



14 September 2022

ASX ANNOUNCEMENT

Confirmation of Withdrawal of 249F Notice

Further to the Company's announcement of 9 September 2022, the Company has been informed that Vitrinite Holdings Pty Ltd (**Vitrinite**) and Arbiter Capital Partners Management LLC (**Arbiter**) have withdrawn the 249F Notice of Meeting dated 26 August 2022 (**Original Notice**) and will NOT convene the 28 September 2022 EGM.

The Company has been informed that Vitrinite, Vitrinite Pty Ltd and Vitrinite Holdings LLC intend to convene a section 249F meeting (**249F Meeting**). Arbiter is no longer a party seeking to convene the 249F Meeting.

For the purpose of transparency:

- the parties now seeking to convene the 249F Meeting collectively hold ~6.71% of the total share capital issued by the Company;
- Paul Ryan Welker and Nicholas Williams are directors of Vitrinite Pty Ltd and Vitrinite Holdings Pty Ltd;
- Mr Welker was terminated as Managing Director of the Company on 5 July 2022; and
- Mr Williams was terminated as a Director of Ten Sixty Four Queensland Limited, a subsidiary of the Company, on 15 July 2022.

The Company will announce the material particulars of the 249F Meeting when the foreshadowed notice is issued. The Company recommends taking no action at this stage until further announcement.

Clarification of Company concerns with Original Notice

The Company informed Vitrinite and Arbiter that the Original Notice was invalid for reasons including that Vitrinite and Arbiter failed to meet the requisite 5% voting threshold in section 249F as required under the Corporations Act.

Vitrinite was the registered holder of only ~3.18% of shares in the Company and Arbiter was not a registered member of the Company. Where Vitrinite and Arbiter failed to meet this threshold requirement, they did not have the required legal

TEN SIXTY FOUR®

TEN SIXTY FOUR LIMITED
ABN: 60 099 377 849

📍 PO Box 122, South Perth WA 6151

📍 Suite A, Level 1, 1 Preston St, Como WA 6152

📍 Suite 28.03, Level 28, 88 Phillip St, Sydney NSW 2000

☎ +61 8 9474 1330

✉ investor@x64.gold

🌐 www.x64.gold

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standing to convene a meeting of the Company. To be clear, Arbiter is no longer seeking to convene the 249F Meeting.

Compliance with the requirements of section 249F is essential to ensure the validity of any proposed general meeting of the Company and its results. After this error was brought to Vitrinite and Arbiter's attention, the Original Notice was voluntarily withdrawn.

This announcement has been authorised for release by the Board of Ten Sixty Four Limited

For further information please contact:

INVESTORS:

Jennifer Nguyen
Investor Relations
+61 8 9474 1330
investor@x64.gold

MEDIA:

Michael Vaughan
Fivemark Partners
+61 422 602 720
michael.vaughan@fivemark.com.au