction details of transactions processed during 2020, a total amount of R75 138 784.00 had been deposited and/or transferred into the aforementioned bank account. A copy of the analysis is annexed hereto as Annexure "COM17".
- Our investigation revealed further that on 17 December 2020 that the Second Respondent launched an urgent application under case number: 19131/2020 in The High Court of South Africa (Western Cape Division) wherein Second Respondent alleged *inter alia* the following:
 - 5.21.1 She conducted the bank account with Capitec Bank;
 - 5.21.2 As at 8 December 2020, she was able to freely transact with the account by receiving deposits and making payments;
 - 5.21.3 As at 8 December 2020, a positive balance of R70 499 758.00 was held in the account;
 - 4.21.4 "I utilise the account in order to make a living and pay any living expenses
 of myself as and when required. I am unable to pay same as and when such
 expenses fall due."

Big.

- 5.21.5 "The Respondent [Capitec] is acting unlawfully by not only spoliation me from the use of my funds in my bank account but also essentially cutting me off from my livelihood."
- 5.21.6 "The bulk of the funds held in the account currently are the funds belonging to Tariomix (Pty) Ltd with registration number 2011/119689/07 which are paid into my account, earmarked for payment to clients of such company to their Capitec bank accounts as will appear from Annexure "MPK8" therefore I am unable to make payment of funds due to third parties in terms of my agreement with Tariomix." A copy of the founding affidavit filed by Kleynhans is annexed hereto as Annexure "COM18".
- 5.22 On 31 December 2020, SARS was advised by Capitec Bank that an amount of R70 580 042.26 had been paid over into ABSA account: 4099545607 which account is held in the name of the Second Respondent. A copy of the correspondence received in support of the aforesaid allegations is annexed hereto as Annexure "COM19".
- 5.23 The Second Respondent on or about September 2020 caused an amount of R626 193.00 to be paid to Goldrich Motors from Capitec Bank account: 1714136610 for the purchase of a Toyota Land Cruiser 4.5 V8 (registration number: JK88XWGP).
- 5.24 Further to the above, I became aware of the fact that The National Director of Public Prosecutions had, under case number: 14331/21 secured a preservation order in terms of section 39 of the Prevention of Organised Crime Act, Act 121 of 1998 in

F 1817

respect of various bank accounts held in the names of the First, Second and Third Respondents.

- 5.25 The purpose of the preservation order "..... <u>was to preserve, as an initial stage</u> towards forfeiture:
 - 8.1 The positive balance and all interest accrued in account number 4099545607 which account is held in the name of Tariomix (Pty) Ltd at ABSA Bank Limited (Tariomix account); and
 - 8.2 The positive balance and all interest accrued in account number 4095025576 which account is held in the name of Magdalena Petronella Kleynhans at ABSA Bank (Kleynhans current account); and
 - 8.3 The positive balance and all interest accrued in account number 9353574705 which account is held in the name of Magdalena Petronella Kleynhans at ABSA Bank (Kleynhans savings account); and
 - 8.4 The positive balance and all interest accrued in account number 4038228059353016 which account is held in the name of Magdalena Petronella Kleynhans at ABSA Bank (Kleynhans credit card account); and
 - 8.5 The positive balance and all interest accrued in account number 9134235453 which account is held in the name of Louis Petrus Liebenberg at ABSA Bank (Liebenberg account); and

BN8 NX

- 8.6 The positive balance and all interest accrued in account number 1207290033 which account is held in the name of Magdalena Petronella Kleynhans at Nedbank Bank (Kleynhans Nedbank account)." A copy of the court order granted by the High Court of South Africa (Gauteng Division, Pretoria) on 18 March 2021 is annexed hereto as Annexure "SARS 19".
- 5.26 A copy of the application was uplifted from the court file under case number: 14331/21, the content of which was perused. A copy of the application which comprises of a founding affidavit deposed to by PIETER THOMAS BEZUIDENHOUT ("Bezuidenhout"). together with a supporting affidavit deposed to by COLEEN LOUISE BROWN ("Brown") is annexed hereto as Annexure "COM20". Only the affidavits of Bezuidenhout and Brown are annexed hereto and not the annexures due to the volume of documentation involved, a complete copy of the application will be made available to the Court at the hearing of these proceedings.
- From the reading of the supporting affidavit deposed to by Brown, I noted with 5.27 interest that reference was made to "FOREVER DIAMONDS INVESTMENT SCHEME" which name formed the subject matter of the external complaints referred to the Tactical Analysis and Investigations (Criminal and Illicit Economic Activities) Division for investigation wherein the following allegations were made:
 - **"86** Forever Diamonds and Gold (Forever Diamonds) is a business promoted via social media, where investors are lured to purchase Namaqualand diamonds at a huge profit. The investment opportunity involves 50% profit every 10 days by buying and selling without cutting done and 100% over a 30 day period.....[own emphasis].

- Forever diamonds operated as an investment scheme via one of
 Liebenberg's companies, named Tariopart (Pty) Ltd trading as Gold
 Nugget. It is also necessary to draw the courts attention that Forever
 Diamonds is a company which is styled as such on Facebook only and that
 the legitimate company styled as Forever Diamonds and registered with the
 Companies and Intellectual Property Commission's (CIPC) does not have
 any bearing on the case at hand [own emphasis].
- The investment opportunity involves purchasing of diamonds and selling them at a profit which would then be shared amongst investors. As per open source searches, the contract with Gold Nugget contained a guarantee that the investors would not lose their initial investment should there be a loss.
- From the open source information, it is evident that Liebenberg and Kleynhans are operating the scheme together. Kleynhans banking details are provided to investors. Although Liebenberg is the face of Forever Diamonds, Kleynhans' bank accounts are used to launder the proceeds of the Forever Diamonds scheme...."
- In response to the application brought by The National Director of Public Prosecutions under case number: 14331/21, the First Respondent filed an answering affidavit which he deposed to on 15 April 2021, a copy of which was similarly uplifted from the court file wherein the First Respondent described in detail the nature, scope and extent of the business operations/activities in which he, the Second Respondent and the Third Respondent were involved, the essence of which is recorded below as follows:

B20 W

- 5.28.1 The Third Respondent is focused on the purchase and sale of diamonds and as such acts as a "middleman" alternatively as a broker by facilitating sale/take-off agreements between the Third Respondent and various entities and private individuals who are referred to as "Joint Venture Partners";
- 5.28.2 The business acumen was developed by the First Respondent over a number of years through establishing extensive connections with miners, dealers, intermediaries and beneficiaries within the diamond industry which industry he had been involved with almost all his life. According to the First Respondent, his vast knowledge and experience of the diamond trade allowed him to realise the value of diamonds by realising the opportunities arising from the purchase and sale of diamonds within the market place which he was able to realise through his operations;
- 5.28.3 The business operations of Third Respondent purportedly commenced on or about 18 March 2020. Insofar as this allegation is concerned, I wish to point out that the supporting documentation secured during our investigation does not support this position. I say this due to the fact that the transactions depicted in the aforementioned analyses suggest that the business operations of the First Respondent and/or the Second Respondent and/or the Third Respondent commenced during 2018 and that they continued with their business operations during 2019, 2020 and 2021. The allegation made that the business operations involving the diamond transactions of the Third Respondent only commenced after 18 March 2020 is simply not correct. In fact, Gert Comelius Cloete of GC

Cloete Accounting and Tax Services (hereinafter referred to as "Cloete"), being in possession of a special power of attorney from the Respondent confirmed in an email dated 23 April 2021 that the investments made by investors occurred during 2018, 2019, 2020 and 2021. A copy of the email dated 23 April 2021, is annexed hereto as Annexure "COM21".

- It appears that the First Respondent was involved in the operations of the 5.28.4 Third Respondent which involved inter alia dealing with the mines and facilitating the purchase and sale of diamonds whilst the Second Respondent was involved in the administration of the Third Respondent's business operations which involved inter alia administering the bank accounts as required, ensuring the withdrawal of funds from bank accounts and ensuring that proper records were maintained in relation to the accounting of funds on behalf of the Third Respondent, in particular, the pay-outs made to Joint Venture Partners and suppliers;
- According to the First Respondent, "The Tariomix bank account is 5.28.5 responsible for only a small portion of profit being paid to investors, whilst payments in cash or from the other respondent's bank account are utilised to make the necessary pay-outs to investors";
- The diamond business is multinational with mines being owned by 5.28.6 Government and a number of smaller, independent mines who all have permits to mine and frequently offer products for sale to inter alia the First Respondent on the basis of his long standing and personal relationship

16° B22

with the independent mines and/or miners associated with the diamond industry;

- 5.28.7 The First Respondent had access to various individuals who act as intermediaries for him and who in turn are able to identify and deliver to the First Respondent lawful opportunities to purchase polished diamonds.

 Moreover, these individuals are also able to present opportunities to finance uncut diamonds;
- 5.28.8 Given the First Respondent's industry experience and working with an appraiser, he is able to value both cut and uncut diamonds;
- 5.28.9 Insofar as unpolished diamonds are concerned, the First Respondent was provided with stones which he was able to value and in turn present a proposal to a miner/dealers and benefactors on financial assistance which financial assistance effectively bridges the time period between the mining of the stone and the eventual sale of the stone on tender;
- 5.28.10 According to the First Respondent, the miners, dealers and benefactors are licensed in terms of the Diamonds Act to purchase and sell uncut diamonds;
- 5.28.11 The dealings are entered into by agreement between all interested parties and as such the First Respondent was presented with an opportunity to purchase or finance transactions involving the purchase and sale of diamonds. In exchange for the aforesaid opportunities, the miners, dealers

WW

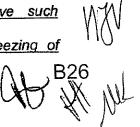
and benefactors receive a commission the quantum of which is determined in accordance with the value of the diamonds purchased;

- 5.28.12 The purchase of diamonds is effected through the Third Respondent as per the Joint Venture Agreement entered into with Joint Venture Partners;
- 5.28.13 It is common practice in the diamond industry that diamonds are sold for cash and as a consequence it is paramount that industry players have access to immediate cash resources;
- 5.28.14 The players in the diamond industry which include diamond mines, beneficiates, dealers, buyers and sellers require access to immediate access to cash the absence of which result in numerous financial challenges to ensure the continuance of their business operations. This is so due to the fact that the industry players cannot wait for the next tender, rather the sale of the diamonds are paramount;
- 5.28.15 Given the First Respondent's knowledge of the diamond industry, he was able to identify a niche market in terms of which diamonds could be purchased from sellers in exchange for cash and in so doing providing the sellers of diamonds with crucial capital finance in order to continue with their respective operations. This niche market according to the First Respondent was achieved through the use of the Third Respondent who in turn similarly benefited from the favourable purchase terms negotiated during the purchase and sale of diamonds;

- 5.28.16 The First Respondent had a network of some 8000 individuals who are willing and able to join him in financing diamond transactions and to share in the profits/yields generated from the sale of diamonds.
- 5.28.17 It must be pointed out and as acknowledged by the First Respondent under oath, different versions of the Joint Venture Agreement were entered into with joint venture partners, one of the major distinguishing provisions identified when reconciling the Joint Venture Agreement in possession of SARS with the Joint Venture Agreement provided by the First Respondent (see Annexure "COM22") is the different bank accounts into which the joint venture partners were required to pay the investment capital under the agreement as illustrated by the table below:

Detailed description	Joint Venture Agreement (First Respondent)	Joint Venture Agreement (SARS)
Beneficiary account name	Tariomix (Pty) Ltd	Gold Nugget
Bank	ABSA	FNB
Account number	4099545607	62749890514
Annexure	"COM22"	COM7"

- 5.28.18 Notwithstanding the aforesaid, the First Respondent claimed that when the funds of the joint venture partners were made available/cleared, he arranged with the Second Respondent to withdraw the necessary amounts of cash which funds were in turn paid to the dealer/seller who had partaken in the diamond transaction.
- 5.28.19 According to the First Respondent, the dealers/sellers of diamonds require payment in cash and as such it is essential that he and the Second Respondent are placed in a position to withdraw sufficient cash from the bank accounts in order to pay the amounts due to the diamond dealers/sellers once the diamond transaction had been concluded;
- 5.28.20 Once the diamond transaction had been concluded, the diamonds were in turn offered for sale at a price determined by the First Respondent having access to his the vast network of business connections who are located both locally and internationally and which he has built up over the years given his involvement in the diamond industry;
- 5.28.21 The First Respondent stated the following in his affidavit dated 15 April 2021.
 - I am aware that financial institutions are instructed and do keep a **9**9 close eye on deposits of significant cash amounts into any account. This is a well-known occurrence. I know these institution can and will suspend operations on account if they observe such transactions. I have often been subjected to such freezing of



accounts in my involvement in this industry. I also know that any suspension of operations on an account results in significant disruption to the business and take some time to be resolved. This is obviously not desirable.

- Therefore, I avoid making deposits of large amounts of cash. I rather retain the cash, where feasible, to not be hamstrung by such a "freeze". I do this in the comfort that the respondents business is lawful." A copy of the First Respondent's answering affidavit filed under case number: 14331/21 is annexed hereto as Annexure "COM23".
- 5.29 On 9 December 2020, a request for information in terms of section 46 of the Tax Administration Act was issued to ABSA Bank wherein the Third Respondent's bank statements for with account number: 4099545607 were requested. A copy of the section 46 notice is annexed hereto as Annexure "COM24".
- 5.30 An analysis of ABSA Bank account number: 4099545607 held in the name of the Third Respondent revealed *inter alia* cash inflows totalling **R91 144 079.00**, more specifically:
 - 5.30.1 The opening balance as at 29 October 2020 was R0;
 - 5.30.2 The first credit inflow was on 29 October 2020 in the amount of R20 000 000.00 from account number: 4095025576, being an account held in the name of the Second Respondent; and

∌ld ₩₩-B27

- 5.30.3 During the period 29 October 2020 to 29 November 2020, the total credit inflows for the period amounted to **R91 144 079.17**. A copy of the analysis of account number: 4099545607 held in the name of the Third Respondent is annexed hereto as Annexure "**COM25**".
- In addition to the bank accounts identified in the names of the Second and Third Respondent's, a notice in terms of section 46 of the Tax Administration Act was issued to those banking institutions with whom the First Respondent held bank accounts. A copy of the section 46 notices for information are annexed hereto as Annexure "COM26" and "COM27".
- 5.32 Our investigation identified the following bank accounts held in the name of the First Respondent:
 - 5.32.1 FNB account: 62053403293; and
 - 5.32.2 ABSA account: 9134235453.
- 5.33 According to an analysis performed of the aforementioned bank accounts, it was revealed that during 2014 to 2021, an amount of **R30 105 276.15** had been cumulatively received into the said accounts. A copy of the analysis performed which depicts the cash inflows into the aforementioned bank account is annexed hereto as Annexure "COM28".

WS/ B28 6.

[E] ADDITIONAL AND FURTHER BANK ACCOUNTS POST FEBRUARY 2021

6.1 For reasons unbeknown to SARS, our investigation revealed that credit inflows (deposits) previously paid into the bank accounts of the Second Respondent (see paragraph 5 above) as per the business operations/activities of the First, Second and Third Respondent were being paid into the following bank accounts held in the name of the Third and Fourth Respondents, namely:

Bank	Nedbank Ltd	ABSA Bank Ltd
Account holder	Tariomix (Pty) Ltd	Marauder House (Pty) Ltd
Registration number	2011/119689/07	2021/412015/07
Account number	1211142922	4100262825

6.2 Whilst the bank account with account number 1211142922 was identified as being held in the name of the Third Respondent to whom reference has already been made above, the bank account with account number: 4100262825 held in the name of the Fourth Respondent was unknown to the investigation team. The transactions depicted on the bank statement mirrored the business operations/activities of the First, Second and Third Respondent.

. 9 M

- 6.3 According to the company documentation received in respect of the Fourth Respondent:
 - 6.3.1 The Fourth Respondent was registered on 17 February 2021 with registration number: 2021/412015/07;
 - 6.3.2 The Fourth Respondent commenced with its business operations on 17 February 2021;
 - 6.3.3 The Fourth Respondent described its principal business activities as "business activities nor restricted"; and
 - 6.3.4 The sole director of the Fourth Respondent was identified as the First Respondent (see Annexure "COM5").
- 6.4 Our analysis of the Fourth Respondent's ABSA Bank account with account number:4100262825 revealed *inter alia* the following:
 - 6.4.1 The period of analysis was from 25 February 2021 to 19 May 2021;
 - 6.4.2 Cash inflows into the account for the period 25 February 2021 to 19 May 2021 was quantified as R6 542 930.52;
 - 6.4.3 Cash outflows from the account for the period 25 February 2021 to 19 May 2021 was quantified as R1 178 378.55;

B30 H

- 6.4.4 The nature, scope and extent of the cash inflows, coupled with the descriptions provided in relation to each of the transactions depicted on the face of the bank statements, led SARS to the reasonable belief that the credit inflows into the account were similar to those received evidenced from the business operations of the Respondents described above in paragraph 5. A copy of the analysis performed, together with a copy of the notice issued in terms of section 46 of the Tax Administration Act are annexed hereto as Annexure "COM29" and "COM30".
- 6.4.5 The outflow analysis identified inter alia the following expenses:
 - 6.4.5.1 Salaries for employees;
 - 6.4.5.2 Account transfers;
 - 6.4.5.3 Payments to First Respondent; and
 - 6.4.5.4 Company operational expenses.
- Our analysis of Nedbank account 1211142922 held in the name of the Third Respondent as per the bank statements received in response to a notice issued in terms of section 46 of the Tax Administration Act revealed *inter alia* the following:
 - 6.5.1 The period of analysis was 1 March 2021 to 31 May 2021;
 - 6.5.2 Cash inflows into the account for the period 1 March 2021 to 31 May 2021 was R5 667 458.44.

- 6.5.3 Cash outflows from the account for the period 1 March 2021 to 31 May 2021 was **R4 275 241.02**.
- 6.5.4 The outflow analysis identified inter alia the following expenses:
 - 6.5.4.1 Salaries for employees;
 - 6.5.4.2 Account transfers; and
 - 6.5.4.3 Company operational expenses. A copy of the analysis performed, together with a copy of the notice issued in terms of section 46 of the Tax Administration Act are annexed hereto as Annexure "COM31" and "COM32".

7.

[F] THE FIRST RESPONDENT: LOUIS PETRUS LIEBENBERG

- 7.1 The First Respondent is an adult male businessman with identification number: 6307165495089 and residential address at 24 Meerkat Lane, Aqua Vista Mountain Estate, Bronkhorstspruit, Gauteng (see Annexure "COM2" above). The First respondent is a director of the Third and Fourth Respondents.
- 7.2 The First Respondent's income tax number as per the SARS electronic system is 0265077800.

- The First respondent is registered for Value Added Tax (VAT) with VAT number: 7.3 4810242869. A copy of SARS' "Client Analyst Report" confirming the aforesaid is annexed hereto as Annexure "COM33".
- According to the entries captured as per SARS' "Client Analyst Report", under the 7.4 heading "Suspicious Activity Report", regard must be had to the allegations made in respect of the First Respondent's involvement in tax fraud and outstanding amounts due to SARS in respect of VAT and income tax, including tax evasion. It appears further from the SARS' "Client Analyst Report" that "According to the NAT 61 system the owner of the company is Mr LP Liebenberg. The company still owes VAT to SARS amounting to R316 425.00. Mr Liebenberg's personal tax is in suspense due to the fact that he can't be traced and has not submitted an IT return since 1999 to date."
- The First Respondent issued a power of attorney to Gert Cornelius Cloete, a Tax 7.5 Practitioner from the firm GC Cloete Accounting and Tax Services Inc on 18 January 2021 to act on behalf of the First Respondent in respect of various matters relating to the First respondent's obligations under the tax Acts . A copy of the power of attorney is annexed hereto as Annexure "COM34".
- On 9 April 2021, SARS issued a final letter of demand to the First Respondent 7.6 demanding the submission of outstanding income tax returns for the periods 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020. A copy of the letter of final demand dated 9 April 2021 is annexed hereto as Annexure "COM35".

₩. B33

- 7.7 It must however be pointed out that in the aforementioned final letter of demand reference was made to a final demand previously dated 13 January 2021 in terms of which SARS demanded that the First Respondent submit his outstanding income returns within ten (10) days of receiving the aforementioned letter. Regrettably, the First Respondent, despite the obligation imposed upon him in terms of section 25 of the Tax Administration Act, failed to submit full and true returns as required despite being afforded an indulgence by SARS to do so.
- Pursuant to the initial letters of demand issued to the First Respondent for the submission of his outstanding returns on 13 January 2021, GC Cloete Accounting and Tax Services Inc directed a letter to myself wherein Cloete confirmed that GC Cloete Accounting and Tax Services had been mandated to attend to the submission of the outstanding income tax returns of the First and Second Respondent in accordance with the mandate given under the power of attorney signed by the respective respondents.
- 7.9 On 28 January 2021, Cloete confirmed inter alia that:

"We confirm that we received the required authorities from the clients to whom the above cases refer. [The clients alluded to included Liebenberg (case number: 371950275), Kleynhans (case number: 3712766016), Tariomix (case number: 371276672), Liebenberg Family Trust (case number: 372004732) and Tariopart (case number: 371936867)].

We also confirm that we were provided with all documentation to prepare the outstanding returns as per your respective demands and that all outstanding returns Will be finalised before the close of business today.

For ease of reference, we enclose our "findings report that needs to be studied in conjunction with our clients submissions as it will provide the first details of the actual declarations. Our clients also entered into a contractual agreement with our offices in late September 2020 whereby we received instructions to ensure that all statutory compliance work on the mining activities that started in June 2020 be attended to and that the requirements of the various statutory bodiesand SARS be fully complied with ..." A copy of the letter dated 28 January 2021 is annexed hereto as Annexure "SARS 30".

7.10 Pursuant to the confirmation of Cloete's aforementioned mandate, Cloete provided an "opinion letter" in relation to the final letters of demand issued on behalf of SARS wherein the following findings were *inter alia* expressed in relation to the First Respondent:

"The taxpayer is the director of Tariomix (Pty) Ltd and Mafisa Mining (Pty) Ltd...The income derived by the taxpayer after 2015 fiscal year was never even close to R10 000.00 per month and it consisted mostly of assistance from friends and family members and whatever funds were left from the capital gain he received on the sale of property of the Liebenberg Family Trust in 2007."

Prior to the 2015 fiscal year a number of circumstances were found to indicate the earnings of this taxpayer. He resigned his last position as a permanent employee

HSV

with Southern Life in 1999. After this he pursued a career in the development of diamond mining concessions..." A copy of the opinion letter prepared by Cloete is annexed hereto as Annexure "COM36".

- 7.11 On 24 May 2021, Cloete directed an email to SARS in regard to the letter of final demand wherein he confirmed *inter alia* the following:
 - At this stage we managed to record the transactions for 2018, 2019 and 2020 FNB bank statements and now only require the personal details of each take-off participant. Although these transactions are but a fraction of the take-off sales that occurred in 2021 fiscal year, the systems we developed over the past 3 months will ensure that the 2021 IT3 submissions will also completed within the allotted time allowed by SARS being on or before 31 May 2021.
 - Current indications are that SARS will be benefiting substantially from these transaction and we are confident to state that the system we have implemented will ensure accurate and timeous disclosures for all future transactions.
 - 6. To enable us to complete the three years and also the years prior to these three years (which did not include any of these forward sales but nevertheless required full analysis of all transactions), we still need to record all ABSA bank accounts..." (see Annexure "COM21" above).

- 7.12 It is evident from that which is stated above that the First Respondent had not rendered full and true income tax returns, moreover the First Respondent had failed to charge/declare all VAT under the VAT Act which conduct was indicative of the First Respondent's failure to comply with the provisions of the tax Acts.
- 7.13 In further support of the aforesaid, a copy of the "Return Control Table" is annexed as Annexure "COM37".
- 7.14 If regard is had to what has already been stated above insofar as the outcome of the analysis performed in relation to the bank accounts held in the name of the First Respondent, it appears from the aforesaid analysis that the information communicated to SARS by Cloete as per the power of attorney issued to Cloete does not depict the First Respondent's true financial position insofar as his income is concerned. Moreover, it is not in dispute that the First Respondent has failed alternatively neglected to file his income tax returns and VAT returns under income tax number 0265077800 and VAT number: 4810242869 respectively, despite having an obligation to do so under the tax Acts.
- 7.15 Based on the information and/or documentation obtained during the course of our investigation and analysis of the First Respondent's bank statements obtained in respect of the bank accounts held in the name the First Respondent, an amount of R32 437 958.00 was received into his accounts during the period 2014 to 2021.
- 7.16 Section 1 of the Income Tax Act, Act 58 of 1962 defines "gross income" as follows:

B37 MX

- "(i) Gross income, in relation to any year or period of assessment means, in case of a resident of South Africa, the total amount in cash or otherwise, received by or accrued or in favour of such resident, excluding receipts of a capital nature".
- 7.17 Based on the aforesaid bank statement analysis, simulated assessments for the period 2014 to 2021 were performed in order to determine the potential tax liability which the First respondent would be required to pay over to SARS, the income tax liability was quantified as R13 409 116.09. A copy of the simulated assessment used to determination the potential prejudice suffered by SARS as a consequence of the First Respondent's failure to declare/render full and true income tax returns as envisaged under section 25 of the Tax Administration Act is annexed hereto as Annexure "COM38".
- 7.18 What is of a particular concern to SARS is the following allegations made by the First Respondent under oath on 15 April 2021 insofar as running a cash business is concerned:
 - on deposits of significant cash amounts into any account. This is a well-known occurrence. I know these institution can and will suspend operations on account if they observe such transactions. I have often been subjected to such freezing of accounts in my involvement in this industry. I also know that any suspension of operations on an account results in significant disruption to the business and take some time to be resolved. This is obviously not desirable.

WW

M

- Therefore, I avoid making deposits of large amounts of cash. I rather retain the cash, where feasible, to not be hamstrung by such a "freeze". I do this in the comfort that the respondents business is lawful."
- 7.19 In light of the aforesaid, SARS has reason to believe for reasons already stated above that the First Respondent has failed alternatively neglected to comply with his obligations under the tax Acts or committed an offence in terms of the tax Acts. Moreover, the is the issue of the suspicious transactions identified which conduct cumulatively underscores the need to preserve the realisable assets.
- 7.20 In addition, SARS on 25 June 2021 secured a warrant as envisaged under section 59 and 60 of the Tax Administration Act to search and seize relevant material at the premises of the Respondents in support of the First Respondent's non-compliance or commission of an offence under the tax Acts.
- 7.21 Under the circumstances, SARS seeks to prevent any realisable assets from being disposed of or removed which if allowed to occur would in turn frustrate the collection of the full amount of tax that is due or payable or based on reasonable grounds in the mind of a senior SARS official may be due or payable.
- 7.22 Both Mustapha and I have considered the information and documentation available and agree that a tax amount may be due or payable by the First Respondent and as such the collection of the tax amount will be frustrated if the realisable assets of the First Respondent identified are not preserved.

7.23 In light of the aforesaid and having regard to the provisions of section 163(3) of the Tax Administration Act, a preservation order may be obtained if required to secure the collection of taxes as envisaged under section 163(1) thereof.

Realisable assets

- 7.24 The First Respondent has the following assets registered in his name:
 - 7.24.1 Mercedes-Benz GLE 400 D-Sport coupe with registration number: JT03FFGP (see Annexure "COM39");
 - 7.24.2 BMW 3 Series with registration HCS122NW (see Annexure "COM40");
 - 7.24.3 TATA with registration HCS148NW (see Annexure "COM41");
 - 7.24.4 Nissan Hardbody with registration MTV528GP (see Annexure "COM42");
 - 7.24.5 Mercedes-Benx with registration JTN172GP (see Annexure "COM43");
 - 7.24.6 Ford Courier with registration HCS120NW (see Annexure "COM44");
 - 7.24.7 Colt with registration HCS129NW (see Annexure "COM45"); and
 - 7.24.8 Colt with registration HCS133 (see Annexure "COM46").

HW 1840

Immovable property

7.25 There is no immovable property registered in the name of the First Respondent.

Bank accounts

- 7.26 The following bank accounts are held in the name of the First Respondent:
 - 7.26.1 FNB account: 62053403293;
 - 7.26.2 ABSA account: 9134235453.
- 7.27 It appears as per the order granted on 18 March 2021 that ABSA account: 9134235453 is already subject to a preservation order granted under case number: 14331/21. A copy of the court order is annexed hereto as Annexure "COM47".

8.

[G] THE SECOND RESPONDENT: MAGDALENA PETRONELLA KLEYNHANS

- 8.1 The Second Respondent is an adult female businesswoman with identification number: 7012030043085 (see Annexure "COM3" above).
- 8.2 The Second Respondent's income tax number as per the SARS electronic system is 0403006158.

HW HW

- The Second Respondent has issued a power of attorney to Gert Cornelius Cloete ("Cloete"), a Tax Practitioner from the firm GC Cloete Accounting and Tax Services INC on 18 January 2021 to act on her behalf in respect of various matters relating to her obligations under the tax Acts. A copy of the power of attorney is annexed hereto as Annexure "COM48".
- The Second Respondent is not registered for VAT. A copy of SARS' "Client Analyst Report" in support of what I have stated above is annexed hereto as Annexure "COM49".
- 8.5 In light of the nature, scope and extent of the deposits made into the various bank accounts held in the name of the Second Respondent and held with various banking institutions, such deposits fall within the ambit of "gross income" as defined under section 1 of the Income Tax Act, Act 58 of 1962. Moreover, the Second Respondent ought to have been registered in accordance with the provisions of section 23 of the VAT Act as a VAT vendor.
- 8.6 On 9 April 2021, SARS issued a final letter of demand to Second Respondent to submit outstanding income tax returns for the periods 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020. A copy of the letter of final demand dated 9 April 2021 is annexed hereto as Annexure "COM50".
- 8.7 It must however be pointed out that in the aforementioned final letter of demand made reference to a final demand previously dated 13 January 2021 in terms of which SARS demanded that the Second Respondent submit her outstanding returns within ten (10) days of receiving the aforementioned letter. Regrettably, the Second

MW

Respondent, despite the obligation imposed upon her in terms of section 25 of the Tax Administration Act failed to submit full and true returns as required.

8.8 Pursuant to the confirmation by Cloete of his power of attorney, Cloete provided an "opinion letter" in relation to the final letters of demand issued on behalf of SARS wherein the following findings were inter alia expressed in relation to Kleynhans:

".... We are in agreement that ultimately the taxpayer remains responsible for her own returns....

During our consultation dated 20 January 2021, the taxpayer admitted that she benefited from the capital gains that resulted from the sale of a farm. However, her portion is still held in trust with the transfer attorneys. This transaction was also finalised in the 2020 fiscal year (22 July 2019). The original purchase price in 2005 of the farm was R560 000.00, she was married in community of property and the farm house was also her primary residence. We are awaiting the final account from the transferring attorneys and access to the e-Filing platform to submit the return and then ensure that the taxes are paid.

All other funds received by this taxpayer during the 2021 fiscal year was only due to pre-incorporation contracts pertaining to the diamond mining operations and the full amount has been paid over to the bank account of Tariomix (Pty) Ltd, the marketing arm of Mafisa Mining (Pty) Ltd...." (see Annexure "COM36" above).

8.9 If regard is had to what has already been stated above insofar as the outcome of the analysis performed in relation to the bank accounts held in the name of the

43 43 Second Respondent, coupled with the disclosures made in his email dated 23 April 2021 (see Annexure "COM21" above) it is apparent that substantial amounts of deposits were paid into various bank accounts held in the name of the Second Respondent during the periods 2018, 2019 and 2020 as appears from the transaction dates appearing on the face of the bank statements.

- 8.10 None of the aforesaid deposits/income were declared for income tax purposes to SARS, the tax liability being substantial.
- 8.11 Insofar as the disclosure made in regard to the beneficial capital gains is concerned from the sale of the Second Respondent's farm, I deny that the Second Respondent's portion of the sale is still held in trust and/or that the final account of the transferring attorneys has not been finalised in that on 29 September 2019, R1 000 000.00 for the sale of Portion 95 of the Farm was paid into ABSA Bank account held in the name of the Second Respondent with account number: 4095025576. The following reference appears from the bank statement "PTN 95 OF THE FARM S". In support of what I have stated above, I annex the bank statement of ABSA Bank account with account number: 4095025576 Annexure "COM51".
- 8.12 In addition to the above, our analysis of ABSA Bank credit card account 4038228059353016 held in the name of Kleynhans revealed that during the period 22 November 2019 to 18 January 2021, payments totalling R89 023 500.00 were paid over to credit facilities held in the name of Liebenberg at various casino's. A review of the other bank accounts held in the name of Kleynhans similarly reflect substantial amounts being paid to gaming institutions.

B44

ML

- 8.13 The monies paid over to the casino's totalling R89 023 500.00 on behalf of Liebenberg on face value ought to be treated as a donation and as such donations tax as envisaged under section 56 of the Income Tax Act is applicable. The implication of the aforesaid is that there is a further tax liability due by Kleynhans to SARS in the amount of **R20 730 875.00**.
- 8.14 What is apparent from that which is recorded above is that the nature, scope and extent of the income paid to the various bank accounts held in the name of the Second Respondent which income appears from the business operations described above, such income ought to have been declared under the tax Acts
- 8.15 A copy of the "Return Control Table" for the Second Respondent confirms that outstanding income tax returns due to SARS which remain still to date outstanding.

 A copy of the "Return Control Table" applicable to the Second Respondent is annexed as Annexure "COM52".
- 8.16 In essence based on the factual position described above, SARS has reason to believe that the Second Respondent has failed to adhere and/or comply with her obligations in terms of the tax Acts, moreover the representations made to SARS does not accord with the information and/or documentation in its possession which may imply evidence of the commission of a tax offence under the tax Acts.
- 8.17 As already indicated above, SARS on 25 June 2021 secured a warrant as envisaged under section 59 and 60 of the Tax Administration Act to search and seize relevant material at the premises of the Respondents in support of the Second Respondent's non-compliance or commission of an offence under the tax Acts.

HDV

1

- 8.18 Under the circumstances, SARS seeks to prevent any realisable assets from being disposed of or removed which if allowed to occur would in turn frustrate the collection of the full amount of tax that is due or payable or based on reasonable grounds in the mind of a senior SARS official may be due or payable.
- 8.19 Both Mustapha and I have considered the information and documentation available and agree that a tax amount may be due or payable by the Second Respondent and as such the collection of the tax amount will be frustrated if the realisable assets of the Second Respondent identified is not preserved.
- 8.20 In light of the aforesaid and having regard to the provisions of section 163(3) of the Tax Administration Act, a preservation order may be obtained if required to secure the collection of taxes as envisaged under section 163(1) thereof.

Realisable assets

- 8.21 The Second Respondent has the following asset registered in her name, namely a Toyota Land Cruiser 4.5 V8 with registration number: JK88XWGP (see Annexure "COM53").
- 8.22 The Second Respondent is the title holder of the aforesaid motor vehicle.
- 8.23 Insofar as the purchase of the aforementioned motor vehicle is concerned, an amount of R626 193.00 was paid from the Second Respondent's Capitec Account: 1714136610 to Goldrich Motors, being the dealership from which the motor vehicle was purchased and as such the Second Respondent is reflected as the title holder of the motor vehicle.

HOW

M

Immovable property

8.24 There is no immovable property registered in the name of the Second Respondent.

Bank accounts

- 8.25 The following bank accounts are held in the name of the Second Respondent:
 - 8.25.1 FNB account: 62749890514;
 - 8.25.2 ABSA account: 9353574705;
 - 8.25.3 ABSA account: 4095025567;
 - 8.25.4 Capitec Bank: 1714136610; and
 - 8.25.5 ABSA credit card: 4038338059353016.
- 8.26 It appears as per the order granted on 18 March 2021 that bank accounts 8.25.2 to 8.25.5 are already subject to a preservation order granted under case number: 14331/21.

BA? WIL

9.

[H] THE THIRD RESPONDENT: TARIOMIX (PTY) LTD

- 9.1 The registration particulars of Third Respondent appear from the company search results obtained and which are annexed hereto as Annexure "COM4".
- 9.2 According to the company search records, the Third Respondent has two (2) directors, namely the First respondent (appointment date: 26 September 2011) and the Second Respondent (appointment date: 30 June 2020).
- 9.3 It appears from SARS' electronic system that the Third Respondent is registered for Income Tax (Reference Number: 9390467174) and PAYE (Reference Number: 7490811272).
- 9.4 It also appears from SARS' electronic system that the Third Respondent (Pty) Ltd is registered as a VAT vendor. A copy of SARS' "Client Analyst Report" is annexed hereto as Annexure "COM54".
- 9.5 It appears further from SARS' electronic system, more specifically from the "suspicious activity report" that the following allegations were made in relation to Third Respondent:
 - "9/11/2015 This person and company is taking funds from investors and not declaring monies collected into his bank account and is also defrauding people. See SAPS case: Liebenberg fraud warning SAPS case number: 499-10-2015".

- The Third Respondent has issued a power of attorney to Gert Cornelius Cloete, a Tax Practitioner from the firm GC Cloete Accounting and Tax Services INC on 18 January 2021 to act on behalf of the Third Respondent in respect of various matters relating to its obligations under the Act. A copy of the power of attorney is annexed hereto as Annexure "COM55".
- 9.7 On 12 January 2021, the SARS issued a final letter of demand to Third Respondent to submit outstanding tax returns for the periods 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020. A copy of the letter of final demand dated 12 January 2021 is annexed hereto as Annexure "COM56".
- 9.8 In a findings report prepared by Cloete in regard to the business activities of Third Respondent, First Respondent and Second Respondent, the business activities/operations were explained as follows:

"Tariomix is the marketing arm of a company registered as Mafisa Mining...Tariomix enters into forward sale take-off agreements with various entities and private individuals on a parcel for parcel basis. These take-off agreements are controlled currently by a unique software application that also ensures complete compliance in terms of the POPI Act, Tax legislation and FIC rules and regulations...

Due to the remoteness of the various small operations, there are no banking facilities and these individuals being the poorest of the poor also do not have access to banking facilities. This necessitates large cash withdrawals on just about a daily basis. In many cases funds must be transferred even to the private bank accounts of particularly the two individuals mentioned at the beginning of this report,

FISH

[Kleynhans and Liebenberg] to facilitate the withdrawal of cash money for payment..." A copy of the findings report is annexed hereto as Annexure "COM36".

- 9.9 The business activities of the Third Respondent as described by Cloete accords with that which has been stated above insofar as the diamond transactions were entered into between the Third Respondent and various investment partners, moreover, there appears to be a nexus between the business operations/activities of the First, Second and Third Respondents whose business operations/activities as per the transaction dates depicted in the various bank accounts of the Second Respondent extended to 2018.
- 9.10 On 28 January 2021, Cloete on behalf of Third Respondent submitted nil tax returns to SARS for the tax periods of 2016, 2017,2018, 2019 and 2020 on the basis that the Third Respondent was "dormant", coupled with the reason for dormancy being "readiness for future project". Copies of the nil tax returns for the years of assessment 2016, 2017,2018, 2019 and 2020 are annexed hereto as Annexure "COM57".
- 9.11 It is apparent from what has been stated above as supported by documentation and information acquired during the course of our investigation that during the period 2018 to 2021 the Third Respondent was operational and not dormant as claimed in the returns submitted. Moreover, regard must be had to the disclosures made by Cloete in his email dated 23 April 2021 wherein the business operations for 2018, 2019 and 2020 were confirmed (see Annexure "COM21" above).

B50

- 9.12 In view of the above, there are reasonable grounds to believe that the Third Respondent has failed to comply with its obligations under the tax Acts, moreover as per the representations made to SARS which are inconsistent with the information and documentation acquired during the investigation by SARS there is a reasonable inference to be made that the Third Respondent committed offences under the tax Acts.
- 9.13 In light of the aforesaid, SARS has reason to believe for reasons already stated above that the Third Respondent has failed alternatively neglected to comply with its obligations under the tax Acts or committed an offence in terms of the tax Acts. Moreover, the issue of the suspicious transactions identified which conduct cumulatively underscores the need to preserve the realisable assets.
- 9.14 In addition, SARS on 25 June 2021 secured a warrant as envisaged under section 59 and 60 of the Tax Administration Act to search and seize relevant material at the premises of the Respondents in support of the Third Respondent's non-compliance or commission of an offence under the tax Acts.
- 9.15 Under the circumstances, SARS seeks to prevent any realisable assets from being disposed of or removed which if allowed to occur would in turn frustrate the collection of the full amount of tax that is due or payable or based on reasonable grounds in the mind of a senior SARS official may be due or payable.
- 9.16 Both Mustapha and I have considered the information and documentation available and agree that a tax amount may be due or payable by the Third Respondent and

and WW

as such the collection of the tax amount will be frustrated if the realisable assets of the First Respondent identified are not preserved.

9.17 In light of the aforesaid and having regard to the provisions of section 163(3) of the Tax Administration Act, a preservation order may be obtained if required to secure the collection of taxes as envisaged under section 163(1) thereof.

Moveable and immovable property

9.18 There is no movable and/or immovable property registered in the name of the Third Respondent.

Bank accounts

- 9.19 The following bank account is held in the name of the Third Respondent:
 - 9.19.1 Nedbank account: 1211143922;
 - 9.19.2 ABSA account: 4099545607.
- 9.20 It appears as per the order granted on 18 March 2021 that ABSA account: 4099545607 is already subject to a preservation order granted under case number: 14331/21. A copy of the court order is annexed hereto as Annexure "COM47".

B52.

10.

[I] THE FOURTH RESPONDENT: MARAUDER HOUSE (PTY) LTD

- 10.1 The registration particulars of Marauder House appear from the company search results obtained and which are annexed hereto as Annexure "COM5".
- 10.2 According to the company search records, the Fourth Respondent was only registered on 17 February 2021, the First Respondent being the only director.
- 10.3 It appears from SARS' electronic system that Marauder House was only registered for Income Tax (Reference Number: 9634109194) during 2021. A copy of SARS' "Client Analyst Report" is annexed hereto as Annexure "COM58".
- 10.4 In light of the fact that Marauder House was only registered on 17 February 2021 there are currently no outstanding tax liabilities owing to SARS as envisaged in terms of the tax Acts.

Realisable assets

immovable property

10.5 The Fourth Respondent is the owner of 67 Marauder Street, Roadsfield, Gauteng also described ad Erf 522, Roadsfield which property the Fourth Respondent purchased for an amount of R6 350 000.00 and which in turn was registered in the name of the Fourth Respondent on 13 April 2021. It is noteworthy to mention that

HAY

B53

the Fourth Respondent was only registered on 17 February 2021. There is no mortgage bond registered over the property.

- The Fourth Respondent carries on the same business operations/activities as the First, Second and Third Respondents which business operations include diamond transactions as described above in paragraph 5. Moreover, as per the business operations/activities of the Respondents, working capital is received under joint venture agreements from investors.
- 10.7 The property appears to be the only fixed asset held in the either of the Respondents names.
- 10.8 On 18 March 2021, the National Director of Public Prosecutions secured a preservation order in respect of various bank accounts held in the names of the First, Second and Third Respondent as a consequence of the business operations/activities carried on by the Respondents. The implication of the aforesaid is that the First, Second and Third Respondents have no means of honouring their respective contractual obligations under the joint venture agreements entered into with various investors.
- There is a real possibility that the Respondents will attempt to dissipate the immovable property and use the funds to settle amounts to investors which disposal will frustrate the collection of the full amount of tax that is due or payable or which may be payable under section 163(1) of the Tax Administration Act. The position described above is obviously to the detriment of SARS's ability to recover the outstanding taxes. Under the circumstances, the immovable property ought to be

lbory Li

preserved in accordance with the provisions of section 163(1) so that it can be realised at a later stage.

Bank accounts

10.6 The following bank account is held in the name of the Fourth Respondent:

ABSA account: 4100262825.

11.

[J] THE APPOINTMENT OF A CURATOR BONIS

- 11.1 Section 163(7)(b) of the Tax Administration Act makes specific provision that SARS may apply for the appointment of a curator *bonis*.
- 11.2 I submit that it is imperative in this instance to appoint a curator bonis to take control of the assets of the Respondents, considering that the activities of these Respondents are interlinked to such an extent that it would be impossible for SARS, without the appointment of a curator bonis, to trace and identify all the assets of the Respondents and to monitor the movements thereof, such as funds in the bank accounts among other things.
- 11.3 SARS therefore moves for an order that a curator *bonis* be appointed and be granted the powers as set out in the Notice of Motion.

B55

The person that SARS has identified for this purpose is Zaheer Cassim of Cassim 11.4 Trust (Pty) Ltd, according to his curriculum vitae, he has more than 20 (twenty) years experience and he regularly takes curatorship appointments as curator bonis. Mr Cassim indicated his willingness to take up the appointment in this matter. A copy of Mr Cassim's consent in this regard is attached and annexed as Annexure "COM59".

12.

[K] **EX PARTE CHAMBERS**

- Section 163(1) of the Tax Administration Act provides that an application like this 12.1 may be brought ex parte. I contend that the facts set out in this affidavit provide support for the contention that the application should not only be brought ex parte, but also that it be heard in the chambers to ensure that it remains confidential until such time that an order is granted and executed.
- I contend that the curator bonis must be provided with sufficient opportunity to take 12.2 control of the assets forming the subject of this application to limit any prejudice for SARS.
- Should the Respondents be notified about this application prior to the granting of 12.3 the provisional order, it is possible that the Respondents will dissipate further assets to the prejudice of SARS and/or will hide assets or relevant financial documents and records to the prejudice of SARS.

B56

- 12.4 The Respondents and any other party affected by this order, will have a full opportunity to be heard on the return date of this application, or should they elect to follow that course, to anticipate the return date.
- 12.5 Should notice be provided and an order not be obtained and acted upon as soon as possible, long delays will probably be encountered before an order is granted and executed, and assets sought to be preserved, would be vulnerable to dissipation, disposal or removal in the interim.
- 12.6 In support of the request that the application be heard in Chambers and not in open court, I point out that SARS is bound by the confidentiality provisions in the Tax Administration Act. Bringing this application in open court at this stage would breach such confidentiality and will defeat the purpose of launching the application without prior notice to the Respondents.
- 12.7 If the rule nisi is granted, the order and a copy of the application will be served on the Respondents as provided for in the Notice of Motion.
- 12.8 The order will also be made available to any interested party on request.
- 12.9 I have been advised that since this is an ex parte application, SARS must take a full disclosure of all material facts including those that may be detrimental to SARS. It is difficult for me to set out their defences that the Respondents may raise. It is safe to assume, however, that the Respondents may contend they feel victimised by SARS and that they think this step is unwarranted. It is also safe to assume that the Respondents may contend that they did not in fact finally and conclusively submit

nil returns as they were in still the process to verify all the tax obligations to SARS. I express no view on whether or not it is competent for them to do so.

- 12.10 In my view, even if the Respondents are able to verify their tax obligations, the SARS debt will still be substantial, which would warrant all their assets to be safeguarded under the circumstances of this matter.
- What is important in this regard is that even if the Respondents were to lodge objections the objection process will in terms of the "pay now, argue later rule" in any event not suspend payment.

DEPONENT

day of

e deponent declared that he is familiar with the
the prescribed oath as binding on his conscience
said prescribed oath. There has been compliance is contained in Government Gazette R1258, dated
 >
Mas
- Burn
Commissioner of Oaths (RSA) Naziee Van Staden Practising Attorney
Naziee Van Staden Attorneys and Debt Counsellors
1 St dames Street, Bellville
7530 Tel: 021 224 0243 064 087 9956

Signed and sworn before me at SECUILCE this 29 this 20 this 29 this 20 this 20

P(S)V B58



IN THE HIGH COURT OF SOUTH AFRICA (NORTH WEST DIVISION, MAHIKENG)

CASE NO: UM 29/2023

Held at MMABATHO on this the 23rd day of FEBRUARY 2023 BEFORE the Honourable Madam Justice DJAJE DJP

In the matter between:

RUAN BOTES

1st Applicant

JEANDRE VILJOEN

And

TARIOMIX (PTY) LIMITED T/A FOREVER DIAMONDS AND GOLD [REGISTRATION NUMBER: 2011/119689/07]

(For its Liquidation)

year or country Applicant Respondent

的恐怕的

FINANCIAL SECTOR CONDUCT AUTHORITY

2nd Respondent

HAVING HEARD ADV E LABUSCHAGNE SC with ADV H VAN STADEN on behalf of the Applicants and ADV PISTOR SC on behalf of the Respondents and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED

The First Respondent be placed under provisional liquidation returnable 1. THAT:

on the 14th day of SEPTEMBER 2023;

This First Respondent, and all other interested parties, are called upon to 2. THAT:

show cause on or before the return date hereof, why this order should not

be made final;

This interim order be served upon the First Respondent at its registered 3. THAT:

4. THAT: This order be served upon the Master of the high Court and the South African Revenue Service by way of filing notice, by hand;

5. THAT: This order be served upon the Second Respondent by way of filing notice, by hand;

6. THAT: This provisional order be served upon the employees of the First Respondent, if any, by affixing a copy of this order against the principal door or gate of the premises of the First Respondent, at the First Respondent's registered address, by way of the sheriff;

7. THAT: This order be published once in the Beeld Newspaper and once in the Government Gazette, before the return date;

8. THAT: The costs of this application be costs in the liquidation.

REGISTERS OF THE COURT REGISTERS OF THE COURT

S.N Att

HA HA



Our Ref: S STRYDOM/FDG1/0005 Your Ref: MR E DE BEER/LM/MAT69321 Date: 15 March 2023

URGENT

VEZI DE BEER ATTORNEYS

BY EMAIL: alta@vezidebeer.co.za

Dear Sir/Madam,

RE: COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICES // THE PROVISIONAL LIQUIDATORS OF TARIOMIX T/A FOREVER DIAMONDS AND GOLD (UNDER PROVISIONAL LIQUIDATION)

INTRODUCTION:

- 1. We refer to our previous correspondence in regard to this matter and, in particular, also:
 - 1.1 your first letter dated 10 March 2023 ("your first letter");
 - 1.2 our response to your first letter, also dated 10 March 2023; and
 - 1.3 your second letter dated 10 March 2023 ("your second letter").
- 2. We have been instructed to respond to your aforesaid letters on the basis as set out herein below. To this end, our clients will not respond to each and every allegation contained in your letters under reply and this letter is, as such, not intended as an exhaustive response thereto.
- 3. Our clients make no admission, concession or waiver of any nature by not responding to any particular allegation made in your letters under reply. In this respect, our clients' rights to respond more fully to your letters under reply, if necessary and at the appropriate time and in the appropriate forum, are reserved.
- 4. Against the aforesaid prelude, and within the stated confines, our clients respond to your letters as set out herein below.

DIRECTORS: SUSAN STRYDOM (BLC LLB) JACQUELINE RABIE (LLB)

ASSISTED BY: KARLIEN LOUISE OOSTHUIZEN (LLB) SENIOR ASSOCIATE: CHRISTIAAN DE JAGER (BA LLB)

012 786 0954 | admin@strydomrabie.co.za | www.strydomrabie.co.za Delmondo Office Park, Sorrento Building, Block A, 169 Garsfontein Rd, Ashlea Gardens, Pretoria | PO Box 7111, Pretoria, 0001 Reg. No.: 2018/481721/21 | VAT No.: 4070289485

In Association with Tintingers Inc.

To help prevent fraud, please contact Strydom Rable Inc. to verify the banking details before making payment at accounts@strydomrable.co.za / 012 786 095



YOUR FIRST LETTER:

Ad paragraph 1 thereof:

- 5. It is common cause between the parties that SARS obtained a provisional preservation order on 29 June 2021, in relation to Tariomix, and as envisaged by section 163 of the Tax Administration Act.
- 6. It is furthermore common cause that Tariomix is presently in provisional liquidation. To this end, Tariomix was placed in compulsory provisional liquidation by the High Court on 23 February 2023. In terms of section 348 of the Companies Act, 61 of 1973, 20 February 2023 is the effective date of commencement of Tariomix's liquidation proceedings, it being the date upon which the petitioning creditor presented its application for the winding up of Tariomix to the High Court.

Ad paragraph 2 thereof:

- 7. The liquidation application sought a provisional (not final) order for the liquidation of Tariomix on an urgent basis, with the question as to whether Tariomix should be finally liquidated to stand over for determination in the ordinarily applicable time.
- 8. The liquidation application was, and remains, prosecuted in compliance with the relevant statutory service and notice requirements envisaged by the Companies Act, 61 of 1973, and particularly insofar as SARS is concerned.
- 9. The section 163 appointed *curator bonis* [Mr Cassim N.O.] ("the SARS curator") was, and remains, not a party who as of necessity had to be notified of the prosecution of the liquidation application, separate of and/or in addition to SARS itself, prior to the applicants in the liquidation application being entitled to pursue a provisional order for the liquidation of Tariomix.
- 10. Apart from the aforesaid, the High Court only granted a <u>provisional</u> order for the liquidation of Tariomix. SARS has not, in the circumstances, been deprived of its rights or for that matter the opportunity to participate in the final determination of the liquidation application. Simply put, SARS has not been prejudiced as a consequence of the provisional liquidation order being granted.

Ad paragraph 3 thereof:



WH HAN

11. Our clients take note of what your instructions are. That being said, our clients dispute that SARS has a bona fide defense, premised on reasonable grounds, to the liquidation application.

Ad paragraph 4 and the succeeding unnumbered paragraph thereof:

- 12. Our clients have been duly appointed by the Master of the High Court, pursuant to the commencement of liquidation proceedings in respect of Tariomix initiated pursuant to a valid order of the High Court, as liquidators of Tariomix.
- 13. Our clients are as such dutybound to perform their duties as the duly appointed provisional liquidators of Tariomix and our clients will accordingly not desist from performing their duties as such.
- 14. The powers of the provisional liquidators were already extended by the High Court on 10 March 2023. Naturally, and for a number of reasons, neither SARS nor the SARS curator have any direct, substantial and/or substantive interest in the extension of the liquidators' powers.
- 15. Our clients, once again, take note of what your instructions are. That being said, our clients dispute that SARS is entitled to pursue any of the threatened relief, and it is accordingly cautioned against doing so.
- 16. The threat of a punitive cost order against our firm is noted. SARS, and indeed yourselves, are cautioned against pursuing such an order and in the event that you and your client does not heed this warning, we will reciprocate accordingly.
- 17. To this end, we refer you to the provisions of section 74 of the Insolvency Act, with which you and your client ought to be familiar with. Our clients rights, in this regard, are reserved.
- 18. The request for an undertaking is accordingly refused.

YOUR SECOND LETTER:

Ad paragraph 3 thereof:

19. SARS's application for the issue of the section 163 preservation order and commensurate appointment of a section 163 contemplated curator, informs the factual/evidential and legal basis upon which the relevant order was sought by SARS and premised on which the subject order was granted.



- 20. Our clients were obviously required to properly consider the section 163 order, and indeed the basis upon which that order was sought and granted, before dealing with your first letter.
- 21. Your failure to understand that, and indeed why, our clients needed to have regard to the contents of SARS's section 163 application prior to responding to your first letter is of no consequence.
- 22. That being said, your failure to understand is, notwithstanding, noted.

Ad paragraph 4 thereof:

- 23. Our clients have, to the extent necessary, responded to your first letter.
- 24. The undertakings sought in terms thereof are refused.

CONCLUSION:

- 25. The tone of your letters under reply is a clear indication that SARS and the SARS curator have adopted an adversarial and litigious stance towards our clients, in circumstances where there is no basis, in fact or in law, to do so.
- 26. The liquidation of Tariomix serves the interests of SARS and to this end, when the present state of affairs and the legal consequences ensuing upon the liquidation of Tariomix are properly considered, it is clear that SARS should be taking hands with the Tariomix liquidators rather than threatening or entering into litigation with them.
- 27. The Tariomix liquidators assure you, and SARS, that they are committed to performing their duties as liquidators of Tariomix, to the letter of the law and that they would prefer to receive assistance from SARS in pursuance of doing so, rather than obstruction.
- 28. To this end, we are instructed to propose that a meeting be scheduled to take place between the relevant representatives of SARS, yourselves, ourselves and the liquidators, so that any residual issues between the parties can be ironed out and the liquidation proceedings of Tariomix be peacefully progressed closer to finality.
- 29. Please kindly provide our offices with three dates and times when the relevant SARS representatives, the SARS curator and yourselves are available for purposes of such a meeting, so that the final arrangements can be made to secure such an appointment.



30. Our clients truly hope that this request meets with your clients' approval, that commercial good sense will prevail and that the parties are not necessitated to incur substantial costs and apply valuable resources towards unnecessary and costly litigation that can, and should, be avoided.

Yours faithfully,

SUSAN STRYDOM

susan@strydomrabie.co.za



Karlien Oosthuizen

From:

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:20

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 7:45 PM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name				
dennis paxinos				
			e ^A	
Contact Number				
enero caso caso				
Email				
dennispaxinos@hotmail.co.za	<u>a</u>			
ID Number				

MILE

	38000
	Amount owed incl. "profit"
	85500
	Date Invested
	06-08-2022
	Date of Last Payment Received
	0
	Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021?
	No
,	
	Do you consider yourself a "partner" in Tariomix or an Investor?
	Investor
	Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?
	No ·



Were you ever cautioned that you could lose your full investment into Tariomix?

Additional Information

nothing was ever paid out and i was kicked off the web page and the whatsapp group. never informed of anything untill i saw the page on face book.

Sent from FDG Liquidations

MSV

Karlien Oosthuizen

From:

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:20

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

Importance:

High

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 7:57 PM

To: info@fdgliquidations.co.za **Subject:** New Claim Submitted

Full Name Anna Mavdalena Elizabeth van der Zandt Van der Zandt Contact Number concerns Email anikivanderzandt@outlook.com

MXV

Original 1,121m	Amount Invested
Amount 1,8m	owed incl. "profit"
Date Inv 2020	vested
Date of Aug 202	Last Payment Received 2
Were you Venture	ou notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Partner that it was under Curatorship on or after 29/6/2021?
Do you Partner	consider yourself a "partner" in Tariomix or an Investor?
Was a f Tariomi No	inancial analysis ever conducted to warn you of the risk of over-investing in ix?

MAN MON

Were you ever cautioned that you could lose your full investment into Tariomix?

Additional Information

Ek het my jv kontrak met Tariomix gekanselleer seker 3 maande gelede per registrasie brief en copy aan Walter Niediger ge mail.

Sent from FDG Liquidations

MOV

Karlien Oosthuizen

C	40	1000	
г	IΟ	ш	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:20

To:

Jacqueline Rabie

Cc:

Susan Strydom; Karlien Oosthuizen

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 7:52 PM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name Maria Margaretha Van Zyl	
Contact Number	
Contact Number	
Email marindavz@icloud.com	
ID Number	
Original Amount Invested	



Amount owed incl. "profit" R20000 Date Invested July 2022 Date of Last Payment Received Nothing received Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix? No	R100	00
Date Invested July 2022 Date of Last Payment Received Nothing received Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	Amo	unt owed incl. "profit"
Date of Last Payment Received Nothing received Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	R200	000
Date of Last Payment Received Nothing received Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	Date	Invested
Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	July	2022
Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	Date	of Last Payment Received
No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	Noth	ning received
Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	Wer Ven	e you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint ture Partner that it was under Curatorship on or after 29/6/2021?
Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	No	
Tariomix?		
No		
	No	

JUN JUN

Were you ever cautioned that you could lose your full investment into Tariomix? $\ensuremath{\mathsf{No}}$

Sent from FDG Liquidations

MSI

From: Sent: To: Cc:	Vaughn Victor <info@fdgliquidations.co.za> Monday, 27 March 2023 12:18 Jacqueline Rabie Karlien Oosthuizen; Susan Strydom</info@fdgliquidations.co.za>
Subject:	FW: New Claim Submitted
Sent: Frida To: info@f	quidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za> On Behalf Of Liquidations y, March 24, 2023 9:17 PM dgliquidations.co.za ew Claim Submitted</fdgliquidationsc@ns7.bgskills.co.za>
	Full Name
	Albert De Beer

Contact Number

albertdebeer57@gmail.com

Original Amount Invested

Email

ID Number

HAI

R:	11000.00
	mount owed incl. "profit" 37800.92
	ate Invested 022/09/20
	ate of Last Payment Received o funds received into personal account.
	Vere you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint enture Partner that it was under Curatorship on or after 29/6/2021?
	o you consider yourself a "partner" in Tariomix or an Investor? nvestor
	Vas a financial analysis ever conducted to warn you of the risk of over-investing in ariomix?
N	l <mark>o</mark>



Were you ever cautioned that you could lose your full investment into Tariomix?

Additional Information

Already lodged a claim. But due to added info collums relodged. Please use this as a a attachment to origenal.

Sent from <u>FDC Liquidations</u>



Karlien Oosthuizen

1227			
Fr	OF	999	
11-11	vi	U U o	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:18

To:

Jacqueline Rabie

Cc:

Susan Strydom; Karlien Oosthuizen

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 9:34 PM

To: info@fdgliquidations.co.za **Subject:** New Claim Submitted

Full Name			
Susan Van der Sandt			
Susan van der Sunde			
Contact Number			
00 107 0000			
Email			
vandersandtsusan@gmail.c	om		
variuer sandt susante gritanie	2111		
ID Number			
440464			
Original Amount Invested		20	
Oliginal Amount invested			



mount owed incl. "profit" 25000 ate Invested ly, August, Sept, October
ate Invested
ly, August, Sept, October
ate of Last Payment Received
November
lere you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joir enture Partner that it was under Curatorship on or after 29/6/2021?
o you consider yourself a "partner" in Tariomix or an Investor?
nvestor
ovestor Vas a financial analysis ever conducted to warn you of the risk of over-investing



Were you ever cautioned that you could lose your full investment into Tariomix? $\ensuremath{\mathsf{No}}$

Sent from FDG Liquidations

From: Sent: To: Cc: Subject:		Vaughn Victor <info@fdgliquidations.co.za> Monday, 27 March 2023 12:18 Jacqueline Rabie Karlien Oosthuizen; Susan Strydom FW: New Claim Submitted</info@fdgliquidations.co.za>	
Sent: Friday, To: info@fdg	idationsc@ns7.bgsk March 24, 2023 9:40 liquidations.co.za Claim Submitted	tills.co.za <fdgliquidationsc@ns7.bgskills.co.za> On Behalf Of Li DPM</fdgliquidationsc@ns7.bgskills.co.za>	quidations
	Full Name HENNIE Coetzee		
	Contact Number		
	Email henniecoetzee88	@gmail.com	
	ID Number		
	Original Amount	Invested	

R 39950.00
Amount owed incl. "profit"
R 79 900.00
Date Invested
Between 9 and 14 September
The Control Described
Date of Last Payment Received Between 1 and 5 September
Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021?
No
Do you consider yourself a "partner" in Tariomix or an Investor?
Partner
Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?
Yes



Sent from FDG Liquidations

c	D*	0	D'	2	
г	в	u	в	6 U	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:17

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 10:02 PM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

	Full Name Annina Colonna Claassen
(Contact Number
	Email guarino.annina@gmail.com
j	ID Number
- 8	Original Amount Invested



Amount owed incl. "profit" 369 958,24 Date Invested 23/06/2022 - 13/12/2022 Date of Last Payment Received No payment received Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix? No					
Date of Last Payment Received No payment received Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?		ed incl. "profit"			
Date of Last Payment Received No payment received Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?					
Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	20,00,200				
Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	Date of Las	Payment Received			
No Do you consider yourself a "partner" in Tariomix or an Investor? Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	No paymer	t received			
Investor Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?	Venture Pa	otified when joining Tario	omix T/a Forever Dia ratorship on or afte	amonds and Gold as er 29/6/2021?	a Joint
Tariomix?					
No	-		in Tariomix or an lı	nvestor?	
	Investor Was a fina				ting in



Additional Information

Zircon investment: #850 R80000 invested @ 110% R167034 payout due -nothing received #852 R30874 @ 120% 23/06/2022 payout R167532.24 nothing received #1005 R60500 @ 125% 23/08/2022 payout R134894.87 nothing received #1369 R250 @ 100% 13/12/2022 payout R500 nothing received.

Sent from FDG Liquidations

184 VIL

From:
Sent:
To:

Vaughn Victor <info@fdgliquidations.co.za>

Monday, 27 March 2023 12:17

To: Cc: Jacqueline Rabie Susan Strydom; Karlien Oosthuizen

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 10:02 PM

To: info@fdgliquidations.co.za **Subject:** New Claim Submitted

Full Name Annina Colonna Claassen		
Contact Number		
Email guarino.annina@gmail.com		
ID Number		
Original Amount Invested		

JUL FISH

3	Amount owed incl. "profit"
•	369 958,24
[Date Invested
Ž	23/06/2022 - 13/12/2022
•	Date of Last Payment Received
1	No payment received
	Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021?
ı	No
ĺ	Do you consider yourself a "partner" in Tariomix or an Investor?
!	nvestor
	Was a financial analysis ever conducted to warn you of the risk of over-investing in
	Tariomix? No



Were you ever cautioned that you could lose your full investment into Tariomix? $\ensuremath{\mathsf{No}}$

Additional Information

Zircon investment: #850 R80000 invested @ 110% R167034 payout due -nothing received #852 R30874 @ 120% 23/06/2022 payout R167532.24 nothing received #1005 R60500 @ 125% 23/08/2022 payout R134894.87 nothing received #1369 R250 @ 100% 13/12/2022 payout R500 nothing received.

Sent from FDG Liquidations

E	ro	m	
г	IU	1111	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:16

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 10:14 PM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name	
Annina Colonna Claassen	
Contact Number	
Email	
guarino.annina@gmail.com	
ID Number	
4 CONTROL OF THE PROPERTY OF T	
Original Amount Invested	



R214600		
Amount	owed incl. "profit"	
R452100		
Date Inv	es ted	
13/10/20	020 - 14/11/2020	
Date of I	ast Payment Received	
Nothing	paid out	
Were yo Venture	u notified when joining Tariomix T/a Forever Diamonds and Gold as a Join Partner that it was under Curatorship on or after 29/6/2021?	ıt
No		
Do you	consider yourself a "partner" in Tariomix or an Investor?	
Investor		
Was a fi Tariomi	nancial analysis ever conducted to warn you of the risk of over-investing i	n
No	({	



Additional Information

Tariomix:

#350B R74000 @ 110% profit on 13/10/2020 - Not paid out. #371 R2500 @ 125% profit on 20/10/2020 - Not paid out. #379 R100000 @ 130% profit on 23/10/2020 - Not paid out. #380 R500 @ 50% profit on 25/10/2020 - Not paid out. #388 @ 60% profit on 30/10/2020 - Not paid out. #414 R500 @ 125% profit on 14/11/2020- Not paid out. Total capital put in: R214600

Sent from FDG Liquidations

MON

c.	-	69		
rı	O	u	1.	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:16

To:

Jacqueline Rabie

Cc:

Susan Strydom; Karlien Oosthuizen

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 10:45 PM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name Werner Cornelissen	
Contact Number	
Email wernercornelissen75@gmail.com	
ID Number	
Original Amount Invested	



R	35000.00
	amount owed incl. "profit" 88500.00
_	Date Invested 6 November 2020
۷.	o November 2020
E	Date of Last Payment Received
N	Never
١	Nere you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint /enture Partner that it was under Curatorship on or after 29/6/2021?
	Do you consider yourself a "partner" in Tariomix or an Investor? nvestor
	Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?
ĺ	No

Were you ever cautioned that you could lose your full investment into Tariomix? $\ensuremath{\mathsf{No}}$

Additional Information

I bought a total amount of R35000.00 in 4 different parcels. I did not receive any money back.

Sent from FDG Liquidations

W W

-			
15	FO.	897	
ш	10		

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:15

To:

Jacqueline Rabie

Cc:

Susan Strydom; Karlien Oosthuizen

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Friday, March 24, 2023 10:56 PM

To: info@fdgliquidations.co.za **Subject:** New Claim Submitted

Full Name	
Monte Smit	
Contact Number	
67100011000	
Email	
montesmit@outlook.com	
ID Number	
Original Amount Invested	

R	t 50325
F	Amount owed incl. "profit"
F	R 101 751
	Date Invested
(05/07/2022
1	Date of Last Payment Received
	14/10/2022
1	Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021?
	No
	Do you consider yourself a "partner" in Tariomix or an Investor?
	Investor
	Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?
	No .

Were you ever cautioned that you could lose your full investment into Tariomix? $\ensuremath{\mathsf{No}}$

Sent from FDG Liquidations

HOV

From:

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:15

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 7:16 AM

To: info@fdgliquidations.co.za **Subject:** New Claim Submitted

Full Name	
Chane Ras	
Contact Number	
Email	
aneras951@gmail.com	
ID Number	
an a g	
Original Amount Invested	



R7000	
Amount owe	d incl. "profit"
R17101.10	
Date Investe	d
2022-05-13	
Date of Last	Payment Received
2022-06-14	
Were you no Venture Part	otified when joining Tariomix T/a Forever Diamonds and Gold as a Joint ther that it was under Curatorship on or after 29/6/2021?
Venture Part	otified when joining Tariomix T/a Forever Diamonds and Gold as a Joint ther that it was under Curatorship on or after 29/6/2021?
Venture Par t No	tified when joining Tariomix T/a Forever Diamonds and Gold as a Joint the that it was under Curatorship on or after 29/6/2021? ider yourself a "partner" in Tariomix or an Investor?
Venture Part No Do you cons Investor	tner that it was under Curatorship on or after 29/6/2021?



No

Additional Information

The above mentioned was for FDG

Sent from FDG Liquidations

M

ĸ	MA	122	
г	IU	889	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:15

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 8:37 AM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name John Pelser	
Contact Number	And the second s
Email jj.blackie33@gmail.com	
ID Number	
Original Amount Invested	

MM

3	165,285.00
Δ	mount owed incl. "profit"
3	202,386.00
С	Pate Invested
В	setween 26 Jan 2022 and 15 Nov 2022
Ę	Date of Last Payment Received
1	.6 Sept 2022
ĭ	Nere you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint /enture Partner that it was under Curatorship on or after 29/6/2021?
ſ	No *
	Do you consider yourself a "partner" in Tariomix or an Investor?
ŀ	nvestor
	Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?
	No



Additional Information

He spoke about 10% yes, but then he consistently threaten people to invest more, or, if they don't invest in the last say 3 months they will be removed from his platform. I did not want to loose my capital and the last investment was very small just so I don't get kicked of from the platform and loose all my capital. Thereafter I could not take his nonsense anymore and refuse to be part of his sick motives and agendas. I did not and will not re register on his new platform. I believe Louis Liebenberg and his cronies create division in our rainbow nation and I will not be part of such nonsense. My hope was that he will pay out my money as committed on each "pakkie" agreement so that I can leave but obviously that did not happen so I left anyway. You will also clearly see that each "pakkie" agreement states INVEST.

Sent from FDG Liquidations

W HW

D	0	84	2	
ш	O	ш	ш	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:14

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 10:15 AM

To: info@fdgliquidations.co.za **Subject:** New Claim Submitted

-ull Name			
oan Rossouw			
Contact Number			
becassante			
Email			
oan.barnard714@gmail.com			
D Number			
90020011100			
Original Amount Invested	*		
Original Amount invested			



2044	0
Amo	ount owed incl. "profit"
342	59.81
Date	e Invested
202	2/09/06
Dat	e of Last Payment Received
Nor	e
We Ver No	re you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint ture Partner that it was under Curatorship on or after 29/6/2021?
	you consider yourself a "partner" in Tariomix or an Investor? estor
	s a financial analysis ever conducted to warn you of the risk of over-investing in iomix?

MSV

Additional Information

Everyone's parcels are paying out that bought there's after me but still I have no payout. I try to ask them why but they simply don't respond at all!!

Sent from FDG Liquidations



_			
С	P'A	m	
		8 8 8	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:14

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 10:33 AM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name Miekie Karsten	
Contact Number	
Email miekiekarsten@gmail.com	
ID Number	
Original Amount Invested	

ME

F	35000.00
	Amount owed incl. "profit" R10 000.00
	Date Invested
	September 2022
	Date of Last Payment Received June 2022
	Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021?
	No ·
	Do you consider yourself a "partner" in Tariomix or an Investor? Investor
	Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?
	No



Sent from FDG Liquidations

W

From:

Sent:

To:

Cc:

Subject:	FW: New Claim Submitted	
Sent: Saturo To: info@fd	uidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za> On Behalf Of Liquidations lay, March 25, 2023 11:07 AM gliquidations.co.za w Claim Submitted</fdgliquidationsc@ns7.bgskills.co.za>	
	Full Name Johanna Maartens	
	Contact Number	
	Email rmaartens77@gmail.com	
	ID Number	
	Original Amount Invested	

Vaughn Victor <info@fdgliquidations.co.za>

Monday, 27 March 2023 12:14

Karlien Oosthuizen; Susan Strydom

Jacqueline Rabie

MM

P	R6000
	Amount owed incl. "profit"
	Date Invested September 2020 pakkie 287
	Date of Last Payment Received Zero
	Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021? No
	Do you consider yourself a "partner" in Tariomix or an Investor? Partner
	Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?



Sent from FDG Liquidations

HAN

From:

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:14

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 11:30 AM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name	
Derek Stuart	
Contact Number	
Email	
derlyn700@gmail.com	
ID Number	
,	
Original Amount Invested	



R2300	
Amount	owed incl. "profit"
R5163.5	
Date Inv	ested
30th De	2022
Date of	Last Payment Received
January	
Venture	ou notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Partner that it was under Curatorship on or after 29/6/2021?
Venture No	Partner that it was under Curatorship on or after 29/6/2021? consider yourself a "partner" in Tariomix or an Investor?
Venture No Do you Investo	Partner that it was under Curatorship on or after 29/6/2021? consider yourself a "partner" in Tariomix or an Investor?
Venture No Do you Investo	Partner that it was under Curatorship on or after 29/6/2021? consider yourself a "partner" in Tariomix or an Investor?



Were you ever cautioned that you could lose your full investment into Tariomix?

Sent from FDG Liquidations



E.	-	1000	
r	ľ	888	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:13

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 11:51 AM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name	
Maryka Maritz	
Country at Nivershous	
Contact Number	
Email	
automotivemx0@gmail.com	
ID Number	ě
Macana and a series of the ser	
Original Amount Invested	



200.00
Amount owed incl. "profit"
450.00
Date Invested
2022/05/29
Date of Last Payment Received
2022/09/22
Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021?
No
Do you consider yourself a "partner" in Tariomix or an Investor?
Investor
Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?
No

Were you ever cautioned that you could lose your full investment into Tariomix? $\ensuremath{\mathsf{No}}$

Sent from FDG Liquidations

M M3

Er	Λn	n°.
FI	UH	li o

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:13

To:

Jacqueline Rabie

Cc:

Karlien Oosthuizen; Susan Strydom

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 6:58 PM

To: info@fdgliquidations.co.za **Subject:** New Claim Submitted

Full Name	
Karin De Bruin	
Contact Number	
Frank	
Email karindebruin774@gmail.com	
ID Number	
g de fa	



620 000.00
Amount owed incl. "profit" 1,5 million
Date Invested 0
Date of Last Payment Received 0
Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021?
Do you consider yourself a "partner" in Tariomix or an Investor? Investor
Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?

Were you ever cautioned that you could lose your full investment into Tariomix?

Additional Information

Louis en Ronel het my verseker van 2019 dat daar geen manier is dat jy jou geld kan verloor nie. Hulle het gesê. Ons koop n diamant, dan verkoop ons die diamant en dan deel ons die wins. Wat kan verkeerd loop. Dit is hoe hulle my verseker het. Ronel was my vriendin van 2006 af. Ek het haar met my hele hart vertrou.

Sent from FDG Liquidations

Min

_				
E	80	38	ท	۰
	₿ €	90	8 1	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:13

To:

Jacqueline Rabie

Cc:

Susan Strydom; Karlien Oosthuizen

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 7:30 PM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

ull Name	
dri Smith	
Contact Number	
Contact Number	
Email	
Email	
Email adrismith101@gmail.com	
adrismith101@gmail.com	
adrismith101@gmail.com	
ndrismith101@gmail.com	
ndrismith101@gmail.com	
ndrismith101@gmail.com	



Venture Partner No Do you consider Investor		
Date of Last Payn 13Desember2022 Were you notifie Venture Partner No Do you consider Investor	ncl. "profit"	
Were you notifie Venture Partner No Do you consider Investor		
No Do you consider Investor		
Investor	ied when joining Tariomix 1 or that it was under Curators	「/a Forever Diamonds and Gold as a Join ship on or after 29/6/2021?
Was a financial a	er yourself a "partner" in Ta	riomix or an Investor?
Tariomix?	l analysis ever conducted to	o warn you of the risk of over-investing in
No		

HW

Were you ever cautioned that you could lose your full investment into Tariomix?

Sent from FDG Liquidations

HW N

г.	-	000	
rı	O	m	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:12

To:

Jacqueline Rabie

Cc:

Susan Strydom; Karlien Oosthuizen

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Saturday, March 25, 2023 7:40 PM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name		
Louise Pretorius		
Contact Number		
Email		
pretorius.louise38@	<u>)gmail.com</u>	
ID Number		



.1	900.00
À.I	mount owed incl. "profit"
! (5 829.18
)	ate Invested
2(022-07-15 untill 2023-01-07
D	ate of Last Payment Received
2	022-11-14
V	Vere you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture Partner that it was under Curatorship on or after 29/6/2021?
Ņ	ło
_	Do you consider yourself a "partner" in Tariomix or an Investor?
	nvestor
	Was a financial analysis ever conducted to warn you of the risk of over-investing in Tariomix?
	No No

M

Were you ever cautioned that you could lose your full investment into Tariomix?

Sent from FDG Liquidations

HW

From: Sent: To: Cc: Subject:	,	Vaughn Victor <info@fdgliquidations.co.za> Monday, 27 March 2023 12:12 Jacqueline Rabie Susan Strydom; Karlien Oosthuizen FW: New Claim Submitted</info@fdgliquidations.co.za>	
Sent: Suno To: info@	liquidationsc@ns7.bgsk day, March 26, 2023 4:4 fdgliquidations.co.za Iew Claim Submitted	ills.co.za <fdgliquidationsc@ns7.bgskills.co.za> On Behalf Of Liquidations I2 PM</fdgliquidationsc@ns7.bgskills.co.za>	
	Full Name Josef Jacobus Dirk van	Heerden	
	Contact Number		
	Email dirkvheerden@live.co	<u>.za</u>	
	ID Number		



Original Amount Invested

R36200.00	
Amount owed	incl. "profit"
R79766.00	
Date Invested	
22/08/2002;24	4/08/2022;05/09/2022;26/10/2022;08/11/2022;14/11/2022;16/11/2022;23/12/202
Date of Last P	ayment Received
00/00/000	
Partner that i	ified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture t was under Curatorship on or after 29/6/2021?
Were you not Partner that i	ified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture t was under Curatorship on or after 29/6/2021?
Partner that i No	ified when joining Tariomix T/a Forever Diamonds and Gold as a Joint Venture t was under Curatorship on or after 29/6/2021? der yourself a "partner" in Tariomix or an Investor?
Partner that is No Do you consident Investor Was a financia	t was under Curatorship on or after 29/6/2021?
Partner that is No Do you consident Investor	t was under Curatorship on or after 29/6/2021? der yourself a "partner" in Tariomix or an Investor?



No

Sent from FDG Liquidations

HAN

c	200	0	n	n	
•	н .	u	8 (18	

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:11

To:

Jacqueline Rabie

Cc:

Susan Strydom; Karlien Oosthuizen

Subject:

FW: New Claim Submitted

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Sunday, March 26, 2023 4:45 PM

To: info@fdgliquidations.co.za Subject: New Claim Submitted

Full Name			
Martha Van Heerder	1		
Contact Number			
COOTOSE!			
Email madeleinvheerden@	Olive.co.za		
ID Number			



R21 400.00	
Amount ow R46966.00	ed incl. "profit"
Date Invest 23/08/2022	ed ;24/08/2022;05/09/2022;06/10/2022;16/11/2022;24/12/2022
Date of Las	t Payment Received
Were you r Venture Pa No	notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint rtner that it was under Curatorship on or after 29/6/2021?
Do you cor Investor	sider yourself a "partner" in Tariomix or an Investor?
Was a fina Tariomix? No	ncial analysis ever conducted to warn you of the risk of over-investing in

Were you ever cautioned that you could lose your full investment into Tariomix?

Sent from <u>FDG Liquidations</u>

ML

From:

Vaughn Victor <info@fdgliquidations.co.za>

Sent:

Monday, 27 March 2023 12:11

To:

Jacqueline Rabie

Cc:

Susan Strydom; Karlien Oosthuizen

Subject:

TARIOMIX FW: New Claim Submitted

VRAEL

From: fdgliquidationsc@ns7.bgskills.co.za <fdgliquidationsc@ns7.bgskills.co.za > On Behalf Of Liquidations

Sent: Monday, March 27, 2023 7:17 AM

To: info@fdgliquidations.co.za **Subject:** New Claim Submitted

Full Name		
Estelle Erasmus		
Estelle Liasilius		
Contact Number		
Email		
estelle@embroideryx.co.za		
		-
ID Number		
Outsing I Amount Imports of		
Original Amount Invested		



R51 387.00
Amount owed incl. "profit"
R110 018.25
Date Invested
11,12,12,13,13,14,15,23,26 July 2022; 01,03,08,08,12,22,29 August 2022: 02,10,17
September 2022: 18 October 2022
Date of Last Payment Received
13 October 2022
Were you notified when joining Tariomix T/a Forever Diamonds and Gold as a Joint
Venture Partner that it was under Curatorship on or after 29/6/2021?
No
Do you consider yourself a "partner" in Tariomix or an Investor?
Investor
Was a financial analysis ever conducted to warn you of the risk of over-investing in
ͺTariomix?
No No

MAN

Were you ever cautioned that you could lose your full investment into Tariomix?

Sent from <u>EDG Laudations</u>

M

week op die onsmaaklikste manier gelukgewens en selfs aangehits. Baie van die uitsprake was
van mense wat hulle al self in die wet
vasgeloop het.

Een van hulle, die diamantsmous Louis Liebenberg, het selfs so ver gegaan om die Murrays se dood as "goeie nuus" te beskryf.

"One down, many to go. Soms is daar tog geregtigheid. Goeie werk manne," het hy Sondagoggend op Facebook geskryf.

Op Genoeg is Genoeg, die Facebook-blad van die insolvente boer Carel van der Merwe, het dit ewe onsmaaklik geraak.

Van der Merwe self het reeds Saterdagaand, kort ná die skietvoorval, na Cloete Murray verwys as 'n "aasvoël", en Sondag in 'n langer plasing gesê: "Rapport se verwysing dat Cloete Murry (sic) 'n stryder teen korrupsie was, is van alle waarheid ontbloot. Hy was niks anders as 'n korrupte aasvoël nie."

Murray se dood is ook in die likwidasiebedryf op onsmaaklike wyse "gevier".

Paul O'Sullivan, die forensiese ondersoeker wat hierdie week 'n miljoen rand uitgeloof het vir inligting go de ba kri is de sa, wa rai Gu vei de

all

die

ie in

sk

Marile



Jan's post



HOLEVEN PIEHIOHOE



Sedert April 2022 verf julle 'n target op my en Dezzi se rug met julle leuens en verdraaïng van die Waarheid. Julle hits liggelowige JV vennote daardeur aan om geweld teen my te pleeg op vyandgroepe en het 'n enorme 'run' teen die bank veroorsaak deur paniek te skep. Dit terwyl ons net groter handel gedryf het en steeds groter myn.

Mense gaan doodgaan in hulle aksies om my en my mense se lewe in gevaar te stel.Wees gewaarsku!

Ek gee nooit op nie. Neem dit as 'n reël.

11:58 🖸 🚧 🕩 •

Groenewald wou by Cele



in 'n skriftelike antwoord aan

1

Liebenberg kry bloedneus teen Rapport in hof

Jackie Kruger

'n Dringende aansoek deur die sakeman Louis Liebenberg om 'n interdik teen Media24 te bekom ten einde Rapport onder meer te verbied om sy koerante te verkoop en te versprei, is gister deur regter Nomonde Mngqibisa-Thusi van die hooggeregshof in Pretoria van die rol geskrap.

'n Bestraffende kostebevel is ook teen Liebenberg gemaak.

Liebenberg en sy skoonseun Ernst van der Westhuizen ner



cours Clevenberg Foto: Leo Cordom

Me

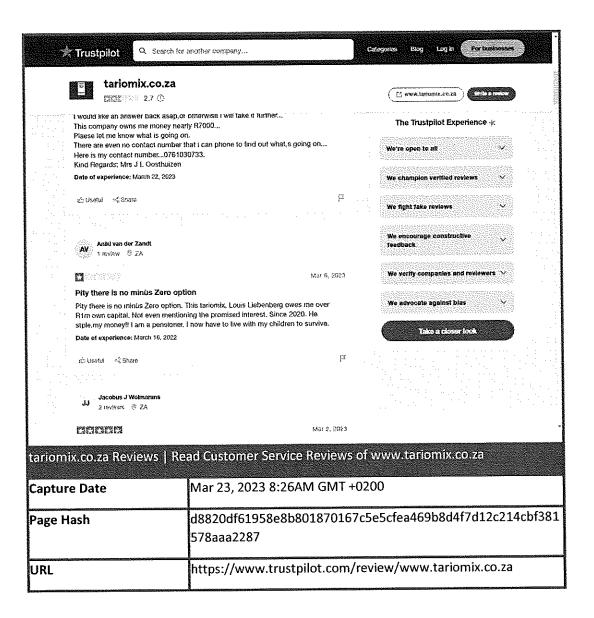
MM



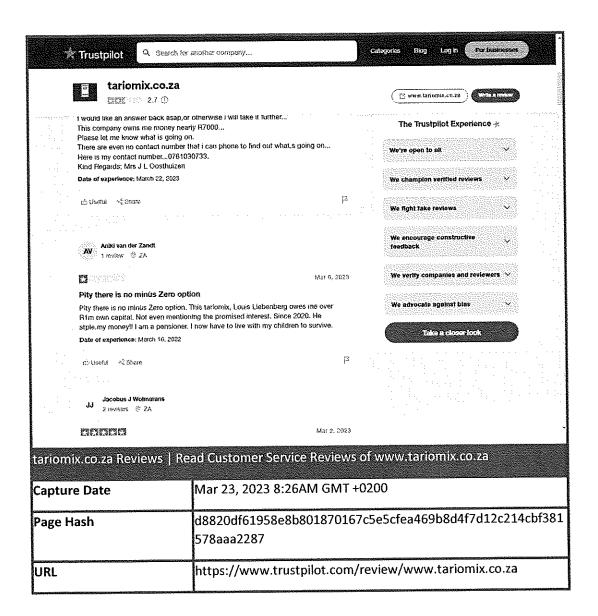
Trust Pilot



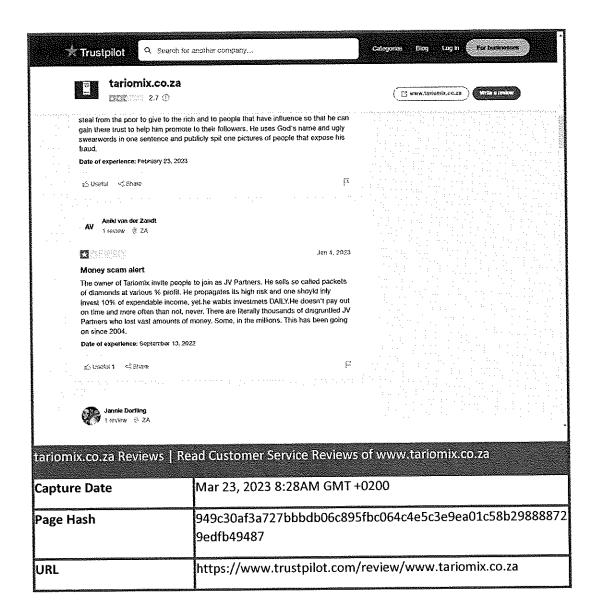
HAV



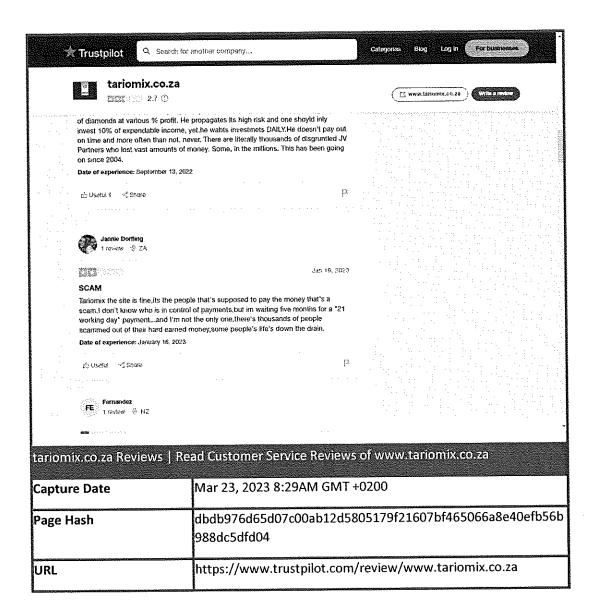
MM



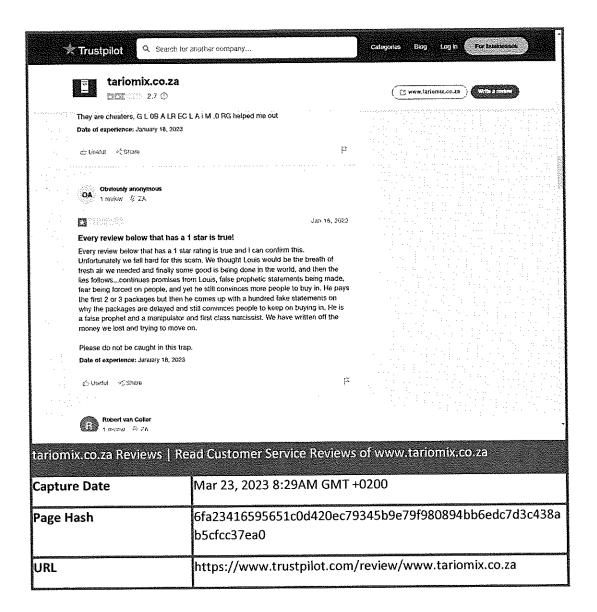
HOV



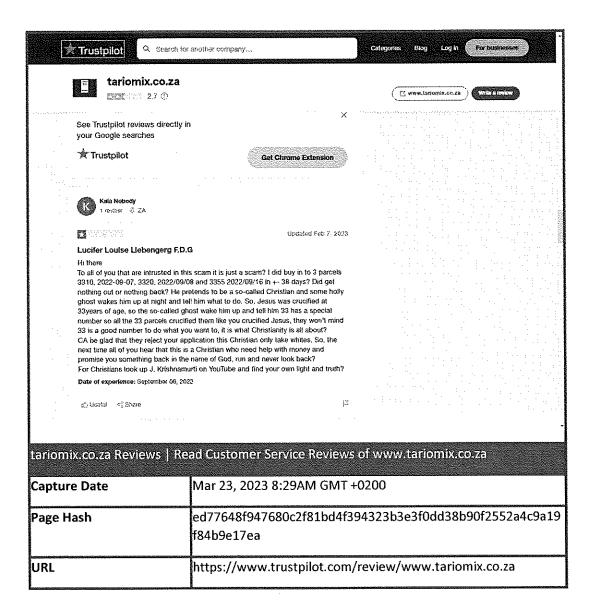
HW



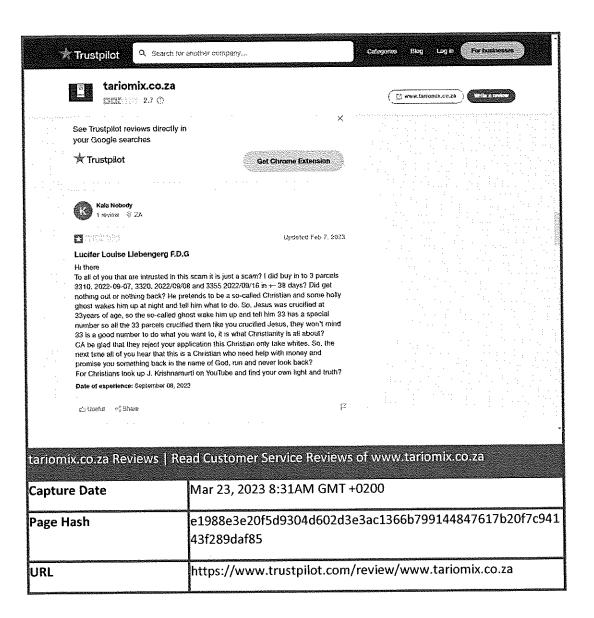
MW



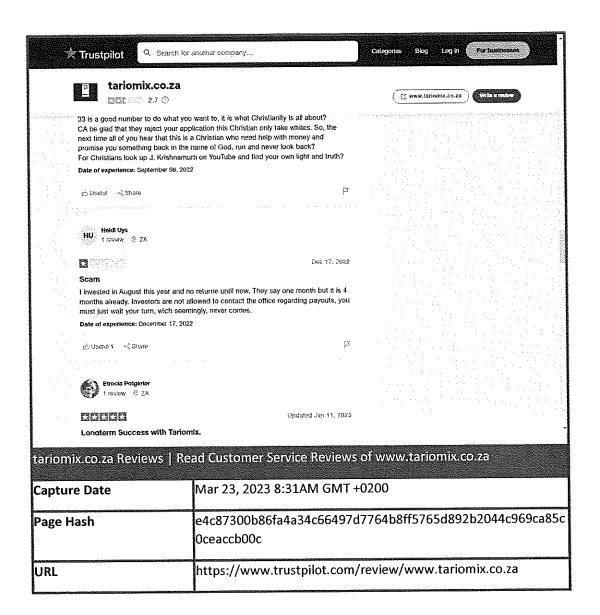
MM



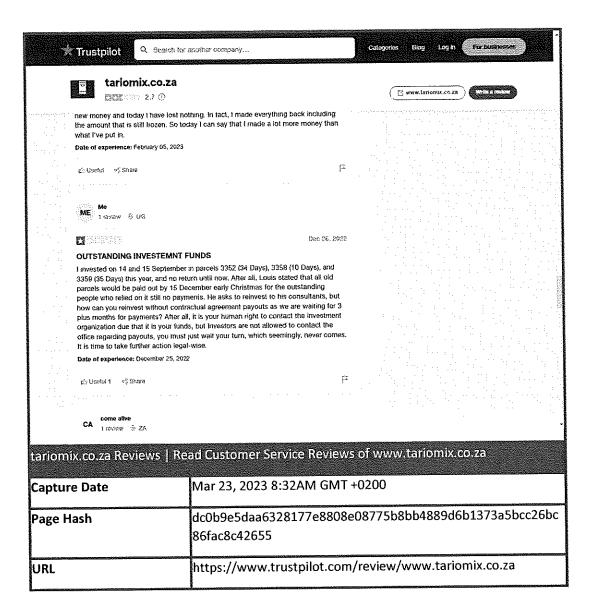
JUL ,



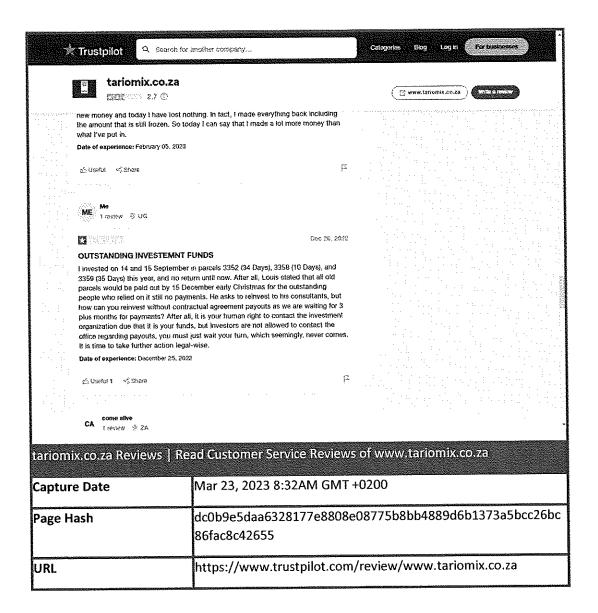
MW



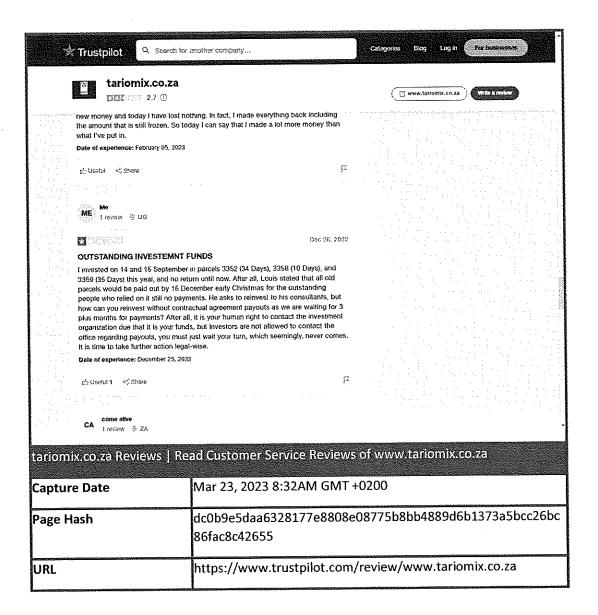
HAV



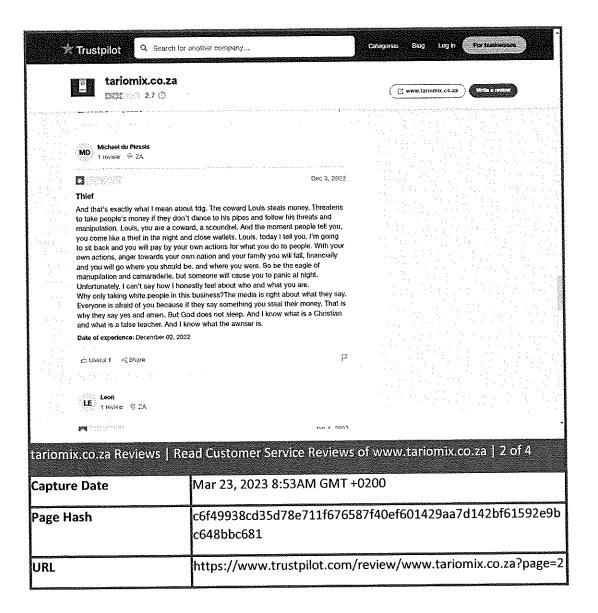
M



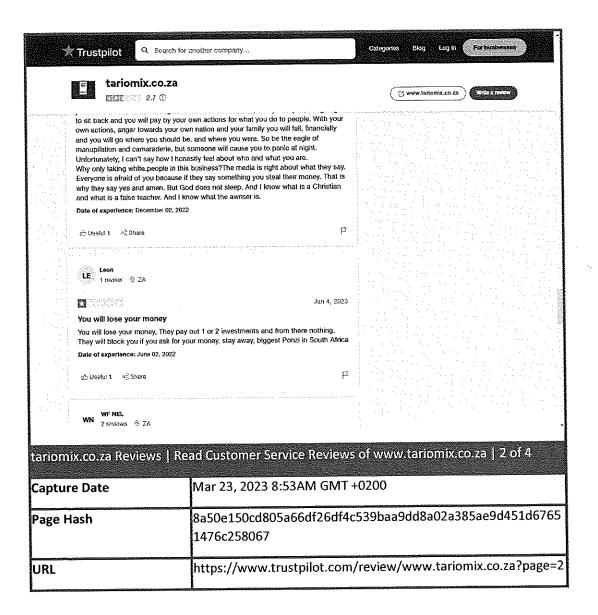
HBV



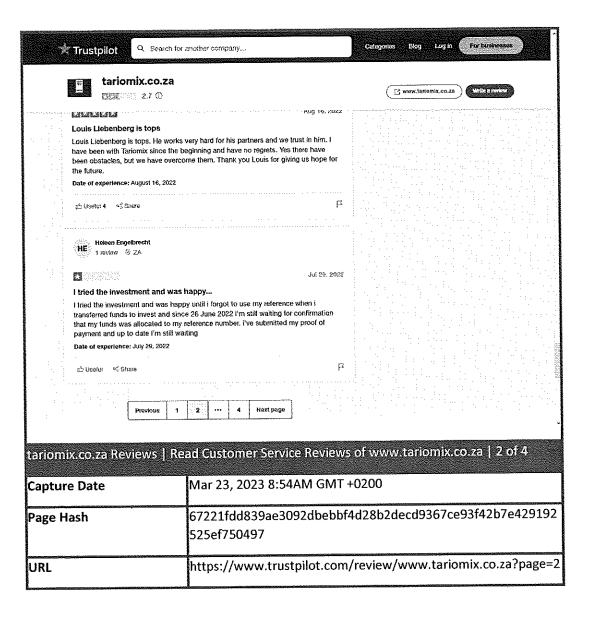
HIV



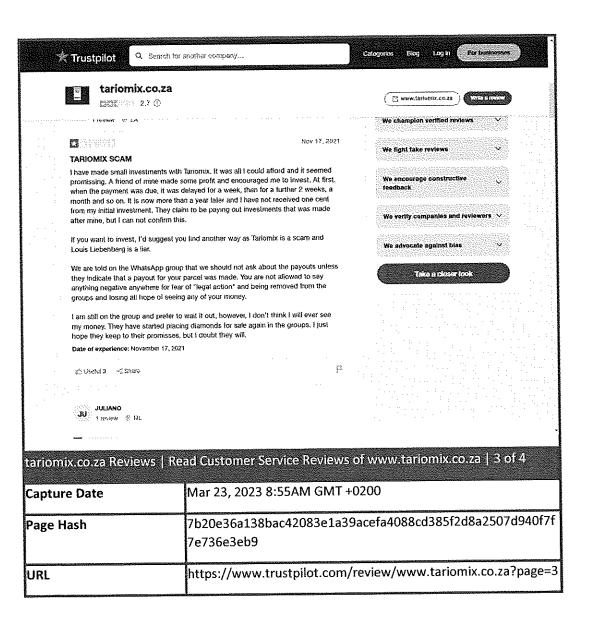
HOV



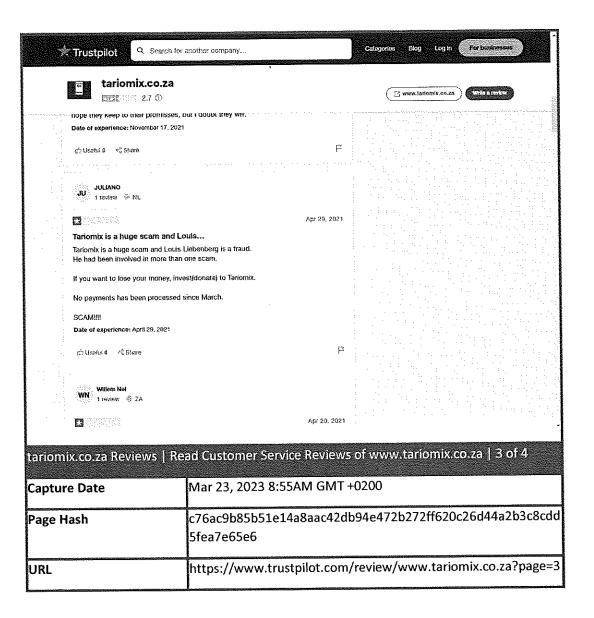
M



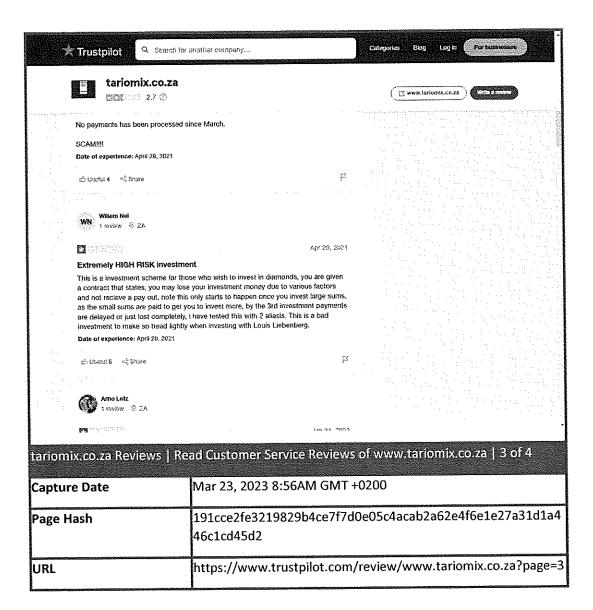
my



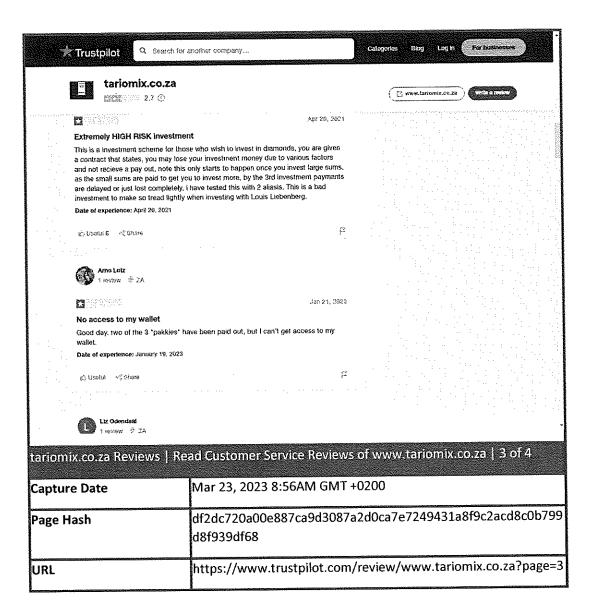
Wo Ho



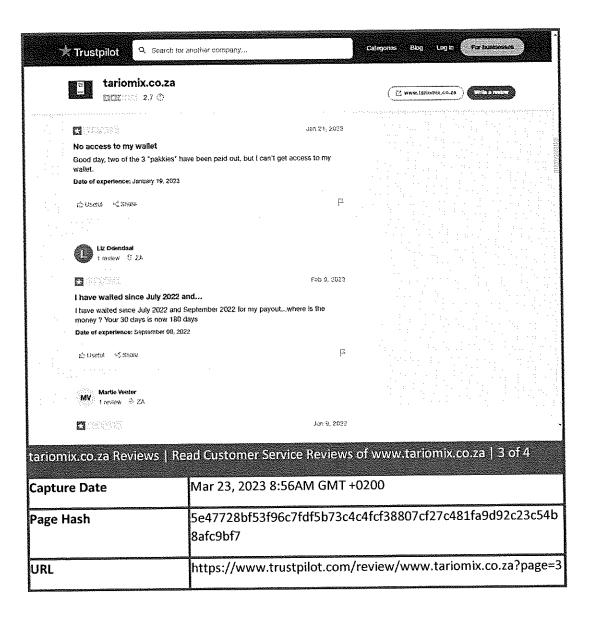
W HW



MV HVV

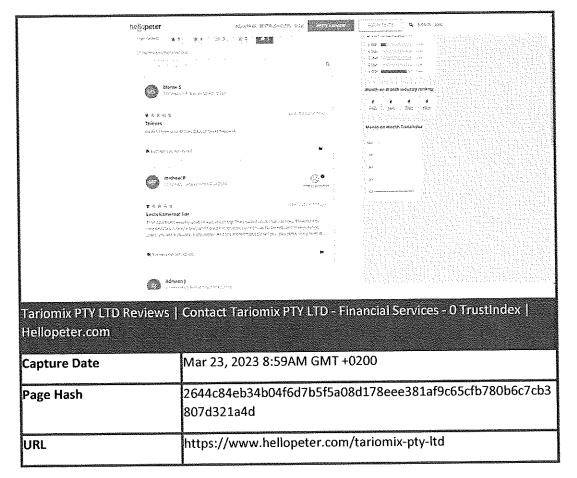


M

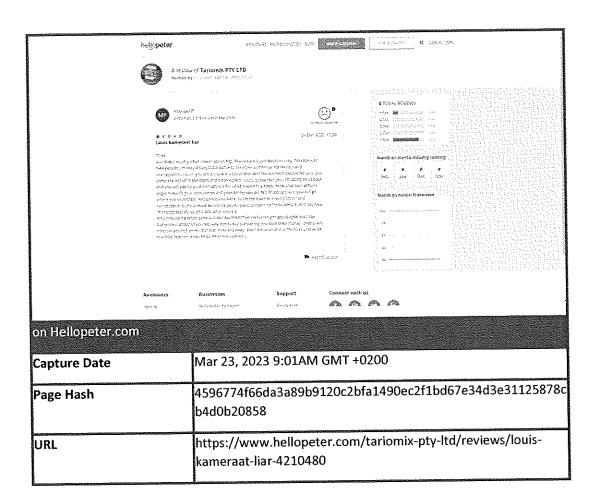


MI

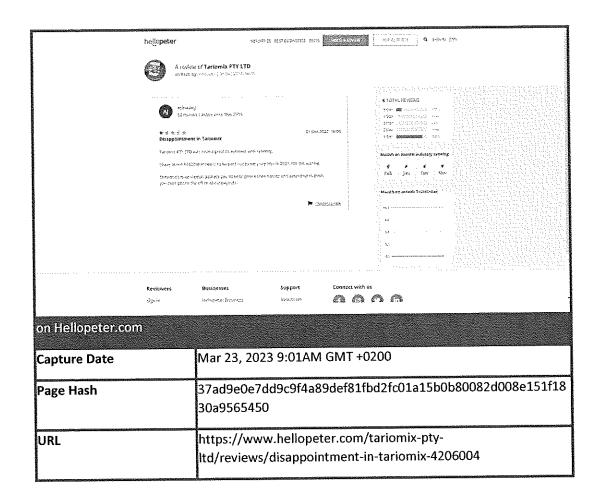
Hello Peter



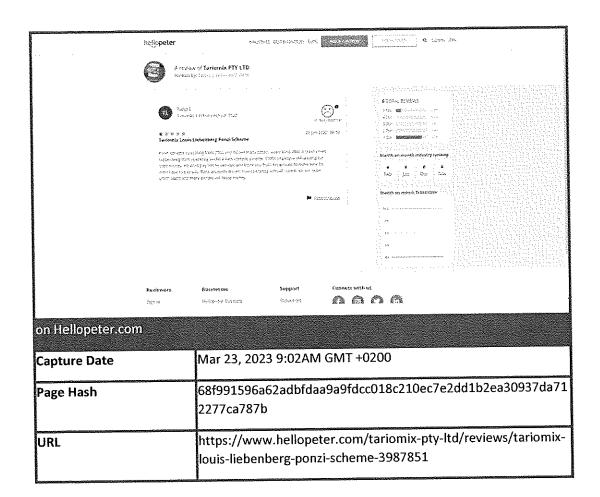
HON



MY.



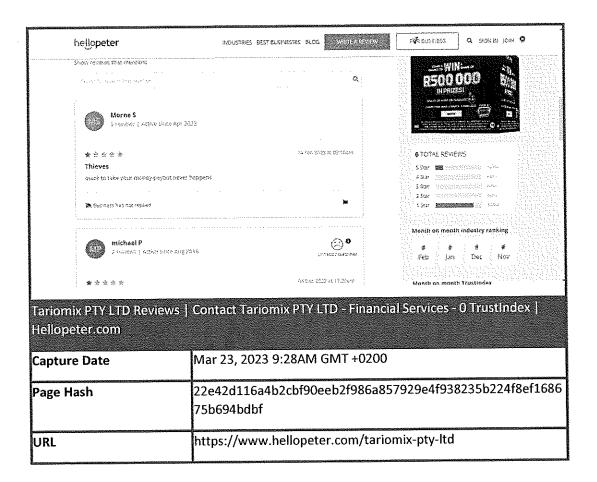
M Yb



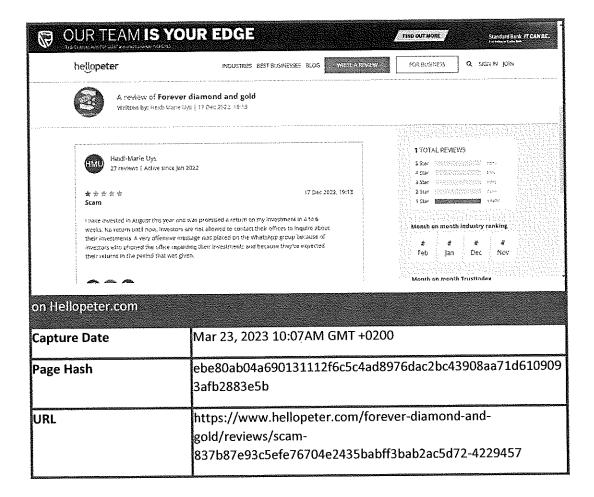
M

	heljopeter	"2	profesia best beteresses esc		100 cm and 10 Hange No.
	Tartomis Louis Liebenberg Ponti? Tord groupes generate grows 20% and Liebenberg data destroyed, care is also Liebenberg data destroyed, care is also morp; the pontion on the entire and are grown and data and a political and a political and data and a political and		acce, the other people coldwidted	\$9594	
				*	
	Piete 1 mol	er it was a summer than the end of		.O.*	
	***		5 Wes 1	April North	
		n your fearestancess. Introduce respondence if your meeting of Northead. In an integral (II)	ggyfir filyddu, hynn pulga ffad reflyddig m	CNS:	
	Mading cost Fac.	त्यार १० ० वर्षे		-	
					是是智慧的特殊的意思的思想的心态的
	Reviewers	Businesses	Support	Connec	ect with us
	Signan Project Brog	Medicipator Conform Popular Proping District Consider	Resignation EASIS Constact and	0	000
Tariomix PTY LTD	Reviews	Contact Ta	ariomix PTY	LTD -	- Financial Services - 0 TrustIndex
Hellopeter.com					
Capture Date		Mar 23, 20	023 9:02AN	1 GMT	T+0200
Page Hash		0a5229f16 d2c6966d		1094e	ee86cfaf932b3a8ab697e9cb812ff206cf
URL		https://w	ww.hellope	ter.co	om/tariomix-pty-ltd

HSV

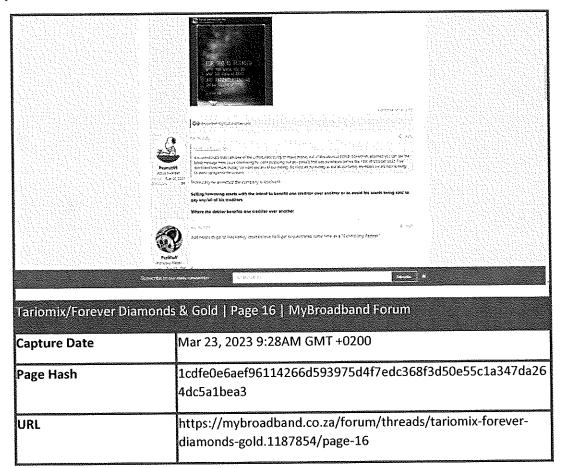


MA

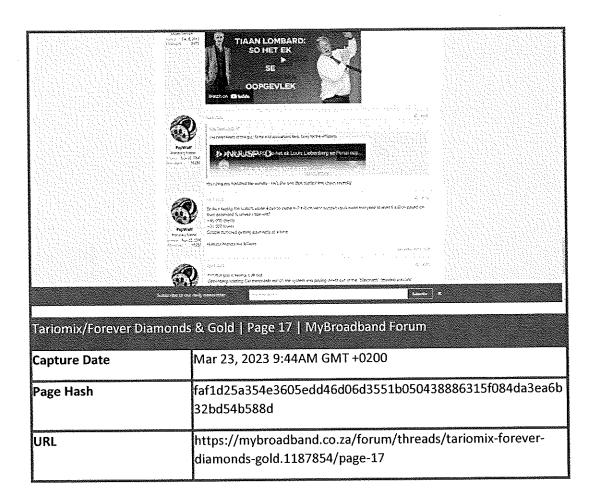


Mai

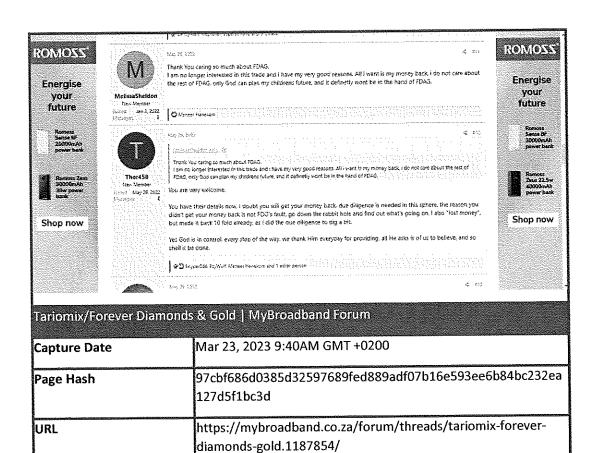
My Broadband Forum



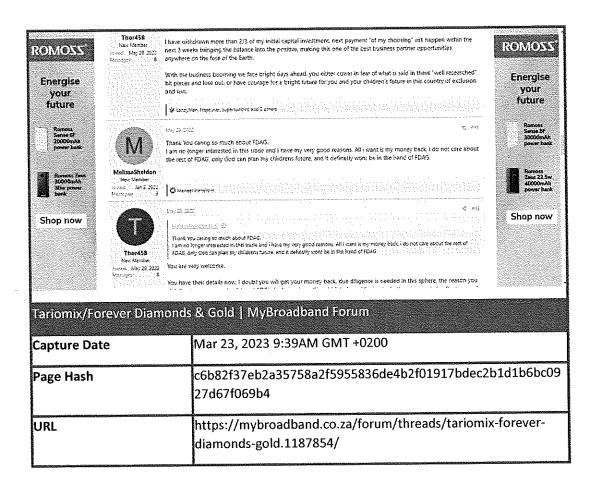
met HB



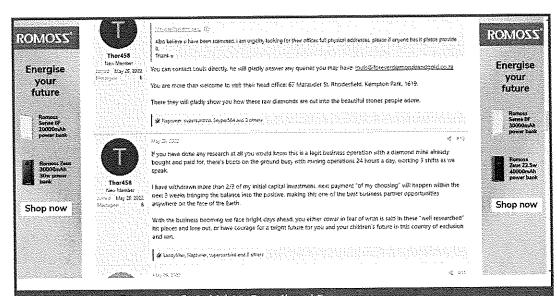
NY



NK



ME

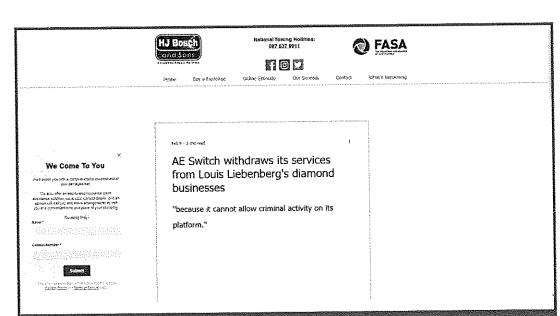


Tariomix/Forever Diamonds & Gold MyBroadband Forum		
Capture Date	Mar 23, 2023 9:37AM GMT +0200	
Page Hash	adf9c30f348c2e3ece3bd8cacf221b62e7d94a234363be6718cabb 15c8c33871	
URL	https://mybroadband.co.za/forum/threads/tariomix-forever- diamonds-gold.1187854/	

AE Switch withdraws its services from Louis Liebenberg's diamond businesses

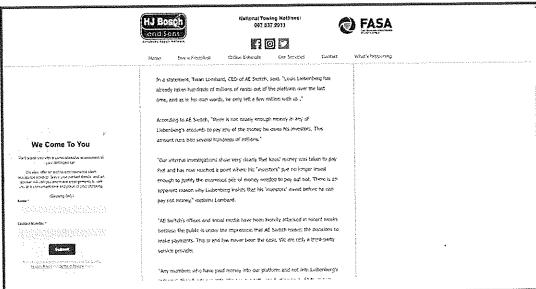
	HJ Bosé) GE 527.9911 ORD SORTS
	phone has a francisco Chima Estimaco Chima Corbinal Commet Vilario Indiana Commet Vilario I
	Encirpolar credit to NucliPrist.
	On Trunsian, february 2nd, AE Switch suspensed the envelled system to Taxionis and Jacon Evanuaris and Gold ander Gausse, 6 and 14 of its contains, which: states that AE Switch Veneral allow promise activation and 5 politims."
We Come To You That askin put the appropriations abbetween it you do not propriate the second of th	In a statement, Team Combiner, CEO of AS Switch, seed, "Looks bash-mberg hea screeze; taken hundreds, of millions of sends out of the pictitism over the bast time, and as in the bean records, he only felt in few million values."
The size of the service of the hardward sizes a secretarious selector may be used the first size on service with the place and the temporarios (1) was you will assess the place of the temporarios (1) was you will assess the place of the place of the temporarios (1) (The sense of the place of the temporarios of the temporarios of (The sense of the temporarios of the temporarios of the temporarios of America)	According to AE Switch, "Object is must meanly insteady insteady as any of Exhausticings accounts to pay early of the training he areas this impostors. This ancient runs side several hundress of collects."
Cooked Framer*	"Our external investigations, above, very closely that kinosi money was taken to pay fruit and has now reached a point where his "investics" (and no kinops several sprough to justify the economics pain of memory existed to pay our not. There is an
Talls of the grant to the control of	eggenerat reasons velay Liebbersburg missob that his "marchard" stress before he cost pay cost marchar explaints combined. "AE South's reflices and social mucha have from howels intended to recent morehs
AE Switch withdraws	its services from Louis Liebenberg's diamond businesses
Capture Date	Mar 23, 2023 9:50AM GMT +0200
Page Hash	74d35da14fb9f2cf1668bfe887a0a84d54a716d6b3db2b1865b81 1f6f4c52c21
URL https://www.hjbosch-sons.co.za/post/ae-switch-withdraw services-from-louis-liebenberg-s-diamond-businesses	

NW



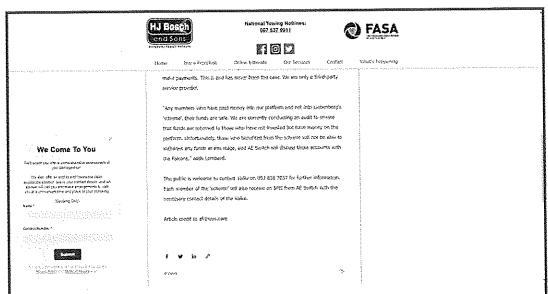
AE Switch withdraws its services from Louis Liebenberg's diamond businesses			
Capture Date	Mar 23, 2023 9:53AM GMT +0200		
Page Hash	a7d118980c1f898a43f5facebfd3a9e82a4337646e2853c09a1ccb d2e037fbb4		
URL	https://www.hjbosch-sons.co.za/post/ae-switch-withdraws-its- services-from-louis-liebenberg-s-diamond-businesses		

W



AE Switch withdraws its ser	vices from Louis Liebenberg's diamond businesses
Capture Date	Mar 23, 2023 9:54AM GMT +0200
Page Hash	c59136136009552cea70a9e209844118d412227bfb9c3c4d832f5 87eaeab5cf3
URL	https://www.hjbosch-sons.co.za/post/ae-switch-withdraws-its- services-from-louis-liebenberg-s-diamond-businesses

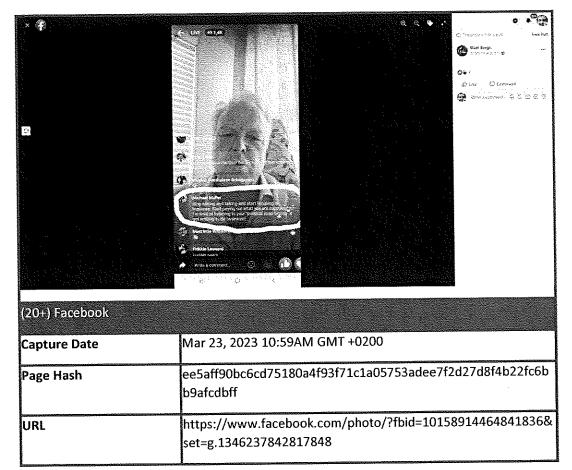
MX



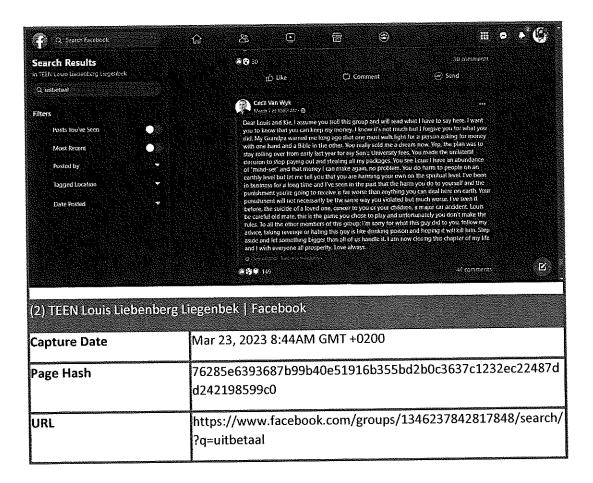
AE Switch withdraws	its services from Louis Liebenberg's diamond businesses
Capture Date	Mar 23, 2023 9:54AM GMT +0200
Page Hash	e8e4fb04eb094ecc2069010d9356c902ee65ed4ddec7569592ef4 97e01cf1d86
URL	https://www.hjbosch-sons.co.za/post/ae-switch-withdraws-its- services-from-louis-liebenberg-s-diamond-businesses

W

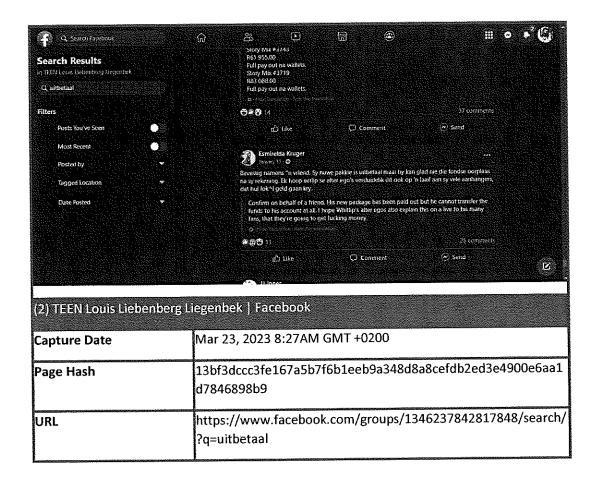
Face Book



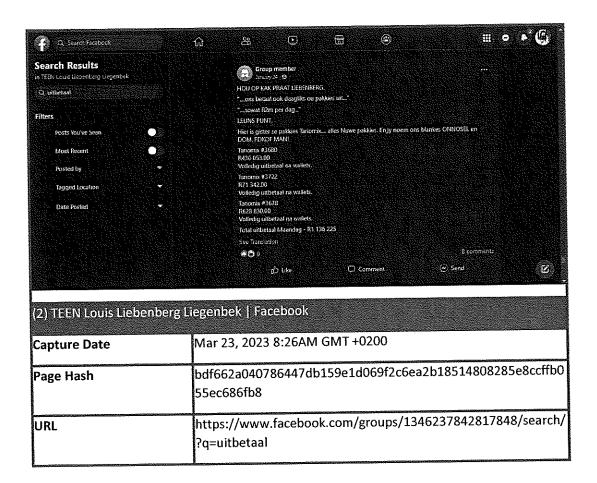
JK-



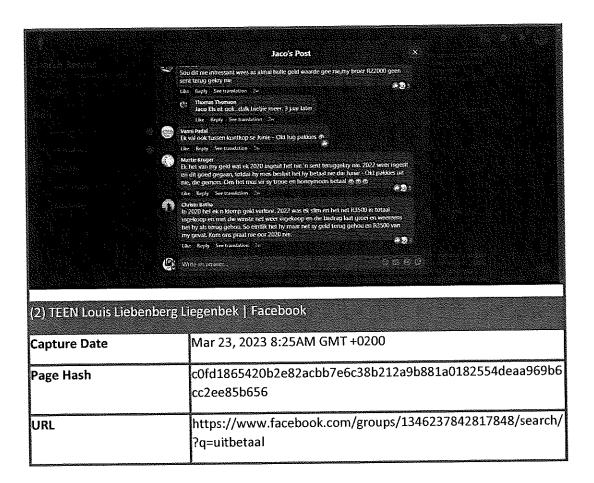
M



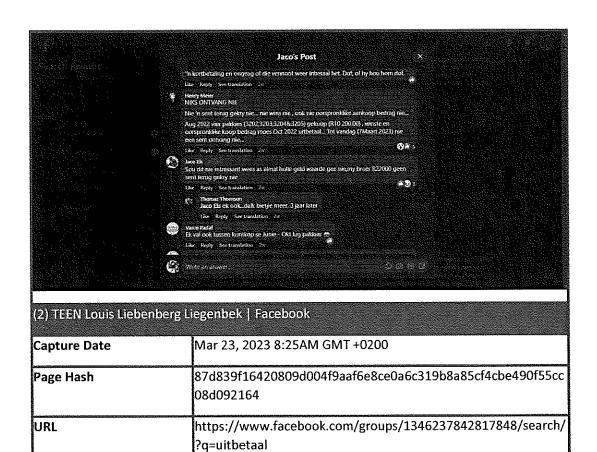
HAL



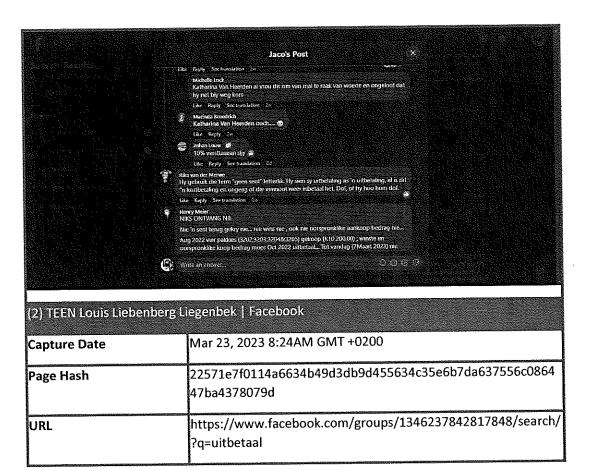
W W



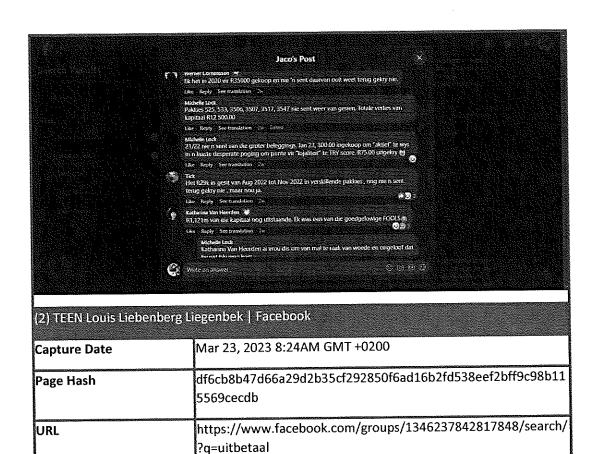
NJ- HOW



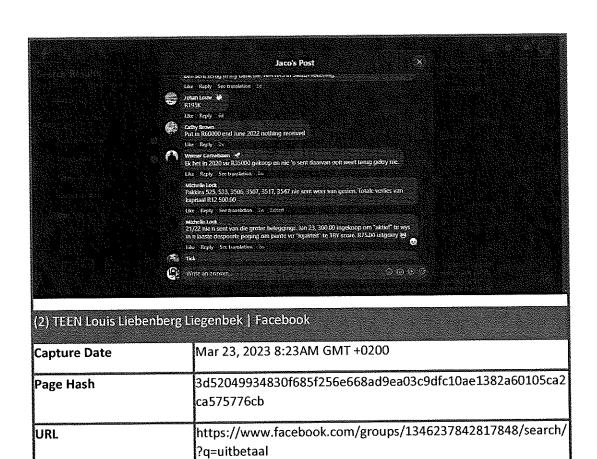
NY HW



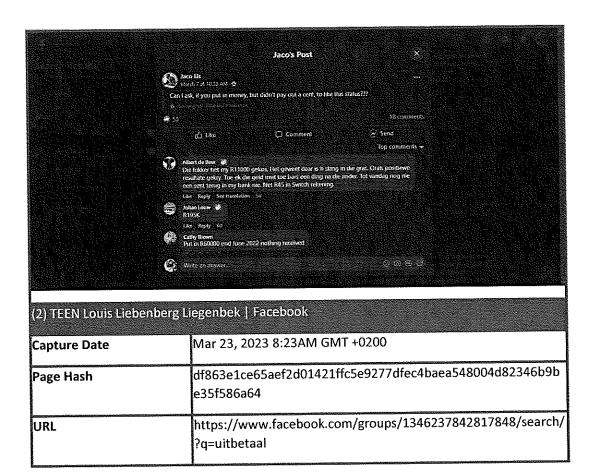
NCHW



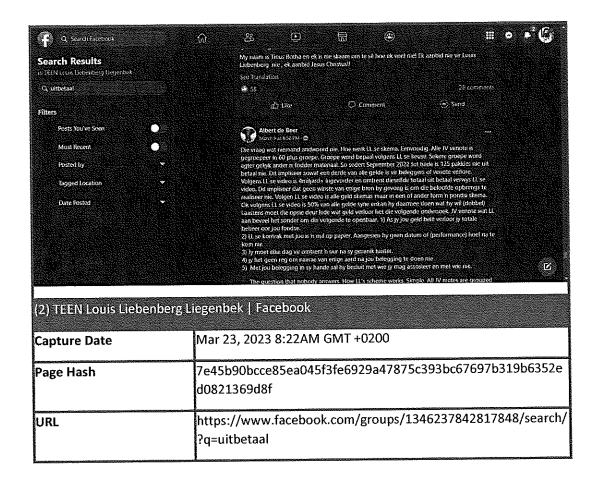
NC HOV



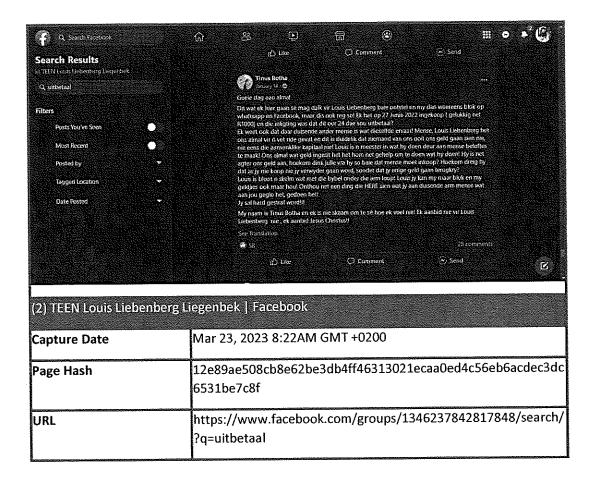
WHO



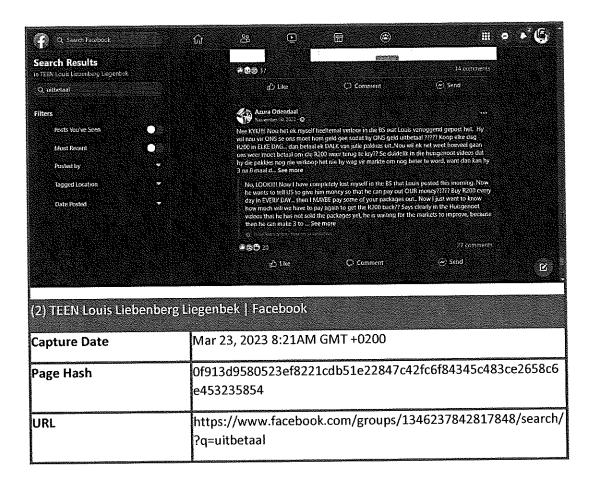
MA HAY



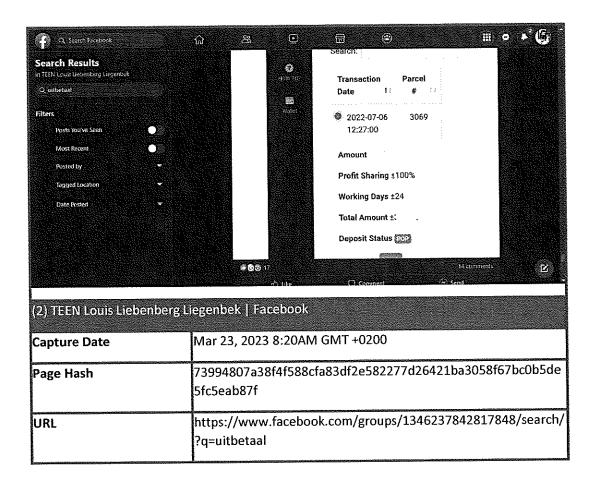
NO HON



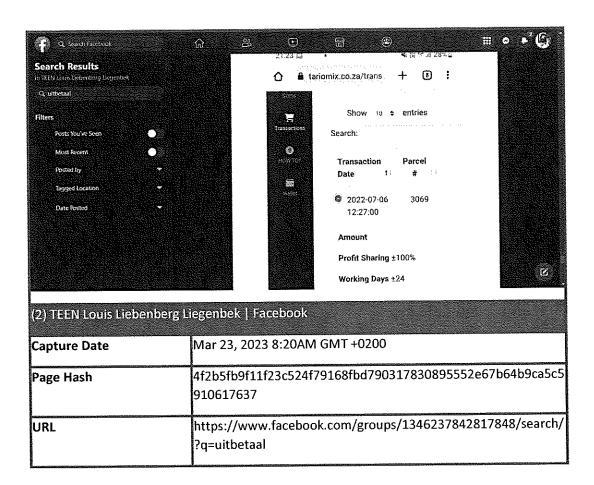
W AN



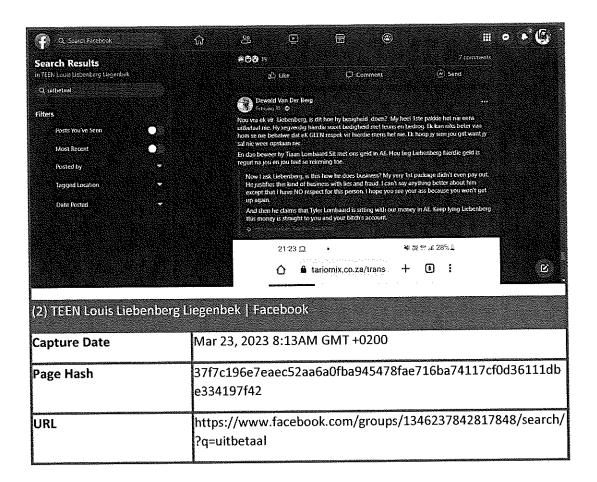
JAJA HXH



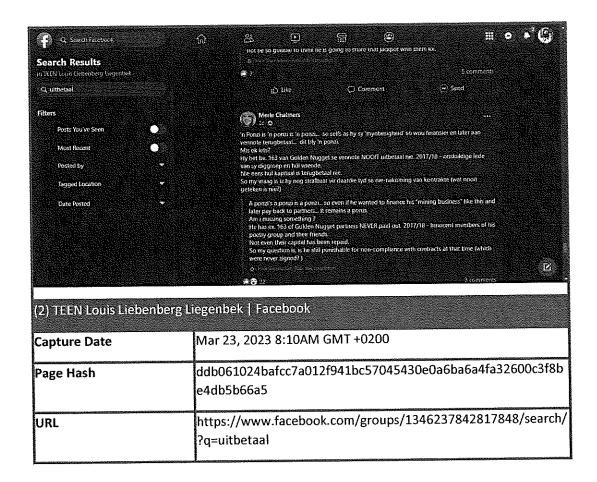
ML



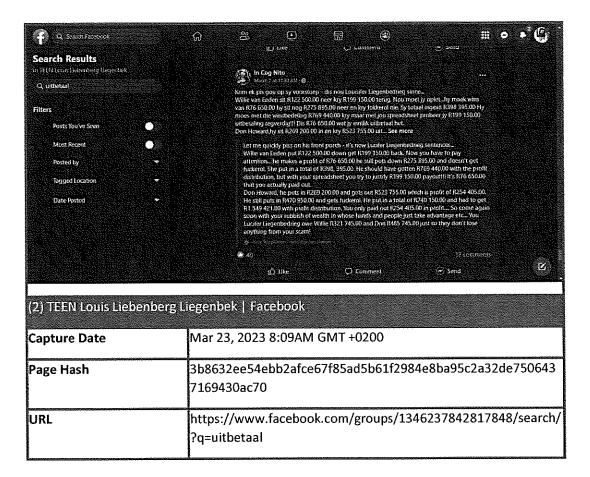
MAN



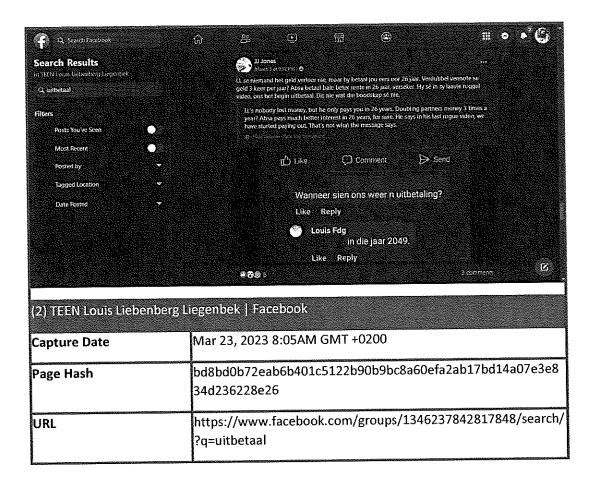
MA



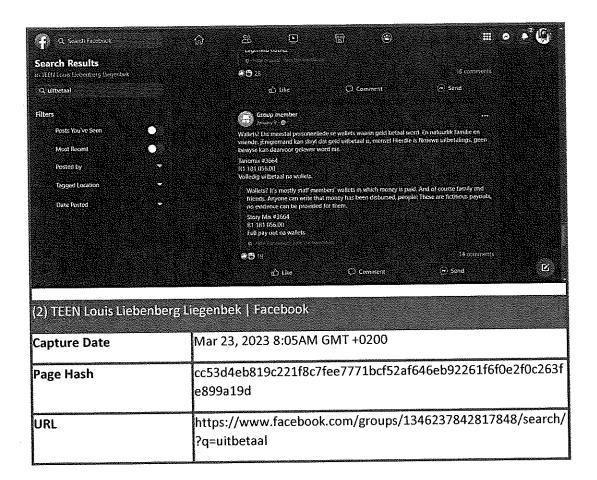
MA



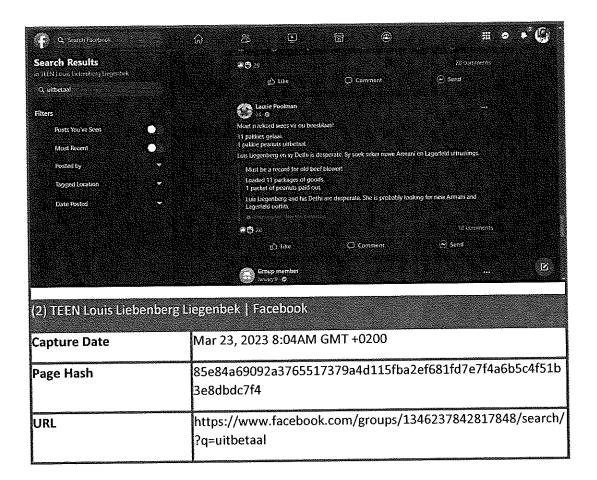
ML



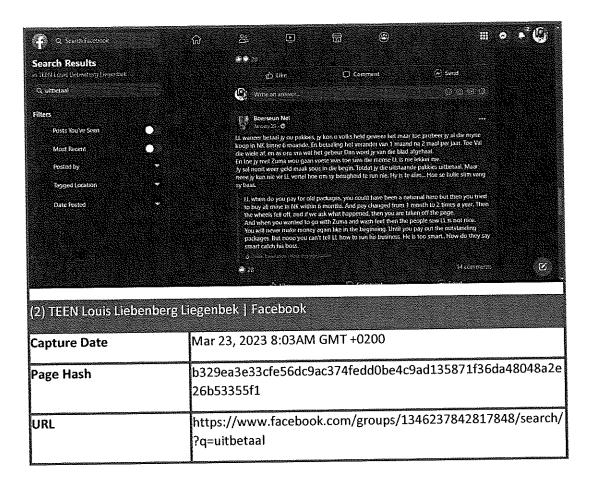
we Ha



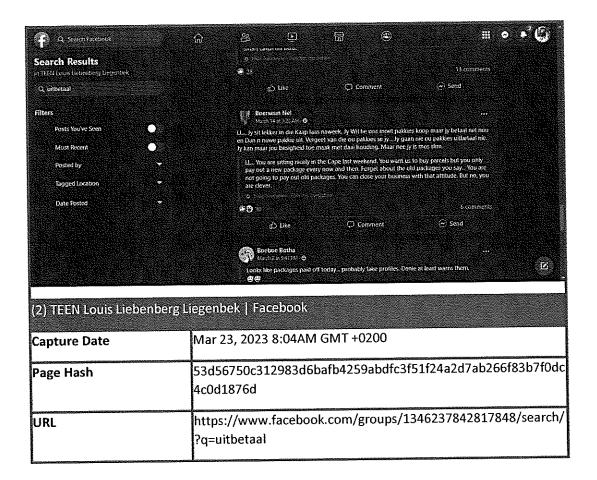
MY HOW



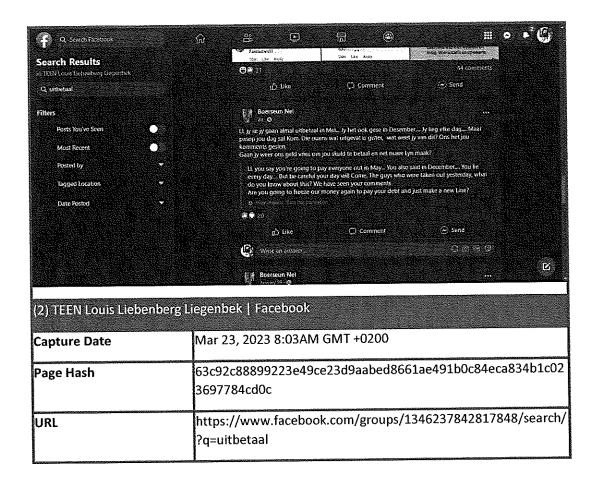
MY HU



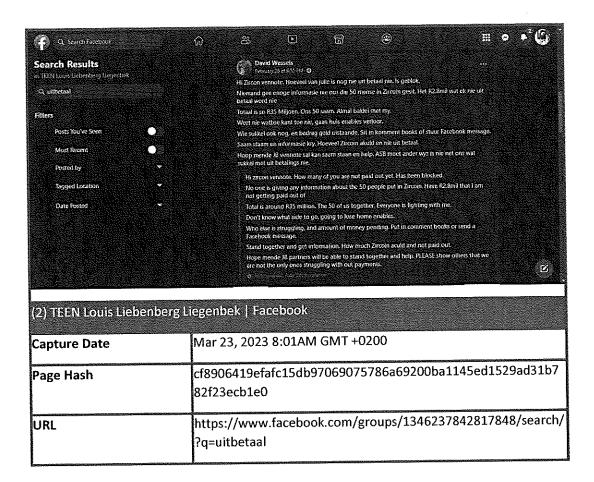




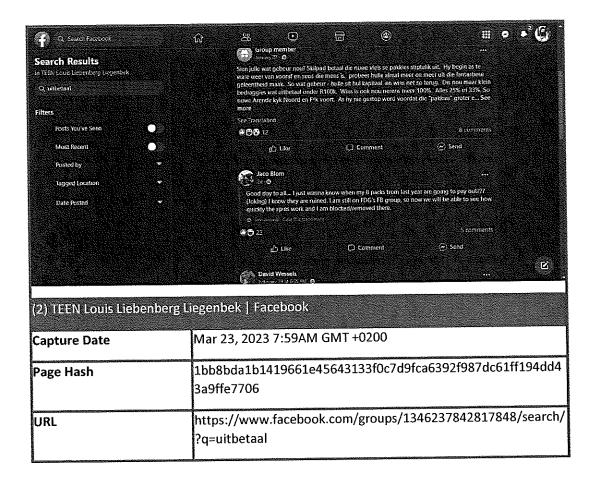
MY



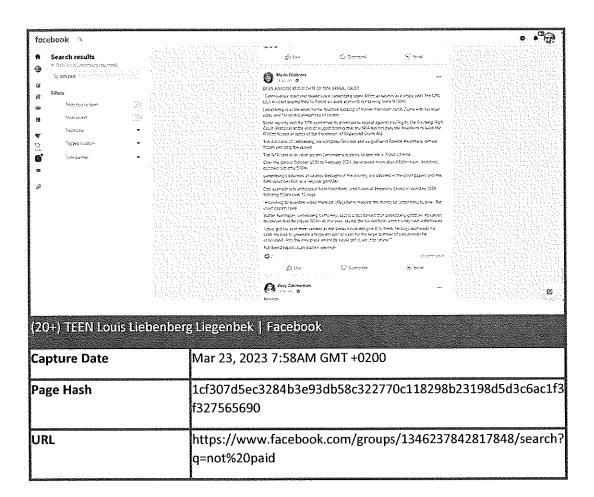
N/K



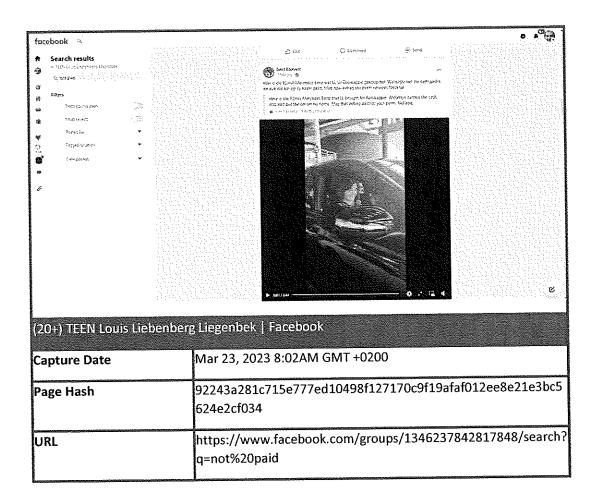
MY



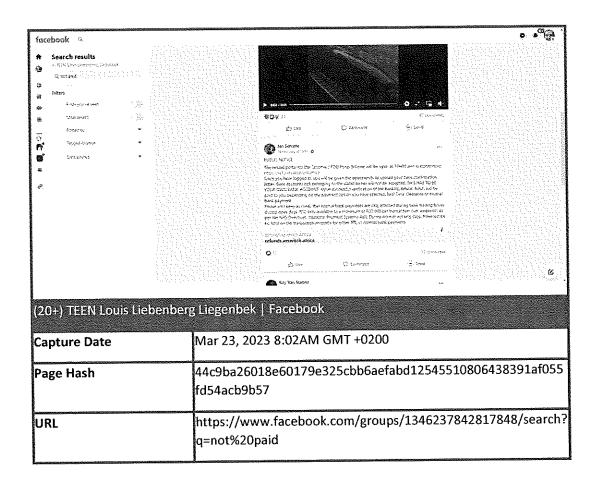
Mt



M



in PM

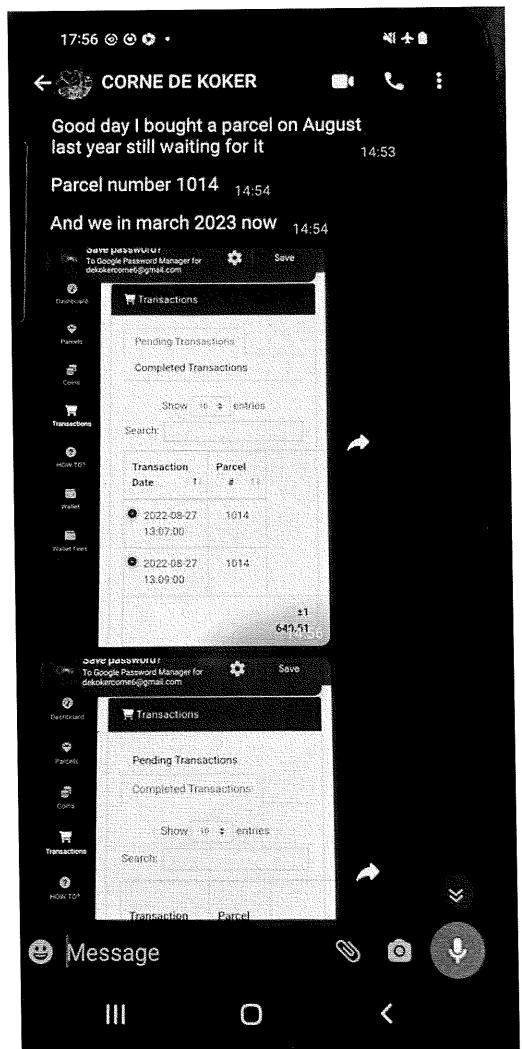


MHX

Committee of the commit	Discharges and the second seco	
(20+) TEEN Louis Liebenb	erg Liegenbek Facebook	
Capture Date	Mar 23, 2023 8:14AM GMT +0200	
Page Hash	5b5bab6e2169e2e5eb3c5e8c2f80888af5c7b8db40327ea7b405f 8d47c7b53e	
URL	https://www.facebook.com/groups/1346237842817848/searchiq=not%20paid	

why

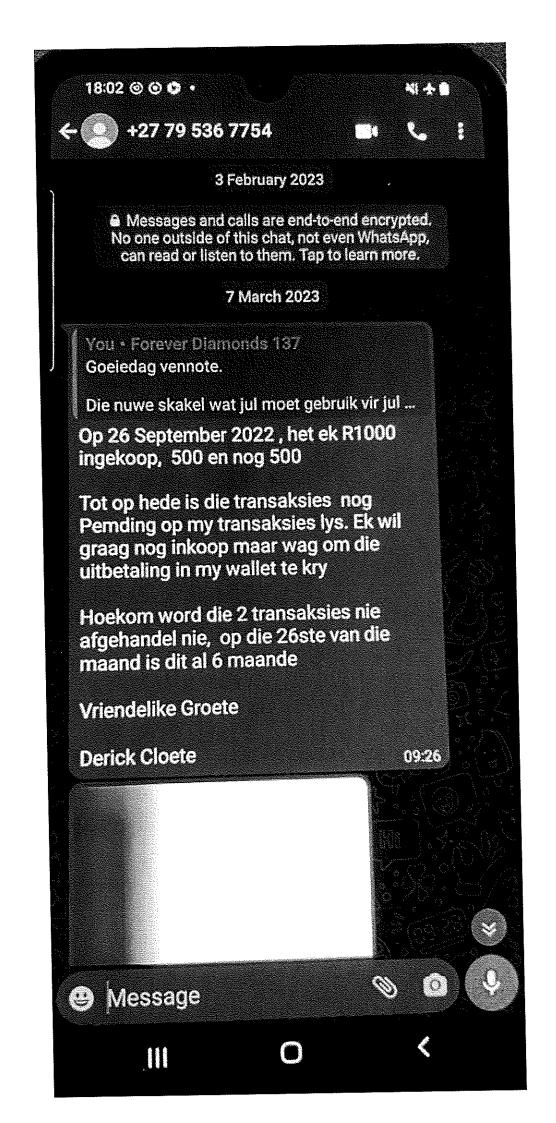
"5R9"



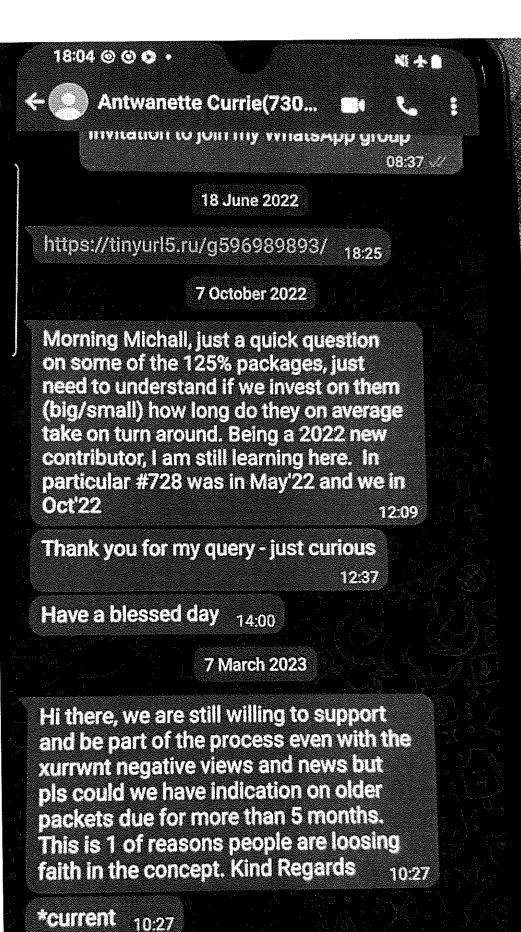
MSV



MY



Jul WH

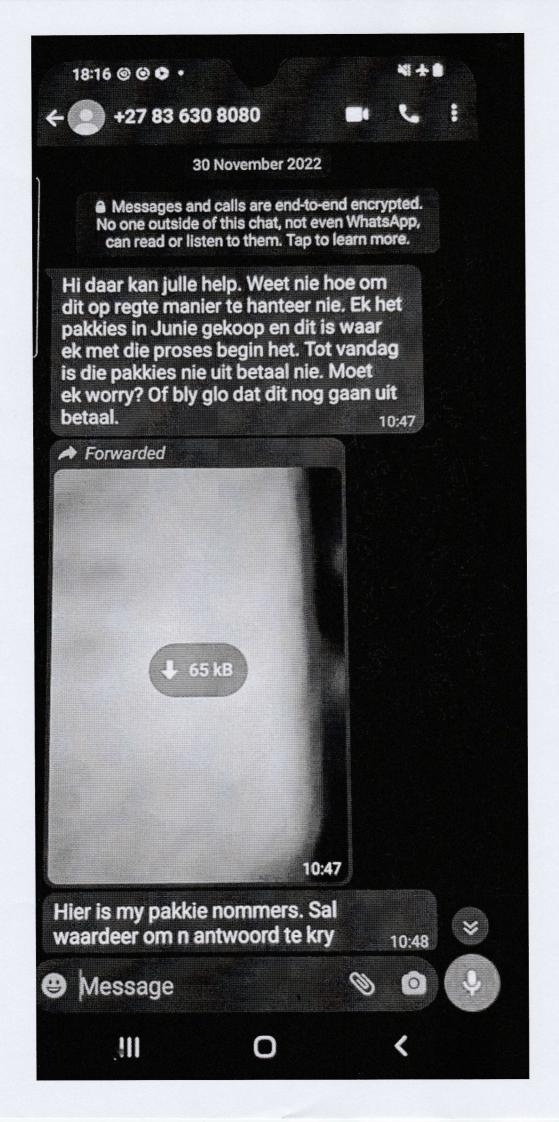


Many Thanks 10:28









Lyn HAN



ml HN



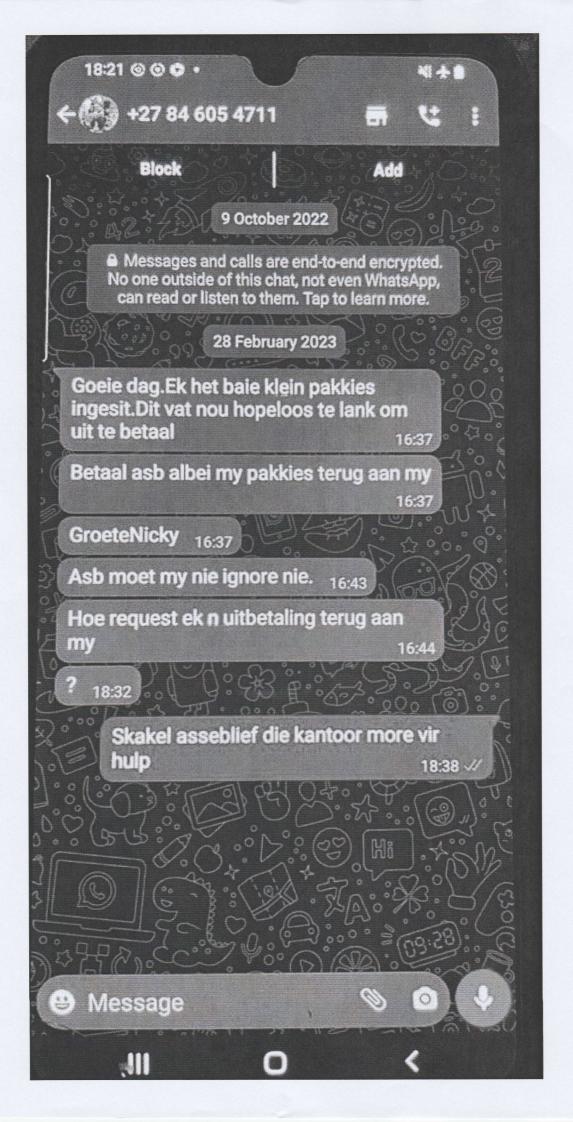
HAN



MA



M



HAN

Video op/on Facebook

"SR10"

KLANKGREEP GESPREK VAN LOUIS LIEBENBERG EN WALTER NIEDINGER

CONVERSATION OF LOUIS LIEBENBERG AND WALTER NIEDINGER

LOUIS:

He takes other companies' stuff, he doesn't take
Tariomix's stuff. We all know what the Tariomix
situation is, under curatorship, curator bons, we
discussed it.

[Hy vat ander maatskappye se goed, hy vat nie Tariomix se goed nie. Ons weet almal wat die Tariomix geval is, onder kuratorskap, curator bons, ons het dit bespreek.]

WALTER:

Yes.

[Ja.]

LOUIS:

But the curator bonis allowed us to continue, to operate, he, he left us there as directors for two years. Here suddenly comes a liquidator, he wants to destroy everything, he wants to fire you as a lawyer, he wants everything out of the way so that he can collect as much as possible. We know, we know the Strydoms of Pretoria, but what I want to say about this thing is, in this window period, where the Judge does not consider it urgent now, she wants to handle it herself. That's all



good and well, but in the meantime these hyenas come and they just want to collect more. It's a problem.

[Maar die kurator bonis het ons toegelaat om voort te gaan, om te bedryf, hy't, hy't ons as direkteure daar gelos vir twee jaar. Hier skielik kom 'n likwidateur, hy wil alles afbreuk, hy wil jou fire as prokureur, hy wil alles uit die pad hê sodat hy net soveel as moontlik kan inpalm. Ons ken, ons ken die Strydoms van Pretoria, maar wat ek wil sê rondom hierdie ding is, in hierdie Window periode, waar die regter dit nou nie as dringend beskou nie, sy wil dit self hanteer. Dis nou goed en wel maar intussentyd kom hierdie hiënas en hulle wil net nog inpalm. Dis 'n probleem.]



Hoeveel onnosel Afrikaners is hier nog op ons blad oor? Hande op asseblief. Lees tog bietjie die reëls weer. Jy kan nie die bal optel op die sokkerveld nie.

Ek het vandag salarisse van 'n paar miljoen rand betaal. Ons kantoor doen administrasie si Nog meer, ek lewer bal na bal kommentaar wat aangaan.

Jy weet mos jy gaan afgehaal word indien jy pakkies praat. Ons kan mos statisties gesproke nie soveel instrumentbabas op ons blad hê nie.

Do not be a box. Be nice.

© ⇒ 246 83 comments

ம் Like

Q Comment

⇒ Send



Magda Nel

Dalle in north manna histiin







<



Group member's post

JUIL LINE NELLY



Chanique Muller

Louis Fdg Ja dis lank terug en ons wag n lang ruk al vir ons pakkies om uit te betaal.

Ons kan nie bly inkoop en niks betaal uit nie.

Ekt pakkies wat daar le al vir amper 8 maande.

Ek kan nie positief bly inkoop as ek sien ek kry niks terug nie.

30m Like Reply



Chanique Muller

Parcel # 3194 - 2022-08-11

15:10:00

Parcel # 3204 - 2022-08-12

21:09:00

Parcel # 3501 - 2022-10-15

15:55:00

Parcel # 3495 - 2022-10-16

09:34:00

... See more

20m Like Reply

Rules

Write a comment...

M

Totale vir naweek

Zircon R3 816 953.00

Tariomix R5 820 452.00

Dankie mense vir julle inkope. Dit is wat die nodige momentum vir nuwe aankope van diamante gee. Nou gaan ons vir R10 miljoen per dag.

Nooi 100 mense van jou vriende elke dag en bou hierdie maatskappye saam met my na waar dit in begin Oktober was. Ons raak ontslae van onaktiewe pessimiste. Hulle hoort nie in ons midde nie.

Ons is Arende.

My opdrag aan ons kantoor teen einde van die week: Blok alle wallet profiele van mense wat 6 maande gelede laas ingekoop het!!!!

Verwyder almal van ons Facebook groep wat nog nooit op wallets geregistreer het nie. Ons behoort dan 45 000 mense hier oor te wees. Dis die mense waarop ons kan uitbou en groei na 100 000 aktiewe lede.

Ons nuwe App is byna klaar ... Read more

12:11

Only admins can send messages

MX)

<



Liebenberg's post

Die rede is dood eenvoudig. Ons ooreenkoms beskerm albei partye. Mense word opgesweep maar die realiteit is dat hulle geen klagtes kan formuleer nie.

Ons sal eersdaags in Tariomix-Diamonds and Gold voortgaan met die verhandeling van Mynproduksie asook goud en silwer. Forever Zircon is ons vriende wat met geslypte diamante deel en hulle groei met rasse skrede. On's maak goeie vordering om ons eie Bank bekend te stel. Daar gaan ons goudmunte as verhandelmetode gebruik en ons mense van gewisse uitwissing van hulle kapitaal red in gewone kommunisties-beheerde handelsbanke soos Absa, FNB, Capitec en andere. Hulle geld is nie die papier werd waarop dit gedruk is nie. Slim mense lees die tekens voor dit gebeur.

Ons is wenners wat vir die Boer en die Nama werk vir ekonomiese bevryding. Ons elimineer meelopers, kwaadstokers en verraaiers wat nie ons visie deel nie.

Dit gaan sleg met ons vyande. Twee is dood aan kanker en Izak du Plessis vrek van ellende in Nelspruit waar hy nou en dan vir die Laevelder koerantjie skryf. Sy vrou verniel hom met onderhoudseise wat hy nie kan betaal nie. Geen Radio wil vir hom werk gee nie. Wanneer jy 'n gat vir ander grawe val jyself daarin. Ek het R20 000 namens Izak gestuur om skuld wat hy het vir sy boek te betaal. Ons weet hoe om geld te maak. Dis 'n gawe uit God se hand. Ek het die resep.

HSV



Liebenberg's post

boek te betaal. Ons weet hoe om geld te maak. Dis 'n gawe uit God se hand. Ek het die resep.

Ons verkiesingsveldtog in Namakwaland vlot pragtig waar 10 van ons personeel en gewilliggers uit ons Springbok kantoor werk. Buks het hulle gister op 'n toer geneem na ons Buffelsbank diamantmyn naby Kleinzee.

Dankie aan elkeen hier wat aan ons bly glo en ons dra in daad en gebed. Mag ons saam groei tot die grootste groep VIR die Boer en Nama in Suid Afrika.

Ons het ook 'n baie ervare, voltydse Rekenmeester aangestel om seker te maak ons boeke word op datum gehou. Welkom Corné!

Like Comment Share

Ons het ook 'n baie ervare, voltydse Rekenmeester aangestel om seker te maak ons boeke word op datum gehou. Welkom Corné!

Ons 9 de groot Dig- en Skryfkd

: 1

ம் Like

Comment Comment

Share

MA.



Group member's post

(2K >



iom Like Kepiy



Lientjie Grobbelaar

Ek kan nie net bly geld gee en gee nie, ek het nie n bodemlose put vol geld nie. Die ooreenkoms is mos duidelik, koop in en jou pakkie word uitbetaal na xx aantal dae. Nie almal lees en luister na die media gemors nie en is lojaal aan die maatskappy, maar nee almal word geroskam. As jy uitbetaal dan koop ek weer dan kan jy weer koop ens. My bietjie geld gaan nie die besigheid laat floreer nie, Lou... See more

15m Like Reply





Willie Steyn

More gelees en verstaan ek moet net wag tot ek weer iewers n geldjie kry wat meer as my uitgawes is sodat ek n 10% kan inkoop of meer dankie vir julle harde werk om die mense wat swaar kry in die land te help net voorspoed en guns vir julle Louis Dezi en span geseende dag vir julle.

15m Like Reply



Marlene Van Greunen

Rules

HW

Write a comment...



Magda Cornelissen

Ek het nie ekstra in n maand om in te koop op pakkies, ek wag ook vir 3 pakkies om uit te betaal om weer te kan inkoop. Ek het nie na negatiwiteit geluister of gelees. Ek het al my spaar geld gebruik om in te koop en my lewe makliker te maak, maar baie teleurgesteld dat ons wat ingekoop het nou gestraf word. Gaan ons nou ons geld verloor?



Francois Van Der Merwe Gesien

18m Like Reply



Waltie Opperman

Het gelees. Dankie vir als Louis Liebenberg. Ek gee koop elke kans wat ek kan !!!

18m Like Reply



Victor Mccreanor

Verstaan 100% oom Louis. Het reeds

man an 100/ in maliana lian nia nan

tacebook







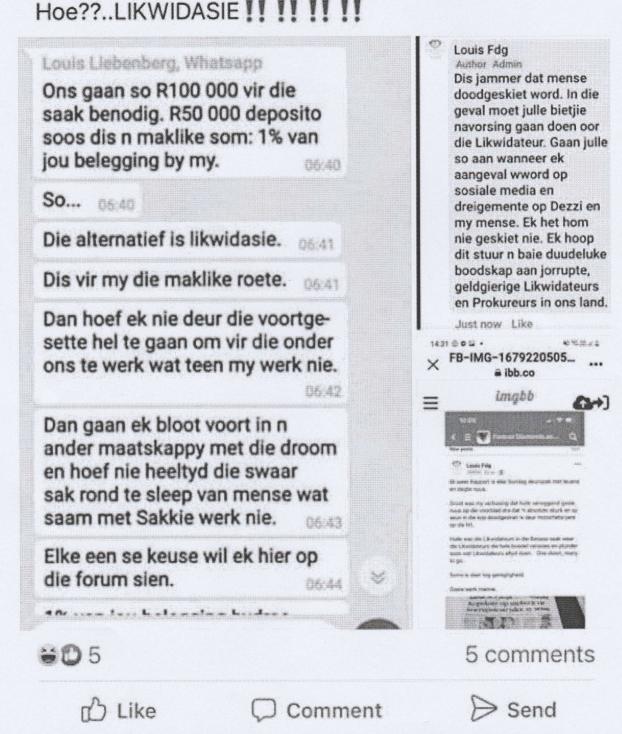




I EEN LOUIS LIEDENDERG LIEGENDEK

Belinda Ruth Prinsloo · 50 m · 🔃

Maar Luis???dis mos wat jy voor gebid het?en jou wens gaan waar word.of





Raquel Lewis

22 m

Kelly

Die naweek was besig. Ons man het einde ten laaste

T) Like

MAN

U Comment





Die heel belangrikste aankondiging die afgelope 3 jaar.van die bestaan van ons groep !! !!

In die eerste plek wil ek diegene wat ons reeds vanaf 9 Maart 2020 ondersteun, uit my hart bedank. Ons het in die tyd gegroei van 1 tot 44 000 vennote. Ons moes nou al 100 000 gewees het indien mense my net bly volg het. Ek sal later vandag so 'n lys van die eerste 100 mense wat pakkies by ons gekoop het se name publiseer en hulle vra om 'n video van 1 minuut aan ons te stuur en vertel hoe hulle dit ervaar het en of hulle geld gemaak het. Daardie 100 mense sal ook met ons Bustoer na Namakwaland getrakteer word.

Vandag sal ook die laaste keer wees dat ek diamantpakkies aanbied waarby julle kan inkoop. Indien die pakkies wat ek vandag plaas nie ten volle opgeneem word nie, sal dit die heel laaste keer wees wat dit aan hierdie groep aangebied word. Soos ek aan julle oor 'n lang periode verduidelik het, kan ons nie stock van die rak verkoop en nie nuwe voorrraad aankoop nie. Dan gaan staan ons besigheid. Indien 44000 mense nie eers die paar pakkies wat daagliks geplaas word opneem nie, is vandag dus die laaste keer wat pakkies op die groep geplaas gaan word tot julle voordeel. Ek glo julle het die beste plan in 150 jaar nie verstaan en gevolg nie. Dink net indien 1 Miljoen Afrikaners saam besigheid doen met net 10 % van hulle geld, dit vergeet en ons alle myne opkoop en werk. Ongelukkig hou grootmense nie by die reëls nie. Tragies.

Ek and danson wordwidalik han and daur and ala



Tragies.

Ek sal daarna verduidelik hoe ons deur ons eie handel en werk van diamantmyne 6 maandeliks 'n dividend sal uitkeer aan julle wanneer ons 'n Publieke Maatskappy stig.

Ek het net by die punt gekom waar ek besef het ek kan nie voortgaan om pêrels te gooi wat nie waardeer word nie. Ek en my personeel het meer as ons deel gedoen om daar te wees vir julle.

Ons maatskappye is afhanklik van die 50% wins wat ons maak soos julle. Deur direk aan handelaars te verkoop is baie meer winsgewend en vinniger vir ons indien julle dit nie wil opneem om welke rede ookal nie. Ons kan so ook 70% van ons Admin personeel sny en daardie koste spaar.

Ons staar 'n klompie stewige hofsake in die gesig en ons sal oorwin deur goeie besigheidsbesluite te implimenteeer en net met mense besigheid doen wat werklik besigheid verstaan en ons nie as 'n belegging sien nie maar as besigheid met hoë risiko maar ook hoë opbrengs.

Baie dankie vir elkeen wat hier lees en regtig ter harte neem!

🕡 Louis en Span.

NS: net 'n nota aan die 40 000 mense wat geld onttrek het toe ek elke dag R20 - R38 miljoen in geloof aan julle bly uitbetaal en so R480 miljoen uitgewipe het: dit was swak van julle om die leuenaars by Media 24 te glo oor 'lugpakkies' en enige ander versinsel terwyl ek en my personeel ons rue gebreek het terwyl ons ou de

M

Ш



TRANSCRIPTION OF A RECORDING OF NADIA DE LANGE DATED 8 MARCH 2023

NADIA DE LANGE:

Hi

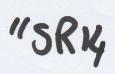
The time now is 12H30 on the 8th of March 2023.

I am at Dorielle's at the Emporor's Palace. I have been asked by Louis Liebenberg to see SARS in connection with Ronel Kleynhans' SARS income tax problems and also the other companies that I work for SARS's issues.

I will be meeting with Thandile and Doctor from SARS, Andile from Seipafor advice and the way forward.

Thank you and goodbye.

MAN



Properties	Preview		
File Name	Voice 002.m4a	File Type	MP4 Audio File
Туре Group	Audio File	File System Type	File
Origin	Allocated	Size	692720
ast Written	2023/03/08 12:43:02	File Created	2023/03/08 12:43:07
Last Accessed	2023/03/08 12:42:02	Path	Src22/sdcard/Recordings/Voice Recorder
Extension	m4a	Protected	Not protected
Integrity MDS	9E7E74739CBFD7F090DF00296AEDF0AC	Integrity SHAT	OL7XPBIJWM334H4ZCZNJOJDCDLA78TCP
Collected File Path	original_files/allocated_0.zip	Auto-Tagged	No
Captures	Audio Files		

M