

ST. JAMES' SYDNEY (CONCORD WEST) PROPERTY SALE ORDINANCE 1984

NO. 42 1984

AN ORDINANCE to vary the trust of certain land at Concord West in the Municipality of Concord to authorise the sale of that land and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (now known as Anglican Church Property Trust Diocese of Sydney and hereinafter called "the Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 3260 Folio 134 more particularly described in the Schedule hereto AND WHEREAS the said property in church trust property and under clause 3 (e) of the St. James' Church Sydney Rectory Resumption Ordinance, 1932-1978 is held upon trust for a residence for an assistant minister for such church AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trust upon which the said land is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold, and the proceeds applied as hereinafter set out.

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. By reason of circumstances which have arisen subsequent to the creation of the trust upon which the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land be now sold.
2. The Corporate Trustee is hereby authorised and empowered to sell the said land within three years after assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time at such price and upon such terms and conditions as it may determine

*[Handwritten signature]*

freed from the said trusts.

3. The proceeds arising from the sale shall be applied as follows:

- (a) First to pay all outgoings to which the land is subject and the costs of and incidental to this Ordinance and the sale pursuant thereto.
- (b) Secondly to repay to the Corporate Trustee all principal and interest moneys owing at the date of completion of the sale under the loan made pursuant to clause 3 (e) of the St. James' Church Sydney Rectory Resumption Ordinance 1932-1978 herein referred to.
- (c) Thirdly towards the purchase price for another residence for an assistant minister of the said church and the costs of and incidental thereto and any furnishings for which the churchwardens are responsible pursuant to the provisions of the Sydney Church Ordinance 1912-1984 or the repayment of any money temporarily borrowed for that purpose.
- (d) Fourthly the net balance if any to be held on trust to be applied for such purposes within or without or partially within and partially without the Parish of St. James Sydney as the Standing Committee at the written request of the majority of the Parish Council of the said Parish may by resolution from time to time determine and to be entirely freed and discharged from the trusts upon which the land was held provided that in default of agreement either party may refer the question of the application to the Synod for determination.

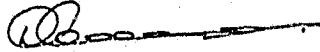
Pending any such determination as to the application of any balance of the proceeds of sale as aforesaid such balance shall be invested by the Corporate Trustee and the income arising from such investment shall for the meantime be capitalised.

4. This Ordinance may be cited at the "St. James' Sydney (Concord West) Property Sale Ordinance 1984".

SCHEDULE

All THAT piece of parcel of land in the Municipality of Concord Parish of Concord and County of Cumberland being Lot 10 of Section F in Deposited Plan No. 10188 being the whole of the land comprised in Certificate of Title Volume 3260 Folio 134.

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



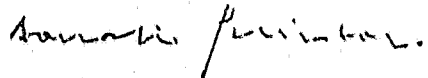
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of October 1984.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney  
29/10/1984