

VARIATION OF TRUSTS ORDINANCE 1981No. 22 of 1981

AN ORDINANCE to vary trust upon which certain land situate at Farmborough Heights in the City of Wollongong is held and to provide for the application of the proceeds of sale of certain other land situate at Farmborough Heights in the City of Wollongong.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the lands described in the First and Second Schedule hereto AND WHEREAS the said lands are church trust property within the meaning of the Church of England Trust Property Act 1917 (as amended) AND WHEREAS by All Saints Church Figtree Land Sale Ordinance 1980 the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod authorised and empowered the Corporate Trustee to sell the said lands by public auction or private contract and directed that the net proceeds of such sale be applied as to one half to the Sydney Church of England Finance and Loans Board and as to the other one half towards the construction of a new church, church hall, and rectory within the Parish of Figtree and provided for investment pending such application AND WHEREAS by circumstances having arisen subsequent to the creation of the trusts upon which the said lands are held it is inexpedient to carry out and observe the same and it is expedient that the land described in the First Schedule be retained and the trusts thereof be varied and to vary the trusts of the proceeds arising from the sale of the land in the Second Schedule NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands in the First and Second Schedules are held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied.
2. The Corporate Trustee shall henceforth hold the land in the First Schedule upon trust for the Church of England in Australia within the Diocese of Sydney for the sole benefit of the Parish of Figtree.

3. The direction for the application for the proceeds arising from the sale of the lands described in the Schedule to the All Saints Church Figtree Land Sale Ordinance 1980 is hereby varied and Clause 3 of that Ordinance is hereby repealed.

4. The proceeds arising from the sale of the lands described in the Second Schedule after paying thereout the costs of and incidental to All Saints Church Figtree Land Sale Ordinance 1980 and the sale or sales and transfer or transfers pursuant thereto the costs of and incidental to this Ordinance and all outgoings to which the lands described in the Second Schedule hereto are subject shall be applied:

(a) As to one half to be paid to the Sydney Church of England Finance and Loans Board.

(b) As to a further \$13,000.00 to be paid to the Sydney Church of England Finance and Loans Board PROVIDED THAT in the event of the said proceeds being insufficient for the Corporate Trustee to make payment thereof in full the Churchwardens of All Saints Church Figtree shall pay the balance to the said Board.

(c) The remainder to be paid to the Churchwardens of the said Church and applied by them towards the construction of a church, residence for a minister, assistant to the minister or person employed by the churchwardens, hall or halls, school or other place of assembly in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit of the Parish of Figtree or wholly or partly towards one or more of such objects.

PROVIDED that pending such application the amount held shall be invested and the income arising therefrom shall be capitalised.

5. This Ordinance may be cited as "All Saints Figtree Variation of Trusts Ordinance 1981".

First Schedule

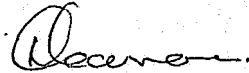
ALL THAT piece or parcel of land situate at Unanderra in the City of Wollongong Parish of Kembla County of Camden being Lot 10 in Deposited Plan 217420 having a frontage to Gerard Avenue, Farmborough

Heights and being the whole of the land in Certificate of Title  
Volume 9503 Folio 14,

Second Schedule

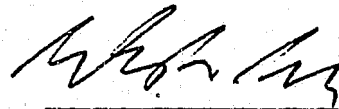
ALL THAT piece or parcel of land situate at Unanderra in the City  
of Wollongong Parish of Kembla County of Camden beings Lots 8 and  
9 in Deposited Plan 217420 having a frontage to Gerard Avenue,  
Farmborough Heights and being the whole of the land in Certificate  
of Title Volume 9503 Folios 12 and 13.

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 27<sup>th</sup> day of July  
1981.



Secretary.

I ASSENT to this Ordinance.

M. L. Downes

Archbishop of Sydney

27/7/1981