



## Transcript of Proceedings

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Date: 6 July, 2004

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 309 of 2004

IN THE MATTER OF ALBEAM PTY LTD (ACN 058 876 010)  
(in liquidation)

IAN DAVID JESSUP

Applicant

and

ALBEAM PTY LTD (ACN 058 876 010)  
(in liquidation)

Respondent

CAIRNS

..DATE 01/07/2004

JUDGMENT

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: This is an application on the part of Ian David Jessup, liquidator of Albeam Pty Ltd, for the issue of summonses for the examination of four persons who have varying degrees of association with the company.

The application is made pursuant to section 596A of the Corporations Act 2000 (The Act) in respect of Cheryl-Anne Stewart and Julie Lyn Carol Ross, each of whom continue to be the directors of the company.

Each of these persons did purport to resign as directors on the 23rd of December 2003, but the Australian Securities Investment Commission refused to accept those resignations and has corrected the record to such that it discloses those two persons as directors of the company. Thus holding that position a summons will issue against each of those by virtue of their position.

In respect of Howard Desmond Steven Ross and Barry John Sheppard, orders are sought pursuant to section 596B of the Act on the basis that each of these persons have been concerned in the examinable affairs of the corporation, and has been or may have been guilty of misconduct in relation to the corporation.

Mr Howard Ross is the de facto partner of Cheryl-Anne Stewart, director of the company. Mr Ross himself was a director between June and September 1993, and again between 1995 and

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1996. Mr Ross and Ms Stewart lived together at Twin Street in Gladstone.

The liquidator has, in his initial examination of the accounts of the company, determined that it was the owner of a Harley Davidson motorcycle, which has apparently been transferred to Mr Howard Ross without there being any evidence of consideration being paid for that transfer. In respect of Mr Ross, orders of this Court were made on the 28th of May 2004 for the issue of warrants for the seizure of certain property.

Mr Sheppard is the brother of Cheryl-Anne Stewart. As a result of the execution of warrants made by this Court on the 11th of June 2004 certain property of the company, namely a crane and a truck, were seized from the residence of Mr Sheppard at Beecher via Gladstone.

It appears from the material before me that Mr Sheppard has also been involved in actions in relation to the property of the company, and it seems appropriate therefore that summonses for his public examination be issued.

...

HIS HONOUR: I have had the opportunity to peruse the summonses for public examination and propose to be issued upon the granting of this order. I am satisfied that they are in the proper form.

I make orders in terms of the draft initialled by me and  
placed with the papers.

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