

ST. CLEMENT'S MARRICKVILLE VESTING VARIATION OF TRUSTS
AND LAND SALE ORDINANCE 1973

No. 13, 1973

AN ORDINANCE to vest and to vary the trusts and to authorise the sale of certain land in Excelsior Parade, Marrickville and to provide for the application of the proceeds.

WHEREAS by virtue of Certificate of Title Volume 2236 Folio 197 WILLIAM MARTIN, SAMUEL HINSON HICKING, WILLIAM HENRY WICKS and WILLIAM AUGUSTUS CAINS are registered as proprietors of an estate in fee simple as joint tenants of the land described in the Schedule hereto AND WHEREAS the said land is situated within the Parish of St. Clement Marrickville and is church trust property held for the sole benefit of the said Parish but no trusts in writing have been declared concerning the same AND WHEREAS it is expedient that the said land be now vested in Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") AND WHEREAS there is erected on the said land the Sunday School Hall known as "The Warren Hall" AND WHEREAS no evidence of the consecration of the said hall has been found 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 they are hereby varied and it is expedient that the land be sold and the net proceeds used and 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 ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. The land described in the Schedule shall be and the same is hereby vested in the Corporate Trustee for the sole benefit of the Parish of St. Clement Marrickville.
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same to the extent to which they are hereby varied and it is expedient that the land be sold.
3. The Corporate Trustee is hereby empowered to sell the land by public auction or private treaty at such time and at such price and upon such terms and conditions as the Corporate Trustee may determine freed from any trusts whatsoever.
4. The proceeds arising from the sale of the land after paying thereout the costs of and incidental to this Ordinance and the sale and transfer in pursuance thereof and all outgoings to which the land may be subject shall be paid:-
 - (a) As to part to the Churchwardens of St. Clement's Church Marrickville and shall be applied by them for:-
 - (i) the purchase of a suitable motor bus for Church and Sunday school activities.
 - (ii) carrying out all necessary repairs and renovations and making good the existing organ at present installed in St. Clement's Church as aforesaid.
 - (b) As to the balance thereof to the Corporate Trustee and shall be applied by it for such purposes within the Diocese of Sydney as the Standing Committee may approve from time to time by resolution passed at the request of a majority of the members of the parish council of the said Parish Pending such application the said balance shall be invested by the Corporate Trustee pursuant to the Investment of Church Trust Property Ordinance 1944 as amended and the income arising therefrom shall be paid to the Churchwardens for the time being for such purposes and in such manner within the Diocese of

Sydney as may be approved from time to time by the said parish council.

5. This Ordinance may be cited as "St. Clement's Marrickville Vesting Variation of Trusts and Land Sale Ordinance 1973".

SCHEDULE

ALL THAT piece or parcel of land situate in the Municipality of Marrickville Parish of Petersham and County of Cumberland being part of Lot 1 of Section 6 in Deposited Plan No. 759 having a frontage of 38' to Excelsior Parade by a depth of 140' along Cary Street and having an area of 19½ perches and being the whole of the land comprised in Certificate of Title Volume 2236 Folio 197.

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

ATHOL RICHARDSON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of June, 1973.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

MARCUS LOANE
Archbishop of Sydney
25/6/1973