
The Home Mission Society (Florence Maud Daly Estate)
Variation of Trusts Ordinance 1955.

No. 19, 1955.

AN ORDINANCE to vary the trusts upon which certain real and personal property forming part of the estate of the late Florence Maud Daly as more particularly described in the Schedule hereto is held to authorise the sale thereof and to provide for the application of the proceeds of sale.

WHEREAS by her Will dated the twenty-eighth day of July 1949 the late Florence Maud Daly bequeathed her property known as No. 40 Bundarra Road Bellevue Hill and all moneys whatsoever to the Church of England to be administered by St. James' Church, King Street, Sydney, to provide a home for women with a small income AND WHEREAS the said property No. 40 Bundarra Road Bellevue Hill is erected upon the land more particularly described in the Schedule hereto AND WHEREAS the said Florence Maud Daly having died on the eighteenth day of February 1952 Letters of Administration with the Will annexed were on the twenty-first day of September 1953 granted by the Supreme Court of New South Wales in its Probate Jurisdiction to Burns Philp Trust Company Limited (hereinafter called the Administrator) the nominee of the next of kin of the said Florence Maud Daly AND WHEREAS by a Decretal Order of the Supreme Court of New South Wales in Equity made by the Chief Judge in Equity on the twelfth day of November 1954 at the suit of the Administrator in suit numbered 839 of 1954 it was declared that the property the subject of the trust declared by the said Will was to be administered by the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) AND WHEREAS the Administrator is about to transfer and deliver to the Corporate Trustee the property comprised in the Schedule hereto all of which property is subject to the trusts declared in the said Will and Decretal Order AND WHEREAS it is expedient to vary the said trusts in manner herein mentioned AND WHEREAS it is expedient to sell the property other than cash comprised in the schedule hereto and to apply the proceeds of sale in or towards the establishment of a home for women with a small income in manner hereinafter appearing Now the Standing Committee of Synod of the Diocese of Sydney in the name and place of the said Synod Ordains and Declares as follows:—

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1. By reason of circumstances subsequent to the creation of the trusts to which the property comprised in the Schedule hereto is now subject it has become inexpedient to carry out or observe such trusts to the extent to which they are varied by this Ordinance.

2. The said property and/or the proceeds of sale of the whole or any part thereof when transferred and delivered to the Corporate Trustee shall be held upon trust for the Home Mission Society to be used and/or applied by the Home Mission Society in or towards establishing and/or in or towards acquiring suitable premises and establishing a Home for women with a small income such home to be called the "J.D. Daly Home" and to be under the control and management of the said Society.

3. By reason of circumstances subsequent to the creation of the said trusts it is expedient to sell all the property both real and personal other than cash comprised in the Schedule hereto.

4. The Corporate Trustee is hereby authorised to sell the property both real and personal other than cash comprised in the Schedule hereto by Public Auction or Private Contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the Corporate Trustee may deem expedient.

5. The moneys to arise from the sale of the said property or any part or parts thereof shall be applied firstly in payment of the costs charges and expenses of and incidental to this Ordinance and of and incidental to any sale or sales of the said property or any part thereof hereby authorised and the balance of such moneys together with the said cash shall be held by the Corporate Trustee for the benefit of the trusts declared in Clause 2 hereof.

6. This Ordinance shall be styled and cited as "The Home Mission Society (Florence Maud Daly Estate) Variation of Trusts Ordinance 1955."

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THE SCHEDULE.

- (a) All that piece or parcel of land situate at Bellevue Hill in the Municipality of Woollahra Parish of Alexandria and County of Cumberland having a frontage to Bundarra Road of 50 feet by a depth of 150 feet being Lot 29 of Section D in Deposited Plan Number 7658 and the whole of the land comprised in Certificate of Title Volume 2842 Folio 133 together with the house and all other improvements erected thereon and known as No. 40 Bundarra Road, Bellevue Hill.
- (b) The furniture and contents in the said property.
- (c) Jewellery.
- (d) Fifty (50) ordinary shares of one pound (£1) each in the capital of Grazcos Co-operative Limited.
- (e) Cash and other assets of the deceased passing to the Church of England Property Trust by virtue of the said Decretal Order.

I certify that the Ordinance as printed is in accordance with the Ordinance as passed.

ARTHUR L. WADE,

Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of August, 1955.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

30/8/1955.