

ALL SAINTS' AUSTINMERVARIATION OF TRUSTS AND LAND SALE ORDINANCE 1978No. 48 1978

AN ORDINANCE to vary the trusts in respect of certain moneys and investments held by the churchwardens of All Saints' Church Austinmer in a fund known as "Austinmer All Saints' Church of England New Church Building Fund" and to authorise the sale of certain land at Austinmer in the City of Wollongong and to provide for the application of the proceeds thereof.

WHEREAS:

A. Certain moneys and investments as particularised in the First Schedule hereto as at 31 December 1977 are held by the churchwardens for the time being of All Saints' Church Austinmer in a fund known as "Austinmer All Saints' Church of England New Church Building Fund" (hereinafter called "the Fund").

B. The Fund was originally established on 20 August 1953 and is presently held as to corpus and income for the purposes of constructing a new church building for the purposes of the said Parish.

C. By reasons of circumstances which have arisen since the creation of the trusts upon which the Fund is held it is inexpedient to carry out and observe the same and it is expedient that the trusts accordingly be varied so as to permit the corpus and the income of the Fund as from 1 January 1978 to be used paid or applied for the purposes hereinafter mentioned.

D. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of certain land and buildings situate at Moore Street, Austinmer being the whole of the land in Certificates of Title Volume 1893 Folio 86 and Volume 2603 Folio 39.

E. The land is held upon trust to use or permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or other of such purposes in connection with the Church of England in the Parish of All Saints' Austinmer.

F. It has been determined to seek approval for the subdivision of the land.

G. It is expedient to sell a portion of the land after the subdivision being the land more particularly described in the Second Schedule hereto and to apply the proceeds of sale as hereinafter provided. Now the Standing Committee of the

Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY
ORDAINS DECLARES DIRECTS AND RULES as follows:

30 1. By reason of circumstances which have arisen subsequent to the creation
of the trusts on which the Fund is held it is inexpedient to carry out and
observe the same and it is inexpedient to deal with or apply such Fund or any
part thereof for the same or like purposes and it is expedient that the Fund
be now varied to the extent it is hereinafter varied.

35 2. The corpus and the income of the Fund commencing from 1 January 1978 shall
be used paid or applied firstly in payment of costs incidental to this ordinance
and secondly for or toward the costs of the renovation re-construction repair
and maintenance of All Saints' Church and Parish Hall in the Parish of Austinmer
and the fixtures or facilities of the said church and hall to be paid or applied
in accordance with a resolution of the Parish Council of the said Parish.

40 3. The Corporate Trustee is hereby empowered to seek approval to the subdivision
referred to above in such manner as it shall think fit and to proceed subsequently
with the registration of such plan of subdivision as may be approved.

45 4. By reason of circumstances which have arisen subsequent to the creation of
the trusts upon which the land in the Second Schedule is held it is inexpedient
to carry out and observe the same and it is expedient that the said land be
sold and the proceeds applied as hereinafter provided.

50 5. The proceeds arising from the sale after paying thereout the costs of
and incidental to this ordinance and the costs of and incidental to the
subdivision of the land and the arrears of diocesan assessments shall be paid
to the churchwardens for the time being of All Saints' Church Austinmer and
be applied by them towards the costs of the renovation re-construction repair
and maintenance of the All Saints' Church and Parish Hall in the Parish of
Austinmer and the fixtures or facilities of the said church and hall provided
that any funds not so required shall be applied towards the repayment of the
mortgage debt on the rectory of the said Parish situate at Roxborough Avenue,
55 Thirroul.

6. This ordinance may be cited as the "All Saints' Austinmer Variation of
Trusts and Land Sale Ordinance 1978".



FIRST SCHEDULE

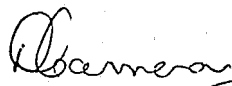
The moneys and investments known as the "Austinmer All Saints' Church of England New Church Building Fund" to which the within ordinance refers are particularised as follows as at 31 December 1977:-

Interest Bearing Deposit Commonwealth Bank Thirroul	\$4,623.75
Investment Account 16603 Illawarra Mutual Building Society	\$7,299.42
Savings Account S197 Commonwealth Bank Thirroul	\$1,548.29

SECOND SCHEDULE

ALL THAT piece or parcel of land situate at Austinmer in the County of Cumberland Parish of Southend and City of Wollongong being Lot 2 on a plan of subdivision prepared by Mr. G.C. Scarratt, Surveyor, and intended to be registered being part of Lots 27, 28, 29 and 30 Section C of Deposited Plan 2111 and part of the land in Certificate of Title Volume 1893 Folio 86 and the whole of the land in Certificate of Title Volume 2603 Folio 39.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.



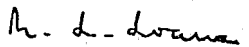
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 11th day of December 1978.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
11/12/78