



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$1,10

WINDHOEK — 24 December 1993

No. 771

Advertisements

PROCEDURE FOR ADVERTISING IN THE GOVERNMENT GAZETTE OF THE REPUBLIC OF NAMIBIA

1. The *Government Gazette* (Estates) containing advertisements, is published on every Friday. If a Friday falls on a Public Holiday, this *Government Gazette* is published on the preceding Thursday.

2. Advertisements for publication in the *Government Gazette* (Estates) must be addressed to the Government Gazette Office, P.B. 13348, Windhoek, or be delivered at Cohen Building, Ground Floor, Casino Street entrance, Windhoek, not later than 15:00 on the ninth working day before the date of publication of this *Government Gazette* in which the advertisement is to be inserted.

3. Advertisements are published in this *Government Gazette* for the benefit of the public and must be furnished in English by the advertiser or his agent.

4. Only legal advertisements shall be accepted for publication in the *Government Gazette* (Estates) and are subject to the approval of the Under-Secretary, Department of Works, who may refuse the acceptance or further publication of any advertisement.

5. The Under-Secretary, Department of Works, reserves the right to edit and revise copy and to delete therefrom any superfluous detail.

6. Advertisements must as far as possible be typewritten. The manuscript of advertisements must be written on one side of the paper only and all proper nouns plainly inscribed. In the event of any name being incorrectly printed as a result of indistinct writing, the advertisement can only be reprinted on payment of the cost of another insertion.

7. No liability is accepted for any delay in the publication of advertisements/notices, or for the publication of such on any date other than that stipulated by the advertiser. Similarly no liability is accepted in respect of any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

8. The advertiser will be held liable for all compensation and costs arising from any action which may be instituted against the Government of Namibia as a result of the publication of a notice with or without any omission, errors, lack of clarity or in any form whatsoever.

9. The subscription for the *Government Gazette* is N\$90,00 plus GST per annum, post free in the Republic of Namibia and the Republic of South Africa, obtainable from Windhoek Printers (Pty) Ltd., P.O. Box 1707, Windhoek. Postage must be prepaid by overseas subscribers. Single copies of the *Government Gazette* are obtainable from Windhoek Printers (Pty) Ltd., P.O. Box 1707, Windhoek, at the price as printed on copy. Copies are kept in stock for two years only.

10. The charge for the insertion of notices is as follows and is payable in the form of cheques, postal or money orders:

LIST OF FIXED TARIFF RATES

STANDARDISED NOTICES	Rate per insertion R
Transfer of business	12,00
Deeds: Lost documents	22,00
Business notices	18,00
Administration of Estates Acts Notices, Forms J 187, 193, 197, 295, 297, 517 and 519	8,00
Third party insurance claims for compensation ...	9,00
Insolvency Act and Company Acts Notices: J.28, J. 29. Forms 1 to 9	15,00

J.B. — Forms 2 and 6 — additional statements according to word count table, added to the basic traffic.	
Change of name (two insertions)	108,00
Naturalisation notices (including a reprint for the advertiser)	8,00
Unclaimed moneys — only in the <i>Government Gazette</i> , closing date 15 January (per entry of "name, address and amount")	3,00
Butchers' notices	18,00
Lost life insurance policies	8,00
NON-STANDARDISED NOTICES	
Company notices:	R
Short notices: Meetings, resolutions, offers of compromise, conversions of companies, voluntary windings-up, et.: closing of members' registers for transfer and/or declarations of dividends	40,00
Declaration of dividends with profit statements, including notes	90,00
Long notices: Transfers, changes in respect of shares or capital, redemptions, resolutions, voluntary liquidations	120,00

Trade marks in Namibia	40,00
Liquidators' and other appointees' notices	25,00

SALES IN EXECUTION AND OTHER PUBLIC SALES:

Sales in execution	65,00
Public auctions, sales and tenders:	
Up to 75 words	22,00
76 to 250 words	54,00
251 to 350 words	82,00

ORDERS OF THE COURT:

Provisional and final liquidations or sequestrations	50,00
Reduction or change in capital mergers, offers of compromise	120,00
Judicial managements, <i>curator bonis</i> and similar and extensive <i>rule nisi</i>	120,00
Extension of return date	15,00
Supersession and discharge of petitions (J. 158)	15,00

11. The charge for the insertion of advertisements other than the notices mentioned in paragraph 10 is at the rate of R3,00 per cm double column. (Fractions of a cm must be calculated as a cm).

12. No advertisements shall be inserted unless the charge is prepaid. Cheques, drafts, postal or money orders must be made payable to the Under-Secretary, Department of Works, Private Bag 13348, Windhoek.

FORM J 187**LIQUIDATION AND DISTRIBUTION ACCOUNTS IN DECEASED ESTATES LYING FOR INSPECTION**

In terms of section 35(5) of Act 66 of 1965, notice is hereby given that copies of the liquidation and distribution accounts (first and final, *unless otherwise stated*) in the estates specified below will be open for the inspection of all persons interested therein for a period of 21 days (or shorter or longer *if specially stated*) from the date specified or from the date of publication hereof, whichever may be the later, and at the offices of the Master and Magistrates as stated.

Should no objection thereto be lodged with the Master concerned during the specified period, the executors will proceed to make payments in accordance with the accounts.

420/93 KRATZ Hermann Wilhelm Erwin, 190624 50 0800 5, Bethanien. Bethanien, Windhoek. Standard Bank Namibia Ltd., (Registered Bank), Trustee Branch, P.O. Box 2164, Windhoek.

509/93 WEAKLEY (born Strydom) Albertha Susanna Jacoba, 130305 01 0004 6, Outjo. Outjo, Windhoek. Standard Bank Namibia Ltd., (Registered Bank), Trustee Branch, P.O. Box 2164, Windhoek.

578/93 LIEBENBERG Eugene, 590405 01 0035 4, Hentiesbaai. Swakopmund, Windhoek. F.M. Oehl-Trust, P.O. Box 133, Windhoek.

431/93 SCHULZ Helmut Gustav, 220827 01 0007 9, Farm "Asis", Kombat District. Elisabeth Schulz (born Krämer), 290303 01 0084 6, Otavi, Windhoek. Standard Bank Namibia Ltd., (Registered Bank), Trustee Branch, P.O. Box 2164, Windhoek.

293/93 HOFNIE Pineas, 460722 11 0020 6, Rundu. First. Windhoek. Standard Bank Namibia Ltd., (Registered Bank), Trustee Branch, P.O. Box 2164, Windhoek.

224/93 HÄLBICH Gretel Marie, 090123 01 0001 8, Windhoek. Windhoek. Mr. Klaus Nieft, Keller & Neuhaus Trust Co. (Pty) Ltd., P.O. Box 156, Windhoek.

FORM J 193**NOTICE TO CREDITORS IN
DECEASED ESTATES**

All persons having claims against the estates mentioned below are hereby called upon to lodge their claims with the executors concerned, within 30 days (or otherwise as indicated) calculated from the date of publication hereof. The information is given in the following order: Estate number, surname and christian names, date of birth, identity number, last address, date of death; surviving spouse's names, surname, date of birth and identity number; name and address of executor or authorised agent, period allowed for lodgement of *claims if other than 30 days*.

MÜLLER Ingeborg, Windhoek, 20 May 1937, 370520 01 0022 0, Okahandja, 9 November 1993. Standard Bank Namibia Ltd., (Registered Bank), Trustee Branch, P.O. Box 2164, Windhoek.

528/93 SASS Else Georgina, Windhoek, 22 September 1912, 120922 00 1300 3, Johannesburg, RSA, 10 May 1993. Mr. K. Niefert, Agent for Executor, c/o Keller & Neuhaus Trust Co. (Pty) Ltd., P.O. Box 156, Windhoek.

585/93 BLAAUW Hendrik Mathys Jacobus Petrus, Windhoek, 17 January 1916, 160117 01 0008 0, No. 111 14th Street, P.O. Box 319, Keetmanshoop, 19 November 1993. Arthur Batchelar, 5 January 1925, 250105 01 0017 7. W.F. Kotze, c/o Keetmanshoop Beleggings Maatskappy (Pty) Ltd., P.O. Box 876, Keetmanshoop.

595/93 ESTERHUYSE Nicolaas Johannes Albertus, Windhoek, 23 January 1919, 190123 01 0004 2, P.O. Box 1534, Keetmanshoop, 27 November 1993. Erna Hendrika Esterhuyse, 8 July 1927, 270708 01 0024 1. W.F. Kotze, c/o Keetmanshoop Beleggings Maatskappy (Pty) Ltd., P.O. Box 876, Keetmanshoop.

538/93 MALAN Jacobus Johannes, Windhoek, 26 June 1968, 680626 50 0400 6, Erf 1390, Keetmanshoop, 3 October 1993. Windhoek. Rissik, Cox & Probart, P.O. Box 90, Keetmanshoop.

FORM NO. 1**APPOINTMENT OF TRUSTEES OR
LIQUIDATORS AND PROOF OF
CLAIMS IN SEQUESTERED ESTATES
OR COMPANIES BEING WOUND UP**

Pursuant to subsection (3) of section *fifty-six*, section *seventy-seven* and subsection (3) of section *forty* of the Insolvency Act, 1936, sections 339, 366, 375(5)(b) and 402 of the Companies Act, 1973, notice is hereby given that the persons mentioned below have been appointed trustees or liquidators, and that persons indebted to the estates or companies are required to pay their debts to them forthwith unless otherwise indicated.

Meetings of creditors of the said estates or companies will be held on the dates and at the times and places mentioned below, for proof of claims against the estates or companies, for the purpose of receiving the trustees' or liquidators' reports as to the affairs and conditions of the estates or companies and for giving the trustees or liquidators directions concerning the sale or recovery of any parts of the estates or companies or concerning any matter relating to the administration thereof.

Meetings in a town in which there is a Master's office will be held before the Master; elsewhere they will be held before the Magistrate.

The particulars are given in the following order: No. of estate/company; name and description of estate or company; name and address of trustee or liquidator; date, hour and place of meetings and period within which debt must be paid, if this is not done forthwith.

W23/93 Insolvent Estate **E.T. de Man**. D.J. Bruni, Trustee, Investment Trust Co. (Pty) Ltd. 12 January 1994, at 10:00, before the Master of the High Court, Windhoek. Second Meeting of Creditors. Investment Trust Co. (Pty) Ltd., P.O. Box 21204, Windhoek.

FORM NO. 2**MEETING OF CREDITORS IN
SEQUESTERED ESTATES OR
COMPANIES BEING WOUND UP**

Pursuant to sections *forty-one* and *forty-two* of the Insolvency Act, 1936, notice is hereby given that a meeting of creditors will be held in the sequestered estates or companies being wound up mentioned below, on the dates, at the times and places and for the purpose thereof.

Meetings in a town in which there is a Master's office, will be held before the Master; elsewhere they will be held before the Magistrate.

The particulars are given in the following order: The number of estate/company; the name and description of estate/company; the date, hour and place of meeting and the purpose of the meeting.

W22/93 **Apple Centre (Pty) Ltd.**, (In Liquidation). 12 January 1994, at 10:00, at the Office of the Master of the High Court, Windhoek. Special Meeting - proof of further claims. Investment Trust Co. (Pty) Ltd., P.O. Box 21204, Windhoek.

FORM NO. 5

**PAYMENT OF DIVIDENDS AND COLLECTION
OF CONTRIBUTION IN SEQUESTERED
ESTATES OR COMPANIES BEING WOUND UP**

The liquidation accounts and plans of distribution or contribution in the sequestered estates or companies being wound up mentioned below having been confirmed on the dates mentioned therein, notice is hereby given, pursuant to subsection (1) of section *one hundred and thirteen* of the Insolvency Act, 1936, and section 409(2) of the Companies Act, 1973, that dividends are in the course of payment or contributions are in the course of collection in the said estates or companies as set forth below, and that every creditor liable to contribution is required to pay the trustee the amount for which he/she is liable at the address mentioned below.

The particulars are given in the following order: Number of estate or company; name and description of estate or company; date when account confirmed; whether a dividend is being paid or contribution collected or both; name and address of Trustee or Liquidator.

W5/85 Insolvent Estate **T.I. Cooper**. 6 December 1993. Dividends paid to concurrent Creditors. Nineteenth Liquidation and Distribution Account - administered in terms of Section 34(5) of the Insolvency Act. I.R. McLaren, Trustee, Investment Trust Co. (Pty) Ltd., P.O. Box 21204, Windhoek.

W23/92 Insolvent Estate **P.J. Basson**. 7 December 1993. Dividends paid to concurrent Creditors. First Liquidation and Distribution Account - administered in terms of Section 34(5) of the Insolvency Act. D.J. Bruni, Trustee, Investment Trust Co. (Pty) Ltd., P.O. Box 21204, Windhoek.

W12/85 Insolvent Estate **A.W.S.L. van Schalkwyk**. 8 December 1993. Dividends paid to concurrent Creditors. Fourteenth Liquidation and Distribution Account - administered in terms of Section 34(5) of the Insolvency Act. I.R. McLaren, Trustee, Investment Trust Co. (Pty) Ltd., P.O. Box 21204, Windhoek.

W9/93 Insolvent Estate **J.M. Visser t/a Werner Lange Schlachtereij**. 7 December 1993. Dividends paid to concurrent Creditors. First Liquidation and Distribution Account - administered in terms of Section 34(5) of the Insolvency Act. D.J. Bruni, Trustee, Investment Trust Co. (Pty) Ltd., P.O. Box 21204, Windhoek.

W18/92 Insolvent Estate **L.J. Janse van Rensburg**. 7 December 1993. Dividends paid to concurrent Creditors. First Liquidation and Distribution Account - administered in terms of Section 34(5) of the Insolvency Act. D.J. Bruni, Trustee, Investment Trust Co. (Pty) Ltd., P.O. Box 21204, Windhoek.

FORM J 29

**FIRST MEETINGS OF CREDITORS,
CONTRIBUTORIES, MEMBERS OR
DEBENTURE-HOLDERS OF SEQUESTERED
ESTATES, COMPANIES BEING WOUND UP
OR PLACED UNDER PROVISIONAL
JUDICIAL MANAGEMENT**

The estates and companies mentioned below having been placed under sequestration, being wound up or having been placed under provisional judicial management by order of the High Court of NAMIBIA, the Master of the High Court hereby gives notice pursuant to sections 17(4) and 40(1) of the Insolvency Act, 1936, and section 356(1), 364(1) and 429 of the Companies Act, 1973, that a first meeting of creditors, contributories, members or debenture-holders of the said estates or companies will be held on the dates and at the times and places mentioned below, for proof of claims against the estates or companies, the election of trustees, liquidators or judicial managers or provisional judicial managers or for the purposes referred to in section 364 or 431 of Act 61 of 1973, as the case may be.

Meetings in a district in which there is a Master's Office, will be held before the Master; elsewhere they will be held before the Magistrate.

The particulars are given in the following order: Number of estate or company / name and description of estate or company / date upon which order was made / Provisional order, Final order / date, time and place of meeting.

W28/93 **Namibian African Services (Pty) Ltd.**. Provisional order, 13 December 1993. 5 January 1994, 10:00, Master's Office, Windhoek.

NOTICE OF TRANSFER OF BUSINESS

BE PLEASED TO TAKE NOTICE that the retailing business under the name of **THE CAR SHOP**, Shop 4, Eastgate Centre, P.O. Box 336, Oranjemund, held by **ALFONS KIESEWETTER** of 14 Inner Crescent, P.O. Box 336, Oranjemund, will be transferred to **UWE TRÜMPER** of MPSQ 65, Oranjemund, P.O. Box 336 and will carry on business under the name and style of **THE CAR SHOP** at the same address for his own account.

DATED and SIGNED at ORANJEMUND this 11th day of November 1993.

UWE TRÜMPER
P.O. Box 336
Oranjemund

NOTICE OF TRANSFER OF BUSINESS

BE PLEASED TO TAKE NOTICE that Application will be made 30 (thirty) days after publication of this notice to the Licensing court at Windhoek for the transfer of a **General Dealer (Retail), Restaurant (take-away), Tobacco and Mineral Water Licence**, held by **P.N. VAN ECK** and **T. LOUBSER** who trade under the name and style of **COPPER KETTLE RESTAURANT & BAR** at Erf 6597, Joule Street, Southern Industrial area, Windhoek to **RUDOLPH CHRISTIAAN THIRION** who will continue to carry on trading on the same premises above referred to under the name of **COPPER KETTLE RESTAURANT & BAR**.

This publication shall also serve as notice being given in terms of Section 34 of the Insolvency Act No. 24 of 1936.

P.F. KOEP & COMPANY
ATTORNEYS FOR APPLICANT
First Floor, Acme Corner
Kasino Street
P.O. Box 3516
Windhoek

IN THE HIGH COURT OF NAMIBIA

In the matter between:

NAMIB BUILDING SOCIETY	Plaintiff
and	
MAGDY MICHAEL ATALLA	
YOUSSEF	Defendant

NOTICE OF SALE IN EXECUTION

In execution of a Judgement of the above Honourable Court in the above action, a sale without reserve will be held by the Deputy Sheriff, Windhoek, at **Erf 1175 (a portion of Erf 1125), No. 182 Klein Windhoek Road, Windhoek, on the 10th of January 1994, at 09:30**, of the undermentioned property:

CERTAIN	Erf 1175 (a portion of Erf 1125);
SITUATE	In the Municipality of Windhoek (Registration Division "K");
MEASURING	1177 (One One Seven Seven) square metres;
IMPROVEMENT	Three-bedroom dwelling house with sitting-room, kitchen, one bathroom and double garage with laundry;
TERMS	10% of the purchase price and the auctioneer's commission must be paid on the date of the sale. The further terms and conditions of the sale will be read prior to the auction and lie for inspection at the office of the Deputy Sheriff, Windhoek and at the offices of the execution creditor's attorneys.

DATED at WINDHOEK this 14th day of December 1993.

DR. WEDER, KRUGER & HARTMANN
W.H. DICKS
ATTORNEYS FOR PLAINTIFF
Nimrod Building
Casino Street
Windhoek

IN THE HIGH COURT OF NAMIBIA

In the matter between:

NAMIB BUILDING SOCIETY	Plaintiff
and	
LEMMY IMBUWA MATENGU	Defendant

NOTICE OF SALE IN EXECUTION

In execution of a Judgement of the above Honourable Court in the above action, a sale without reserve will be held by the Deputy Sheriff, Windhoek, at **Erf 3804, No. 5 Abt Street, Windhoek-North, on the 10th of January 1994, at 09:00**, of the undermentioned property:

CERTAIN	Erf 3804, (a portion of Erf 2309);
SITUATE	In the Municipality of Windhoek (Registration Division "K");
MEASURING	904 square metres;
IMPROVEMENT	Three-bedroom dwelling house with sitting-room, kitchen, one bathroom, single garage with servant's room;
TERMS	10% of the purchase price and the auctioneer's commission must be paid on the date of the sale. The further terms and conditions of the sale will be read prior to the auction and lie for inspection at the office of the Deputy Sheriff, Windhoek and at the offices of the execution creditor's attorneys.

DATED at WINDHOEK this 14th day of December 1993.

DR. WEDER, KRUGER & HARTMANN
W.H. DICKS
ATTORNEYS FOR PLAINTIFF
Nimrod Building
Casino Street
Windhoek

IN THE HIGH COURT OF NAMIBIA

In the matter between:

NAMIB BUILDING SOCIETY	Plaintiff
and	
FREDDY VAN DER MERWE	Defendant

NOTICE OF SALE IN EXECUTION

In execution of a Judgement of the above Honourable Court in the above action, a sale without reserve will be held by the Deputy Sheriff, Mariental, at **Erf 149, School Street, Mariental, on Friday, 14 January 1994, at 10:00**, of the undermentioned property:

CERTAIN	Erf 149 Mariental Township;
SITUATE	In the Municipality of Mariental (Registration Division "R");
MEASURING	1 800 square metres;
IMPROVEMENT	Three-bedroom dwelling house with 1½ bathrooms, lounge, kitchen, dining-room, study, garage and servant's quarters;
TERMS	10% of the purchase price and the auctioneer's commission must be paid on the date of the sale. The further terms and conditions of the sale will be read prior to the auction and lie for inspection at the office of the Deputy Sheriff, Windhoek and at the offices of the execution creditor's attorneys.

DATED at WINDHOEK this 3rd day of December 1993.

DR. WEDER, KRUGER & HARTMANN
W.H. DICKS
ATTORNEYS FOR PLAINTIFF
Nimrod Building
Casino Street
Windhoek

IN THE HIGH COURT OF NAMIBIA

In the matter between:

SANPOINT (PTY) LIMITED	Plaintiff
and	
J.A. DU PREEZ t/a	
BRZ CONSTRUCTION	Defendant

NOTICE OF SALE IN EXECUTION OF IMMOVABLE PROPERTY

In execution of a Judgement of the above Honourable Court in the abovementioned suit, a sale will be held on **Monday, the 10th of January 1994, at 15:00, at Erf 784, Portion of Erf 776, Industrial Street West, Okahandja** of the undermentioned immovable property of the Defendant:

CERTAIN	Erf 784 (Portion of Erf 776, Industrial Street West, Okahandja;
SITUATED	In the Municipality of Okahandja Registration Division "J";
BONDS	First National Bank of Namibia NS100 000,00 - B 2721/87;
MEASURING	5 458 square metres (Five Thousand Four Hundred and Fifty-eight square metres).

The property shall be sold by the Deputy Sheriff of Okahandja subject to the Conditions of Sale that may be inspected by the Offices of the Deputy Sheriff, to the highest bidder at the Auction.

10% of the purchase price to be paid in cash on the date of the sale, the balance to be paid against transfer, to be secured by a Bank of Building Society or other acceptable guarantee to be furnished to the Deputy Sheriff within 14 days after the date of sale.

The full conditions of the sale will be read out by the Deputy Sheriff on the day of the sale, but may be inspected at any time prior to the sale at the offices of the Deputy Sheriff or at the offices of the Plaintiff's Attorneys.

DATED at WINDHOEK this 7th day of December 1993.

Per: J.A. AGENBACH
P.F. KOEP & COMPANY
ATTORNEYS FOR PLAINTIFF
1st Floor, Acme Corner
Kasino Street
Windhoek

IN THE HIGH COURT OF NAMIBIA

In the matter between:

NICO JOOSTE t/a KWENA	Plaintiff
ELECTRICAL CONTRACTOR	
and	
J.A. DU PREEZ t/a	
BRZ CONSTRUCTION	Defendant

NOTICE OF SALE IN EXECUTION OF IMMOVABLE PROPERTY

In execution of a Judgement of the above Honourable Court in the abovementioned suit, a sale will be held on **Monday, the 10th day of January 1994, at 15:00, at Erf 784 (Portion of Erf 776), Industrial Street West, Okahandja** of the undermentioned property of the Defendant:

CERTAIN	Erf No. 784 (Portion of Erf 776), Industrial Street West, Okahandja;
SITUATED	In the Municipality of Okahandja Registration Division "J";

BONDS First National Bank of Namibia
N\$100 000,00 - B 2721/87;

MEASURING 5 458 square metres (Five Thousand
Four Hundred and Fifty-eight square
metres).

The property will be sold by the Deputy Sheriff to the highest bidder.

10% of the purchase price is to be paid in cash on the date of the sale, the balance to be paid against transfer, to be secured by a Bank or Building Society or other acceptable guarantee to be furnished to the Deputy Sheriff within fourteen (14) days after the date of the sale.

The full conditions of the sale will be read out by the Deputy Sheriff on the day of the sale, but may be inspected at any time prior to the sale at the offices of the Deputy Sheriff or at the offices of the Plaintiff's Attorneys.

DATED at WINDHOEK this 6th day of December 1993.

MESSRS. P.F. KOEP & COMPANY
Per: J.A. AGENBACH
ATTORNEYS FOR PLAINTIFF
First Floor, Acme Corner
Kasino Street
Windhoek

IN THE HIGH COURT OF NAMIBIA
WINDHOEK, FRIDAY, 3 DECEMBER 1993
Before the Honourable Mr. Justice Frank

CASE NO. A241/93

In the matter between:

WERNER DE JAGER N O Applicant

ex parte
in re

THE INSOLVENT ESTATE OF
J.W. SCHMIDT AND J.P. SCHMIDT

Having heard Advocate Coleman, Counsel for the Applicant and having read the Notice of Motion and other documents filed of record:

IT IS ORDERED

1. That the appointment of **WERNER DE JAGER N O** in terms of the law of the Republic of South Africa as trustee of the insolvent estate of **J.W. SCHMIDT** and **J.P. SCHMIDT**, on the terms set out herein, is recognized within the Republic of Namibia until this recognition is withdrawn by an order of this Court.

2. That after providing security to the satisfaction of the Master of this Court for the proper performance of his administration by virtue of this order and for the herein-mentioned Master's costs and charges, the applicant shall by virtue of this recognition be empowered to administer the said estate in respect of all assets of the said insolvent or of their estate which are situated within the Republic of Namibia.
3. That the rights defined by the Insolvency Act 24 of 1936 in favour of the Master, a creditor, and an insolvent in regard to the filing of inventories, meetings of creditors, proof, admission and rejection of claims, sale of assets, plans of distribution, trustee's accounts, and distribution of proceeds, and the rights and duties of a trustee in regard to those matters as defined by the Insolvency Act 24 of 1936 shall, until this order is amended, *mutatis mutandis* exist in relation to the said administration as if the said Act applied thereto pursuant to a sequestration order granted by this Court on 3rd September 1992 provided that:
 - (a) the rights and duties relating to the election and appointment of a trustee will not apply;
 - (b) the costs of this application taxed on the scale as between attorney and client and such amounts as would have been payable to the Master under the law of the Republic of Namibia if the estate had been sequestrated under such law and any additional costs and charges of the Master for giving effect to this order, will be costs of administration;
 - (c) only a creditor whose whole cause of action arose within the Republic of Namibia or who is an incola of the Republic of Namibia shall by virtue of this order acquire any right to prove a secured or preferent claim;
 - (d) the rights and duties defined by s 70 of the Insolvency Act 24 of 1936 shall exist in relation to the administration;
 - (e) any assets, and furthermore any funds, remaining after the payment of all amounts due in respect of the aforementioned charges, costs and proved claims, may be transferred from the Republic of Namibia only with the written permission of the Master of this Court.
4. That this order shall be published in the Government Gazette and once in the "Die Republikein" newspaper.

BY ORDER OF THE COURT

REGISTRAR
(LORENTZ & BONE)

**IN THE HIGH COURT OF NAMIBIA
WINDHOEK, MONDAY, 13 DECEMBER 1993
Before the Honourable Mr. Justice Hannah**

In the matter between:

T & C MARKETING LTD. t/a MICHELSENS	Applicant
and	
NAMIBIAN AFRICAN SERVICES (PTY) LTD.	First Respondent
AFRICAN MARKETING (PTY) LTD.	Second Respondent
AFRICAN PACKAGING (PTY) LTD.	Third Respondent
AFRICAN CATERING SUPPLIES (PTY) LTD.	Fourth Respondent
AFRICAN BUILDING SUPPLIES (PTY) LTD.	Fifth Respondent
HERLE AND COMPANY, WALVIS BAY	Sixth Respondent
THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA	Seventh Respondent

Having heard Advocate Coleman, Counsel for the Applicant and having read the Notice of Motion and other documents filed of record:

IT IS ORDERED:

1. That the forms and service provided for in the Rules of this Court are dispensed with for urgency.
2. That pending the confirmation or discharge of the Rule Nisi hereinafter granted, the First Respondent (which is referred to in this order as "the Company") is hereby placed provisionally under judicial management in terms of Section 428 of the Companies Act, 1973 (Act 61 of 1973);
3. That -
 - (a) as from this date the persons hitherto vested with the management of the Company's affairs be divested thereof;
 - (b) the Company shall be under the management, subject to the supervision of this Court, of a provisional Judicial Manager who shall be appointed by the Master of the High Court and any Judicial Manager who might be appointed thereafter as provided by the Companies Act, No. 61 of 1973 who shall manage the company in consultation with the participating creditors;
 - (c) the remuneration of the Provisional Judicial Manager be fixed by the Master of the High Court;

- (d) all actions and the execution of all writs, summonses and other processes against the company -
 - (i) be stayed;
 - (ii) shall not be issued nor proceeded with or without the leave of this Court being had and obtained;
- (e) without derogating from and any general powers vested by Law in the Provisional Judicial Manager who is appointed by the Master of the High Court, he shall -
 - (i) have all the powers previously vested in the Board of Directors of the Company including enforcing agreements;
 - (ii) have the power to borrow, on behalf of the Company, such money from time to time as the said Provisional Judicial Manager in his discretion considers necessary for the carrying on or the protection of the Company's business and the assets thereof;
 - (iii) be entitled to furnish such security as he in his discretion deems fit, for any borrowing in terms of (ii), over all or any part of the assets (and as he in his discretion deems fit) from time to time of the Company and, without derogating from the generality thereof, by the execution and registration of such notarial and other bonds as he in his discretion deems fit;
 - (iv) without derogating from any general powers vested by Law in the said Provisional Judicial Manager and the specific powers referred to in (ii) and (iii), have the power -
 - A. to incur credit on behalf of the Company and as he in his discretion deems fit, for the carrying on of the Company's business or the protection of the assets thereof;
 - B. for that purpose to pledge such assets of the Company from time to time for any acts or services rendered to the Company and whereby the claims of the creditors in question which arise after the granting of this Order rank preferent to the claims of unsecured creditors at the time of the granting of this Order and subject to any prior rights of Creditors in terms of (iii) shall be paid in full out of the first moneys received by the Company from time to time after the granting of this Order.
 - C. To take all steps necessary and in terms of the applicable law to set aside and recover dispositions of the property of the company made prior to this order by or on behalf of the company, including the anticipation and opposition of the provisional attachment of monies paid to the company.

4. That a Rule Nisi do hereby issue, calling upon all persons to appear and to show cause, if any, in this Court on 11 February 1994 at 10:00;

(a) why the provisional order of judicial management set out in paragraph 2 should not be made final and the Company be placed under judicial management in terms of Section 432 of the Companies Act, 1973 and why the Court should not grant that order with the following directions:

(i) the Company shall be under the management, subject to the supervision of the Court, of the Judicial Manager who is appointed by the Master of the High Court;

(ii) the said Judicial Manager shall upon appointment perform the duties set out in Section 433 of the Companies Act, 1973 in consultation with the participating creditors;

(iii) that all actions and the execution of all writs, summonses and other processes against the Company -

A. be stayed; and

B. not be issued nor proceeded with, without the leave of this Court first being obtained by the creditors concerned,

(iv) without derogating from any general powers vested by Law in the Judicial Manager who is appointed, he shall -

A. have all the powers presently vested in the Board of Directors of the Company including the enforcement of agreements;

B. have the power to borrow, on behalf of the Company, such moneys from time to time as he in his discretion considers necessary for the carrying on or the protection of the Company's business and the assets thereof;

C. be entitled to furnish such security as he in his discretion deems fit, for any borrowing in terms of (ii), over all or any part of the assets from time to time of the Company as he in his discretion deems fit and without derogating from the generality thereof by the execution and registration of such notarial and other bonds as he in his discretion deems fit;

D. without derogating from any general powers vested by Law in the said Judicial Manager and the specific powers referred to in B and C, have the power -

(1) to incur credit on behalf of the Company as he in his discretion deems fit, for the carrying on of the Company's business or the protection of the assets thereof;

(2) for the purpose to pledge such assets of the Company from time to time for any acts or services rendered to the Company and whereby the claims of the creditors in question which arise after the granting of clause 3 of this Order rank preferent to the claims of unsecured creditors at the time of the granting of this Order, and subject to any prior rights of creditors in terms of (C), shall be paid in full out of the first moneys received by the Company from time to time after the granting of this Order.

E. have the power to convene in terms of Section 435 of the Companies Act 1973 a meeting of the Creditors of the company for the purpose of considering and, if deemed fit, passing the Resolution referred to in the said section.

(v) that generally the Judicial Manager shall have the power to exercise all such powers under the provisions of the Companies Act, 1973, as he may find it necessary to use in order to conduct the business of the Company with a view to the just and expedient payment of the debts of the Company in accordance with the provisions of Companies Act 1973;

(vi) that the remuneration of the Judicial Manager shall be fixed by the Master of the High Court.

(b) why the costs of this application should not be costs of the Judicial Management.

5. That service of this Order be effected -

(a) on the Company at its registered office,

(b) by one publication in the "Windhoek Advertiser" newspaper and in the Government Gazette and on each creditor with a claim over N\$200,00.

BY ORDER OF THE COURT

REGISTRAR
(P.F. KOEP & CO.)

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **NANGOLO ITA**, residing at Ondonga near Ondangwa and presently unemployed, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **ELASTUS** for the reason that **ITA** is my father's forename.

I previously bore the names **NANGOLO ITA**.

I intend also applying for authority to change the surname of my wife **GALIMA KANIME** and 9 children to **ELASTUS**.

Any person who objects to our assumption of the said surname of **ELASTUS** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Ondangwa.

(Sgd.) N. ITA
Dated: 3 December 1993

1244

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **PETRUS SEVELUS**, residing at Room 14, Oniimwandi Base, Oshakati, and employed as a Police Officer at Oshakati, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **THEOFELUS** for the reason that **SEVELUS** is not my surname.

I previously bore the names **PETRUS SEVELUS**.

Any person who objects to my assumption of the said surname of **THEOFELUS** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Oshakati.

(Sgd.) P. SEVELUS
P.O. Box 271
Oshakati
Dated: 6 December 1993

1245

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **MATEUS NGAULIKO**, residing at No. 8 Tamariskia Street, Swakopmund and employed as a Driver at the State Hospital at Walvis Bay, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **MWATELULO** for the reason that **NGAULIKO** is a nick-name.

I previously bore the names **MATEUS NGAULIKO**.

I intend also applying for authority to change the surname of my wife **TERESIA KASHINDA** and minor children **TEKLA NDAPANDOMWENE MWATELELO**, **TEOFILUS NDILIPOMWENE**, **TOBIAS NDASHILLA** to **MWATELULO**.

Any person who objects to our assumption of the said surname of **MWATELULO** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Swakopmund.

(Sgd.) M. NGAULIKO
P.O. Box 3
Swakopmund
Dated: 6 December 1993

1246

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **GABRIEL DAVID**, residing at Otjiwarongo Military Base, and employed as a Soldier by the Ministry of Defence, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **AMUTENYA** for the reason that **DAVID** is not my real surname, it is my first name.

I previously bore the names **GABRIEL DAVID**.

Any person who objects to my assumption of the said surname of **AMUTENYA** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Windhoek.

(Sgd.) G. DAVID
Dated: 7 December 1993

1247

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **THOMAS ERASMUS**, residing at Erf No. 7191, Shandumbala, Katutura, and presently a Student, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **ALUGODHI** for the reason that **ERASMUS** is my father's name.

I previously bore the names **THOMAS ERASMUS**.

Any person who objects to my assumption of the said surname of **ALUGODHI** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Windhoek.

(Sgd.) T. ERASMUS
Dated: 7 December 1993

1249

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **HILENI TEODOR**, residing at Omupndi Village, Eenhana, Ondangwa, and presently a Student at the Oshaango Combined School, Ondangwa, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **AMUNYELA** for the reason that **TEODOR** is my father's surname.

I previously bore the names **HILENI TEODOR**.

Any person who objects to my assumption of the said surname of **AMUNYELA** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Ondangwa.

(Sgd.) H. TEODOR
P.O. Box 490
Ondangwa
Dated: 6 December 1993

1248

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **MARTHIN JESAJA**, residing at Erf No. 663, Katutura, and presently unemployed, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **AMWELE** for the reason that **JESAJA** is not my real surname.

I previously bore the names **MARTHIN JESAJA**.

Any person who objects to my assumption of the said surname of **AMWELE** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Windhoek.

(Sgd.) M. JESAJA
Dated: 7 December 1993

1250

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **ABED ANDREAS**, residing at Okapya Kambidhi - Uukwambi, and presently unemployed, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **NAMBINGA** for the reason that **ANDREAS** is my father's name.

I previously bore the names **ABED ANDREAS**.

Any person who objects to my assumption of the said surname of **NAMBINGA** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Windhoek.

(Sgd.) A. ANDREAS
P.O. Box 1152
Oshakati
Dated: 7 December 1993

1251

THE ALIENS ACT, 1937
NOTICE OF INTENTION OF
CHANGE OF SURNAME

I, **LINEA WILHERM**, residing at Oniiwe - Onayena, and presently unemployed, intend applying to the Minister of Home Affairs for authority under section 9 of the Aliens Act, 1937, to assume the surname **SHIKONGO** for the reason that **WILHERM** is my father's name.

I previously bore the names **LINEA WILHERM**.

Any person who objects to our assumption of the said surname of **SHIKONGO** should as soon as may be lodge his/her objection, in writing, with a statement of his/her reasons therefor, with the Magistrate of Windhoek.

(Sgd.) L. WILHERM
P.O. Box 586
Ondangwa
Dated: 8 December 1993

1252