

Richmond (Middleton Estate) Ordinance 1991

No 57, 1991

An Ordinance to vary certain trusts upon which money is held.

Whereas

A. By the last Will and two Codicils of Reginald Harrie Middleton late of Redcliffe, Queensland, Retired Grazier the residue of his estate was to be paid:-

"to the Trustees for the time being of the Church of England Richmond in the State of New South Wales to be held by them Upon Trust -

- (a) to expend as soon as reasonably possible sufficient thereof to erect a hall to be known as 'The Celeste Middleton Memorial Hall' such hall to be of such material and such design as the said Trustees shall think fit and to be erected adjacent to and in the grounds of the said Church and to be for the general use of the said Church in such manner as the Trustees thereof for the time being shall in their absolute discretion think fit.
- (b) To invest the balance of the capital funds in the names of such Trustees and to hold the net annual income therefrom Upon Trust:-
 - (i) Firstly to pay all rates land tax (if any) insurance premiums maintenance repairs and outgoings assessed and payable from time to time in respect to such Memorial Hall in the grounds thereof so that the same will be maintained in good and tidy order and condition.
 - (ii) Secondly to pay and apply the balance of such net annual income to the general funds of the said Church of England for its use and benefit absolutely."

B. Probate of the Will of the deceased was granted by the Supreme Court of Queensland on the 21st June 1957 and the grant was resealed by the Supreme Court of New South Wales on the 28th July 1958.

C. On 11th December 1990 the Property Trust received from the Trust Company of Australia Ltd., the Executor of the deceased an amount to be held on the trust herein set out above.

D. There will be further payments from the Trust Company of Australia Ltd., to be held on the same trusts.

E. The funds presently held by the Property Trust are Church Trust Property within the meaning of the Anglican Church Trust Property Act 1917 as will be any funds subsequently paid to the Property Trust under the same terms of the Will.

F. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the funds are or will be held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such funds or any part thereof for the same or like purposes and it is expedient that such trusts be varied as provided hereafter.

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.

1. This Ordinance may be cited as the "Richmond (Middleton Estate) Ordinance 1991".
2. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the funds are or will be held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such funds or any part thereof for the same or like purposes and it is expedient that such trusts be varied as set out hereunder.
3. The funds presently held by the Property Trust pursuant to this bequest together with any accrued interest and any subsequent payment to the Property Trust pursuant to the residue provisions of the Will shall be held by the Trust and invested.

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4. Income earned by the Property Trust on the investment of the funds shall be applied as follows:-
- (a) Thirty per cent (30%) of the income earned shall be capitalised.
 - (b) An amount of One thousand two hundred and fifty dollars (\$1,250) out of the interest in each financial year shall be paid to the Churchwardens of St Peter's, Richmond and applied by the Parish Council, Richmond towards the maintenance repair and upkeep of the Parish Education Centre.
 - (c) The Property Trust is authorised to provide for and pay out to the Synod out of any income any assessment levied by the Synod in respect of income received under this Ordinance.
 - (d) The balance of any interest in any financial year shall be paid to the Churchwardens of St Peter's, Richmond for the general purposes of the Parish of Richmond apart from meeting any costs of stipend and allowances of the Minister of the Parish.
5. The Property Trust is authorised to pay out of capital an amount of \$1,000 to the Trustees of St Peter's Cemetery Trust for the maintenance and upkeep of the Vault which holds the remains of the late Celeste Middleton.
6. All moneys held by the Property Trust pursuant to this Ordinance may be applied for capital purposes of the Parish of Richmond upon the passing of a resolution by the Standing Committee made upon the written request of a majority of the Parish Council of the Parish of Richmond.

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

E.D. Cameron
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 16th day of December 1991.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

Donald Robinson
Archbishop of Sydney
16/12/1991