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ACCESSITY CORP
Form DEFA14A
February 07, 2005

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SCHEDULE 14A
(Rule 14a-101)

INFORMATION REQUIRED IN PROXY STATEMENT
SCHEDULE 14A INFORMATION

PROXY STATEMENT PURSUANT TO SECTION 14(a) OF THE SECURITIES
EXCHANGE ACT OF 1934 (AMENDMENT NO. 4)

Filed by the Registrant [X]
Filed by a Party other than the Registrant []

Check the appropriate box:

- Preliminary Proxy Statement
- Confidential, for Use of the Commission Only (as permitted by Rule 14a-6(e)(2))
- Definitive Proxy Statement
- Definitive Additional Materials
- Soliciting Material Pursuant to Section 240.14a-12

ACCESSITY CORP.

(Name of Registrant as Specified In Its Charter)

(Name of Person(s) Filing Proxy Statement if other than the Registrant)

Payment of Filing Fee (Check the appropriate box):

- No fee required
- Fee computed on table below per Exchange Act Rules 14a-6(i)(4) and 0-11.

1. Title of each class of securities to which transaction applies:

2. Aggregate number of securities to which transaction applies:

3. Per unit price or other underlying value of transaction computed pursuant to Exchange Act Rule 0-11 (set forth the amount on which the filing fee is calculated and state how it was determined)

4. Proposed maximum aggregate value of transaction:

5. Total fee paid:

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Fee paid previously with preliminary materials.

Check box if any part of the fee is offset as provided by Exchange Act Rule 0-11(a)(2) and identify the filing for which the offsetting fee was paid previously. Identify the previous filing by registration statement number, or the Form or Schedule and the date of its filing.

(1) Amount Previously Paid: _____

(2) Form, Schedule or Registration Statement No.: _____

(3) Filing Party: _____

(4) Date Filed: _____

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NEWS RELEASE

FOR IMMEDIATE RELEASE.....

ACCESSITY CONTACT: CHARLES R. HOLCOMB
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ACCESSITY SHAREHOLDERS MEETING ADJOURNED TO FEBRUARY 28, 2005 SHAREHOLDERS SHOULD CONTINUE TO SUBMIT THEIR PROXIES FOR THE COMPANY TO OBTAIN SHAREHOLDERS APPROVAL FOR ALL PROPOSALS RELATED TO THE SHARE EXCHANGE TRANSACTION

Coral Springs, FL, February 3, 2005....ACCESSITY CORP. [NASDAQ SMALLCAP: ACTY] reported today that due to the late mailing of the initial proxy materials and difficulties by shareholders to receive the information necessary to vote their shares, the 2004 Annual Meeting of Shareholders, originally scheduled for December 28, 2004 and adjourned to February 1, 2005, has again been adjourned to February 28, 2005. The meeting will be held at the Coral Springs Marriott Hotel, Golf Club and Convention Center, 11775 Heron Bay Boulevard, Coral Springs, Florida 33076 at 10:00 a.m., local time.

Shareholders who are beneficial holders through their brokers should continue to vote their proxies either through: (i) the Internet at www.proxyvote.com or (ii) by dialing (800) 454-8683. All you need is the Control Number from your proxy materials. All shareholders who are record holders and hold the shares in their own names are requested to mail in their proxy as soon as possible, or may send their signed proxy card via facsimile to (954) 752-6544.

Barry Siegel, Chairman of the Board and Chief Executive Officer stated: "We believe that the transaction between Accessity Corp., Pacific Ethanol, Inc., Kinergy Marketing, LLC and ReEnergy, LLC will greatly improve shareholder value. While we did receive enough votes for a quorum, the total number of shares cast in favor of all the proposals related to the transaction fell short of the required majority of all outstanding and issued shares by less than only 25,000 shares. Accessity management held off on reporting the current voting results until it had received from its transfer agent a complete tally of all votes cast.

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We believe that some shareholders simply did not understand that for our transaction to close, all of the proposals had to be approved," Mr. Siegel said. "Also, we think some shareholders perhaps didn't vote because they found the proxy statement difficult, confusing, too long to read in its entirety or else because they assumed the deal would go through without their votes. Since virtually everyone who did vote wanted the deal to go through, we assume that other shareholders probably would vote the same way if given additional time. We are very close to receiving the requisite approval of all proposals. Therefore, I encourage all shareholders who have not yet voted, to immediately vote their shares."

Safe Harbor Statement under the Private Securities Litigation Reform Act of 1995

THIS NEWS RELEASE INCLUDES FORWARD-LOOKING STATEMENTS WITHIN THE MEANING OF SECTION 27A OF THE SECURITIES ACT OF 1933 AND SECTION 21E OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, REGARDING AMONG OTHER THINGS OUR PLANS, STRATEGIES AND PROSPECTS -- BOTH BUSINESS AND FINANCIAL. ALTHOUGH WE BELIEVE THAT OUR PLANS, INTENTIONS AND EXPECTATIONS REFLECTED IN OR SUGGESTED BY THESE FORWARD-LOOKING STATEMENTS ARE REASONABLE, WE CANNOT ASSURE YOU THAT WE WILL ACHIEVE OR REALIZE THESE PLANS, INTENTIONS OR EXPECTATIONS. FORWARD-LOOKING STATEMENTS ARE INHERENTLY SUBJECT TO RISKS, UNCERTAINTIES AND ASSUMPTIONS. MANY OF THE FORWARD-LOOKING STATEMENTS CONTAINED IN THIS NEWS RELEASE MAY BE IDENTIFIED BY THE USE OF FORWARD-LOOKING WORDS SUCH AS "BELIEVE," "EXPECT," "ANTICIPATE," "SHOULD," "PLANNED," "WILL," "MAY," "INTEND," "ESTIMATED," AND "POTENTIAL," AMONG OTHERS. IMPORTANT FACTORS THAT COULD CAUSE ACTUAL RESULTS TO DIFFER MATERIALLY FROM THE FORWARD-LOOKING STATEMENTS WE MAKE IN THIS NEWS RELEASE INCLUDE MARKET CONDITIONS AND THOSE SET FORTH IN REPORTS OR DOCUMENTS THAT WE FILE FROM TIME TO TIME WITH THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION. ALL FORWARD-LOOKING STATEMENTS ATTRIBUTABLE TO ACCESSITY CORP. OR A PERSON ACTING ON ITS BEHALF ARE EXPRESSLY QUALIFIED IN THEIR ENTIRETY BY THIS CAUTIONARY LANGUAGE.

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