

5 November 2024

By electronic lodgement

The Manager
Market Announcements Office
ASX Limited
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Sydney NSW 2000

Partner: Harry Kingsley
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Our ref: 7392777.00031

Dear ASX

Notice of compulsory acquisition of shares in East 33 Limited

We act for Yumbah Aquaculture Limited (ACN 082 219 636) (**Yumbah**) and refer to its off-market takeover bid to acquire all the shares of East 33 Limited (**E33**) (ASX: E33) (**E33 Shares**) that Yumbah does not currently own (**Offer**).

As at the date of this letter, Yumbah has a relevant interest in at least 90% of the E33 Shares and at least 75% of the E33 Shares that Yumbah offered to acquire under the Offer.

In accordance with Part 6A.1 of the Corporations Act 2001 (Cth) (**Corporations Act**), Yumbah is exercising its right to commence the process of compulsorily acquiring the remaining E33 Shares in which it does not already have a relevant interest.

In accordance with section 661B(1)(d) of the Corporations Act, we enclose:

- (a) a letter to the remaining holders of E33 Shares; and
- (b) an ASIC Form 6021: Notice of Compulsory Acquisition Following Takeover Bid,

(together, the **Documents**)

The Documents were lodged with the Australian Securities and Investments Commission and sent to E33 today, and will be dispatched to the remaining E33 shareholders in accordance with section 661B(1)(c) and 661B(2) of the Corporations Act.

Yours faithfully



Harry Kingsley
Partner
K&L Gates

encl.



5 November 2024

Dear E33 Shareholder

Compulsory acquisition of your shares in East 33 Limited ACN 636 173 281 (E33)

As you may be aware, Yumbah Aquaculture Ltd (**Yumbah**) announced an off-market takeover offer (**Takeover Bid**) for all the ordinary shares in East 33 Limited ACN 636 173 281 (**E33**) (ASX:E33) (**E33 Shares**). The Takeover Bid closed at 5.00PM (Sydney time) on 31 October 2024.

On 31 October 2024, Yumbah announced that it had acquired a relevant interest in more than 90% of E33 shares. Yumbah will now exercise its right to acquire all the remaining E33 Shares under Part 6A.1 of the *Corporations Act 2001* (Cth).

Please find enclosed a notice of compulsory acquisition following the Takeover Bid in respect of the remaining E33 Shares, dated 5 November 2024.

Under the compulsory acquisition procedure, you will be entitled to receive \$0.022 for each E33 Share you hold.

Completion of the compulsory acquisition of your E33 Shares is likely to occur approximately 4-6 weeks after the date of this letter (or later in some circumstances). E33 will then send you a letter seeking your instructions on how to deal with the consideration payable to you for your E33 Shares.

Signed for and on behalf of Yumbah Aquaculture Ltd by:

A handwritten signature in blue ink, appearing to read "Jonathan Lillie", with a horizontal line underneath.

Jonathan Lillie
Director, Yumbah Aquaculture Ltd

Notice of compulsory acquisition following takeover bid

Notice	To each holder of:
Description of class of securities to which the bid relates.	<div>Ordinary Fully Paid Shares</div> <div>('Bid class Securities')</div>
Name of target company	<div>In</div> <div>Name ('the Company')</div> <div>EAST 33 LIMITED</div> <div>ACN/ARBN/ARSN</div> <div>636173281</div>
Tick applicable box(es)	<div><input checked="" type="checkbox"/> and each holder of securities that will or may be converted into, or confer rights to be issued, in the next 6 weeks, securities to which the bid related</div> <div><input type="checkbox"/> and each holder of non-transferable securities issued under an employee incentive scheme referred to in paragraph 2.</div>
Name of bidder	<div>1. Under a takeover bid offers were made by</div> <div>Yumbah Aquaculture Ltd</div> <div>in respect of the acquisition of Bid Class Securities in the company.</div>
Tick one box	<div>The offers</div> <div><input checked="" type="checkbox"/> closed</div> <div><input type="checkbox"/> Are scheduled to close</div>
Date offers closed or are scheduled to close on	<div>Date</div> <div>31/10/2024</div> <div>[DD/MM/YY]</div>
Tick applicable box(es). (See subsection 661A(4) and 4A))	<div>2. You are, as at the date of this notice, the holder of one or more of the following</div> <div><input checked="" type="checkbox"/> securities in respect of which the takeover offer was made but have not accepted the offer, (If you have accepted the offer but have received this notice you do not need to do anything in response to this notice— the bidder will acquire your securities under the offer,)</div> <div><input type="checkbox"/> securities to which the bid related issued after the end of the offer period and before the date of this notice</div> <div><input type="checkbox"/> securities that will or may be convened into, or confer rights to be issued, in the next 6 weeks, securities to which the bid related</div> <div><input type="checkbox"/> securities issued under an employee incentive scheme to which restrictions on transfer apply under the company's constitution or the terms of issue, being</div> <div>Description of securities</div> <div><input type="checkbox"/> The following securities in the bid class in which the bidder has a relevant interest</div> <div>Description of securities</div>
Tick one box	<div>3. The bidder gives you notice under subsection 661B(1) of the Corporations Act 2001 ('the Act') that the bidder has become entitled pursuant to subsection 661 A(1)</div> <div><input checked="" type="checkbox"/> 661 A(1)</div> <div><input type="checkbox"/> 661 A(3) of the Act to compulsorily acquire your securities and desires to acquire those securities.</div>

4.

Under section 661D of the Act, you have the right, by notice in writing given to the bidder within one month after this notice is lodged with ASIC, to ask the bidder for a written statement of the names and addresses of everyone else the bidder has given this notice to.

Date of lodgement

This notice was lodged with ASIC on
Date

05/11/2024

[DD/MM/YY]

Insert paragraph 4A only where alternative forms of consideration were offered under the bid.

4A.

You are entitled, within one month after being given this notice (see paragraph 8), or within 14 days after being given a statement requested under section 661D of the Act (as referred to in paragraph 4 of this notice), whichever is the later, by notice in writing to the bidder, to elect which of the following forms of consideration will apply to the acquisition of your securities:

Details of alternative terms.

If you do not elect which of the alternative forms of consideration will apply to the acquisition of your securities, the form of consideration that will apply will be:

Set out the terms that will apply

5.

Under section 661E of the Act, you have the right, within one month after being given this notice (see paragraph 8) or within 14 days after being given a statement requested under section 661D of the Act (as referred to in paragraph 4 of this notice), whichever is later, to apply to the Court for an order that the securities not be compulsorily acquired.

6.

The bidder is entitled and bound to acquire the securities on the terms that applied under the takeover bid immediately before

Tick one box

☐

this notice was given.

☒

the end of the offer period.

7.

Unless the Court otherwise orders, on application made by you under section 661E of the Act within one month after being given this notice (see paragraph 8) or within 14 days after being given a statement under section 661D (as referred to in paragraph 4 of this notice), whichever is the later, the bidder must comply with paragraph 6 of this notice.

8.

A notice sent by post to you is taken to be given to you 3 days after it is posted.

Signature

Name of person signing

Richard Davey

Capacity

On behalf of the Regulated Entity named in this document as a secretary of that entity

Signature

Richard Davey

Date signed

05-Nov-2024 08:39

Privacy

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information and to complain about breaches of your privacy,

ASIC Form 6021

5 November 2024

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For more information
Web www.asic.gov.au
Need help? www.asic.gov.au/question

Telephone 1300 300 630