

AFFIDAVIT FOR THE PROOF OF CLAIM

PRE-COMMENCEMENT OF RECONSTRUCTION PROCEEDINGS CREDITOR CLAIM AGAINST
 TROJAN NICKEL MINE LIMITED AND BINDURA NICKEL CORPORATION LIMITED
 (Each “a Company” and together “the Companies”)

SECTION A: CLAIMANT DETAILS (THE PERSON OR ENTITY TO BE PAID FOR THIS CLAIM)		
Name of Creditor		
Representative of Creditor (if applicable)		
Contact Details of Creditor (email address and phone number)		
Company Registration Number / Mine Number (for current and former employees)		
Claim amount as of 2 May 2024 (i.e., the commencement date of Reconstruction)		
Cause(s) of Indebtedness		
Secured Creditor (Please circle the applicable)	YES	NO

SECTION B: CONFIRMATION OF CLAIMANT’S BANK DETAILS			
Bank Name		Branch Code	
Account Number		Type of Account	
Name of Account Holder			

SECTION C: LIST OF DOCUMENTS ANNEXED TO SUPPORT YOUR CLAIM	
Insert List of Documents to Support Your Claim against the Company (e.g., invoice/statement)	
Security held for the Claim (if applicable)	

I DECLARE UNDER OATH THAT:

1. I am the creditor/duly appointed representative of the above-named creditor.
2. The above-named Company (under Reconstruction) was, at the date of commencement of the Reconstruction (as defined in Section 4 of the Reconstruction of State-Indebted Insolvent Companies Act [Chapter 24:27]), and still is justly and truly indebted to the above-named creditor for the aforesaid amount in respect of the aforementioned services/goods provided to the Company (under Reconstruction).
3. No other person besides the aforesaid Company (under Reconstruction) is liable otherwise than as surety or co-principal debtor for the said debt or any part thereof.
4. The above-named creditor claims a right of preference for the secured amount by virtue of the security held by the above-named creditor as at the date the Company went into Reconstruction.
5. I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.
6. I declare under penalty of perjury that the foregoing is true and correct.
7. I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

Sworn at this day of 20.....

Before me
 Commissioner of Oaths/Notary Public

.....
 Deponent

SECTION D: INSTRUCTIONS FOR SUBMITTING A PRE-COMMENCEMENT OF RECONSTRUCTION PROCEEDINGS CLAIM

1. A pre-commencement claim is any claim that you and/or your company have against the Companies as of **2 May 2024**, including any claims that form the subject matter of legal proceedings for the recovery of money.
2. Any claim that you and/or your company believe you have against the Companies as of **2 May 2024**, must be submitted to the Administrator(s) for assessment, as follows:
 - 2.1. Ensure that all invoices and statements related to your company's pre-commencement claim have been submitted using the Company's existing processes (refer to item 5 below).
 - 2.2. Please also submit your claim by completing this Claim Form, which is also available to download from the Company's website (<https://binduranickel.co.zw/news-notice>), under the 'Notices' tab, and emailing the completed Claim Form, together with a reconciliation statement of account and other supporting documentation, via email to creditorsclaimforms@bnc.co.zw. Alternatively, hard copies of the completed Claim Form (and supporting documents) can be submitted to the Company's main office located at Number 1, Trojan Mine Road, Bindura, Zimbabwe.
3. These claims will be assessed by the Administrator(s) and either accepted or rejected, and the Administrator's decision in this regard will be communicated to you and/or your company.
4. If your claim is accepted (in part or in whole), the details about how and when such payment will be made will be set out in a reconstruction plan. This plan will be published in time, for the consideration of Affected Persons, who will have an opportunity to cast a vote on such a plan.
5. SUPPORTING DOCUMENTS TO BE ATTACHED TO THE CLAIM FORM

Goods/services supplied on open account: A detailed statement supporting the claimed amount on the affidavit, together with the original invoices or certified copies of invoices, must be attached to the claim, showing brief description of the "goods sold and delivered" or "services rendered" or "money lent" or "arrear rent" etc. This statement and invoices should be for the full period of trading or for a period of 12 months immediately prior to the Reconstruction order (i.e., 2 May 2024), whichever is sufficient to support the outstanding amount that accrued prior to the Reconstruction order. Attach proof of delivery (for local suppliers) and the Bill(s) of Entry (for imported goods). Also, provide a contract/agreement/engagement letter with clear terms and conditions of the supply of goods/services.

Payroll: Provide a copy of the contract of employment (including amendments); and any other supporting documentation to support or prove the amount claimed. Pension amounts, if managed by a third party, will be claimed by the third party.

Interest: Must be calculated to the date of the Reconstruction order. The rate of interest and periods must be shown. (No interest is claimable on open accounts unless an agreement by the debtors to pay such interest is attached).

Mortgage bonds and HP agreements: Attach original documents and detailed statements.

Rent: Attach original lease and detailed statement of rent due up to date of the Reconstruction order showing rentals and periods.

Surety: Attach surety agreements; any other original documents; and detailed statement of claim(s) against principal debtor.

Security over amount claimed or part thereof: Attach copies of documents that show evidence of perfection of security (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded).

NOTE:

- a. Please provide full details of the claim – the manner in which it arose and documentation relating to any security (if applicable) must be detailed in this form. Please annex all documents and details of the claim if the provided space is not sufficient for full details of the claim.
- b. If the creditor is a juristic person, a power of attorney or board resolution must accompany this claim form to confirm that the person who submits and signs this claim form is authorised to act on behalf of that juristic person, to sign any and all documents on behalf of the juristic person and to attend and vote (if necessary) at any meetings convened in all matters relating to these reconstruction proceedings (see Annexure 2 below).
- c. Please submit the completed form and all supporting documentation, via email, to: creditorsclaimforms@bnc.co.zw, for the attention of the Administrators.

PROXY APPOINTMENT

I, the undersigned.....

In my capacity as of the claimant creditor do hereby nominate, constitute and appoint; with power of substitution (name of proxy):

- 1.
[Full name] [Email address] [Contact number]
- 2.
[Full name] [Email address] [Contact number]
- 3.
[Full name] [Email address] [Contact number]
- 4.
[Full name] [Email address] [Contact number]

on the said creditor’s behalf to:

- 1. prove the said creditor’s claim;
- 2. exercise on such said creditor’s behalf all voting and other powers in respect of such claim, particularly in respect of any offer of composition and/or submission to arbitration of any dispute, and/or the composition or admission of any claim against the administration of the estate/company and generally;
- 3. act on the said creditor’s behalf at all meetings of the Company (under Reconstruction) in all matters and things in which the said creditor’s interests are concerned, hereby promising to ratify and confirm whatsoever the said agent may do or perform by virtue of these presents; and
- 4. vote in respect of any Scheme of Reconstruction formulated by or on behalf of the Company (under Reconstruction).

SIGNATURE: _____

NAME OF SIGNATORY: _____

CAPACITY OF SIGNATORY: _____

DATE: _____

Sworn at this day of 20.....

Before me

Commissioner of Oaths/Notary Public

CERTIFIED EXTRACT FROM THE MINUTES OF A MEETING OF DIRECTORS

HELD ATON THE..... DAY OF20.....

It was resolved by the directors of..... (Name of creditor company),

That, a director/secretary/accountant/official of the company be and is hereby authorized and empowered:

a. To take part in Reconstruction proceedings on behalf of the company and to sign all the necessary documents to enable the company to prove its claim against
(The Company under Reconstruction)

b. To attend meetings of creditors of the said estate /company, and to speak and vote on behalf of the company, with power, in his discretion to substitute and appoint any other person or persons to attend such meetings on the company's behalf and to vote thereat.

CERTIFIED A TRUE COPY: _____
Authorized official