
Provisional Parish of St. Mark Ermington (St. Luke Rydalmere) Declaration of Trust and Land Sale Ordinance 1967

No. 3, 1967.

AN ORDINANCE to declare and vary the trusts and to authorise the sale of certain land situate at 690 Victoria Road Ermington and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of the land comprised in Certificate of Title Volume 9115 Folio 17 and more particularly described in the First Part of the Schedule hereto AND WHEREAS the said land is Church Trust Property held for the benefit of the Provisional Parish of St. Mark Ermington and St. Luke Rydalmere but no trusts in writing have been declared concerning the same AND WHEREAS the said land has now been subdivided into two lots, Lot 1 thereof being more particularly described in the Second Part of the Schedule hereto AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that part of the said land as described in the Second Part of the Schedule hereto be sold and the proceeds thereof applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Part of the Schedule hereto is held, it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that the said land be sold.

2. The Corporate Trustee is hereby empowered to sell the said land described in the Second Part of the Schedule hereto by public auction or private contract at such time or times and at such price and upon such terms and conditions as the Parish Council of the said Provisional Parish and the Corporate Trustee may determine freed from any trusts whatsoever.

3. The proceeds arising from the sale of the said land after paying thereout the costs of and incidental to this Ordinance and of the sale or sales and transfers in pursuance thereof and all outgoings to which the said land may be subject shall be paid to the

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Churchwardens of the said Provisional Parish to be applied towards the erection of a new rectory upon land adjoining the Church of St. Mark at Ermington or in repayment of any money temporarily borrowed for the erection thereof which is the land comprised in Deed of Conveyance dated 18th July, 1881 Registered Number 979 Book 230 and Deed of Conveyance dated 20th September, 1881 Registered Number 980 Book 230.

4. Subject as aforesaid the land described in the first part of the Schedule hereto but excluding thereout the land contained in the Second Part of the said Schedule shall be held by the Corporate Trustee upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Provisional Parish of St. Mark Ermington and St. Luke Rydalmere or any Parish into which such Provisional Parish shall be formed.

5. This Ordinance may be cited as "Provisional Parish of St. Mark Ermington (St. Luke Rydalmere) Declaration of Trust and Land Sale Ordinance 1967."

**THE SCHEDULE
FIRST PART**

All that piece or parcel of land in the Parish of Field of Mars City of Parramatta and County of Cumberland having a frontage of 74 feet $2\frac{1}{2}$ inches to Victoria Road having a rear line of 101 feet 0 inches and having lateral boundaries 188 feet $11\frac{1}{2}$ inches and 221 feet 3 inches containing an area of two roods twenty eight and three quarter perches (be the said dimensions and area a little more or less) being Lot 1 in D.P. 206995 and being the whole of the land comprised in Certificate of Title Volume 9115 Folio 17.

SECOND PART

All that piece or parcel of land in the Parish of Field of Mars City of Parramatta and County of Cumberland and having a frontage of 74 feet $2\frac{1}{2}$ inches to Victoria Road by depths of 188 feet $11\frac{1}{2}$ inches and 221 feet 3 inches with a rear line of 46 feet $1\frac{1}{2}$ inches containing an area of one rood one and one quarter perches (be the said dimensions and area a little more or less) being Lot 1 in D.P. No. 523071 and being part of the land comprised in Certificate of Title Volume 9115 Folio 17.

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

J. R. L. JOHNSTONE,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Com-
mittee of the Synod of the Diocese of Sydney on the 27th day of
February, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

27/2/1967.

MARCUS LOANE,
Archbishop of Sydney.