

CORPORATE AND COMMERCIAL LAWYERS

Level 13, 50 Carrington Street, Sydney NSW 2000
Phone (02) 9262 6666 • Facsimile (02) 9262 2626
Email mail@wmlaw.com.au • Web www.wmlaw.com.au



Our Ref: PAV 208 8863 DSY

6 October 2009

BY FACSIMILE

Company Announcements Office
ASX Ltd
SYDNEY NSW 2000

Fax No.: 1300 135 638

No. of Pages: 3

Dear Sirs

Notice of ceasing to be a substantial holder

We act for Excel Creator Investment Limited.

I attach a form 605 notice of ceasing to be a substantial holder dated 6 October 2009.

Yours faithfully

Peter Velez
Director
pvelez@wmlaw.com.au

Form 605

Corporations Act 2001

Section 671B

Notice of ceasing to be a substantial holderTo: Company Name/Scheme: **NICK SCALI LIMITED**

ACN/ARSN: 000 403 898

1. Details of substantial holder⁽¹⁾

Name	ACN / ARSN (if applicable)
Excel Creator Investment Limited, Excelsior Capital Asia Partners III, L.P., Excelsior Capital Asia GP III LP, Excelsior Capital Asia GP III Ltd, Gary Martin Lawrence, Bordin Uathavikul and Michael James Kent (Excelsior Capital Asia)	N/A
The holder ceased to be a substantial holder on:	1 October 2009
The previous notice was given to the company on:	4 March 2009
The previous notice was dated:	4 March 2009

2. Changes in relevant interests

Particulars of each change in, or change in the nature of, a relevant interest⁽²⁾ of the substantial holder or an associate⁽³⁾ in voting securities of the company or scheme, since the substantial holder was last required to give a substantial holding notice to the company or scheme are as follows:

Date of change	Person whose relevant interest changed	Nature of change ⁽⁴⁾	Consideration given in relation to change ⁽⁵⁾	Class ⁽⁶⁾ and number of securities affected	Person's votes affected
1/10/2009	Excelsior Capital Asia	On-market sale of securities	\$1.15 per share	10,524,681 fully paid ordinary shares	Voting power decreased to 0%

3. Changes in association

The persons who have become associates⁽³⁾ of, ceased to be associates of, or have changed the nature of their association⁽⁷⁾ with, the substantial holder in relation to voting interests in the company or scheme as follows:

Name and ACN/ ARSN (if applicable)	Nature of association
N/A	

4. Addresses

The addresses of persons named in this form are as follows:

Name	Address
Excelsior Capital Asia	Units 1208-1209, Level 12, Core F, Cyberport 3, 100 Cyberport Road, Cyberport 070, Hong Kong

Signature

print name **Thomas R. Frick**capacity **Authorised Officer**

sign here

Date **6 October 2009**

DIRECTIONS

- (1) If there are a number of substantial holders with similar or related relevant interests (eg a corporation and its related corporations, or the manager and trustee of an equity trust), the names could be included in an annexure to the form. If the relevant interests of a group of persons are essentially similar, they may be referred to throughout the form as a specifically named group if the membership of each group, with the names and addresses of members is clearly set out in paragraph 4 of the form.
- (2) See the definition of "relevant interest" in sections 608 and 671B (7) of the Corporations Act 2001.
- (3) See the definition of "associate" in section 9 of the Corporations Act 2001.
- (4) Include details of:
 - (a) any relevant agreement or other circumstances by which the relevant interest was acquired. If subsection 671B(4) applies, a copy of any document setting out the terms of any relevant agreement, and a statement by the person giving full and accurate details of any contract, scheme or arrangements, must accompany this form, together with a written statement certifying this contract, scheme or arrangement; and
 - (b) any qualification of the power of a person to exercise, control the exercise of, or influence the exercise of, the voting powers or disposal of the securities to which the relevant interest relates (indicating clearly the particular securities to which the qualification applies).See the definition of "relevant agreement" in section 9 of the Corporations Act 2001.
- (5) Details of the consideration must include any and all benefits, money and other, that any person from whom a relevant interest was acquired has, or may, become entitled to receive in relation to that acquisition. Details must be included even if the benefit is conditional on the happening or not of a contingency. Details must be included of any benefit paid on behalf of the substantial holder or its associate in relation to the acquisitions, even if they are not paid directly to the person from whom the relevant interest was acquired.
- (6) The voting shares of a company constitute one class unless divided into separate classes.
- (7) Give details, if appropriate, of the present association and any change in that association since the last substantial holding notice.