



## **Randwick Variation of Trusts Ordinance 1999**

No 47, 1999

### **Long Title**

An Ordinance to authorise the application of the proceeds from the sale of certain land.

### **Preamble**

A. By the Randwick Land Sale Ordinance 1998 the properties known as 3/7 The Avenue, Randwick and 6/109 Clovelly Road, Randwick held on certain trusts for the parish of Randwick (the "Parish") were authorised to be sold.

B. The properties have now been sold and the net proceeds of sale (the "Sale Proceeds") are held by the Property Trust.

C. The Parish intends to apply the Sale Proceeds toward the erection of improvements on land comprised in Certificate of Title Auto Consol 1191-71 being church trust property held in the name of the Property Trust on certain trusts for the Parish and land comprised in the United Church of England and Ireland Crown Grant No 1 Page 58/3 Portion 572 being church trust property held on certain trusts for the Parish in the names of deceased trustees Joseph Burdchin Holdsworth, Simon Henry Pearce and Samuel Hebblewhite (the "St Jude's Randwick Site").

D. By reason of circumstances which have arisen after the creation of the trusts on which the Sale Proceeds are held it is inexpedient to carry out or observe those trusts or to deal with or apply the Sale Proceeds for the same or like purposes and it is expedient that the trusts be varied and the Sale Proceeds applied in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

### **1. Name**

This Ordinance is the Randwick Variation of Trusts Ordinance 1999.

### **2. Declarations**

By reason of circumstances which have arisen after the creation of the trusts on which the Sale Proceeds are held it is inexpedient to carry out or observe those trusts or to deal with or apply the Sale Proceeds for the same or like purposes and it is expedient that the trusts be varied and the Sale Proceeds applied in the manner set out in this Ordinance.

### **3. Application of Sale Proceeds**

(1) All the Sale Proceeds held by the Property Trust and any interest earned thereon shall be applied towards the cost of erecting and fitting out improvements to be erected on the St Jude's Randwick Site suitable for use for accommodation to house one or more of an Assistant Minister, a Verger or any other person employed by the churchwardens of St Jude's Church Randwick.

(2) The Property Trust is authorised to apply all or any of the Sale Proceeds towards repayment (capital and interest) of any loan granted for the purpose of providing funds for the cost of the erection and fitting out of improvements provided for in this clause.

(3) The churchwardens of St Jude's Church Randwick acknowledge that the Sale Proceeds referred to in this clause are being used to construct improvements on land not held in the name of the Property Trust as at the date of assent of this Ordinance. The churchwardens from time to time of St Jude's Church Randwick indemnify the Property Trust against any claim, costs or expense whatsoever which may arise due to the Property Trust applying any part of the Sale Proceeds towards the construction of these improvements but only to the extent of funds which for the time being are in the hands or under the control of the Property Trust or the said churchwardens for the purposes of the Parish.

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

**N M CAMERON**  
*Chairman of Committees*

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 8 November 1999.

**M A PAYNE**  
*Secretary*

I Assent to this Ordinance.

**R H GOODHEW**  
*Archbishop of Sydney*  
10/11/1999