

# THE MARYBOROUGH SUGAR FACTORY LIMITED

ABN 11 009 658 708

## NOTICE OF VARIATION

- TO:** Tully Sugar Limited ABN 92 011 030 256 (“**Tully**”)
- AND TO:** Each person to whom an offer was made (“**Offer**”) pursuant to the Bidder’s Statement dated 21 October 2009, as supplemented (“**Bidder’s Statement**”) by The Maryborough Sugar Factory Limited ABN 11 009 658 708 (“**MSF**”)
- AND TO:** ASX Limited

### Introduction

Unless the context requires otherwise, defined terms in the Bidder’s Statement have the same meaning in this notice. A copy of this notice was lodged with the Australian Securities and Investment Commission (“**ASIC**”) on 5 March 2010. ASIC takes no responsibility for the contents of this notice.

### Variation to consideration for the Offer

MSF gives notice under section 650D of the Corporations Act 2001 (Cwlth) (“**Corporations Act**”) that it varies the Offer by offering an additional alternative form of consideration for Tully Shares, namely \$6.75 in cash plus 10 MSF Shares for each Tully Share.

Tully Shareholders who have already accepted the Offer are entitled to make a fresh election as to the form of consideration to be taken.

### Variation extending Offer Period

MSF gives notice under section 650D of the Corporations Act that it varies the Offer by extending the Offer Period (as described in the Bidder’s Statement and as extended by notices dated 10 December 2009 and 18 February 2010) so as to change the close of the Offer Period from 5.00pm AEST on 9 April 2010, to 5.00pm AEST on 30 April 2010 (unless further extended or withdrawn).

The new date for giving notice under section 630 of the Corporations Act of the status of the conditions set out in Appendix 2 of the Bidder’s Statement is 22 April 2010, being a date not less than 7 days before the end of the Offer Period (as varied by this notice).

Dated: 5 March 2010

**Signed** by James Jackson and Sue Palmer on behalf of The Maryborough Sugar Factory Limited, who are authorised to sign this notice pursuant to a resolution passed by the directors of The Maryborough Sugar Factory Limited on 4 March 2010.



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**James Jackson**  
Director



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**Sue Palmer**  
Director