

NO. // 1977

AN ORDINANCE to vary the trust and to authorise the sale of certain land situate at Dapto in the City of Wollongong and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the fee simple of the land comprised in Certificate of Title Volume 10112 Folio 168 more particularly described in the schedule hereto (hereinafter called "the land") AND WHEREAS the land is church trust property within the meaning of the Church of England Trust Property Act 1917 held for the sole benefit of the Church of England in Australia at Dapto but no trusts have been declared in writing concerning the same AND WHEREAS there is erected on the land a cottage known as No. 12 Yalunga Street, Dapto AND WHEREAS 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 and it is expedient that the land be now 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

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 is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold.

2. The Corporate Trustee is hereby empowered to sell the land by public auction or private contract at such time, at such price and upon such terms and conditions as it shall think fit freed from the trusts upon which it is now held.

3. The proceeds arising from the sale of the land, after paying thereout, the costs of and incidental to this Ordinance, the costs of and incidental to the sale and transfer pursuant thereto and paying a debt of \$9,310 plus interest owing by the Parish of St. Luke Dapto to the Glebe Administration Board shall be paid to the churchwardens for the time being of St. Luke's Dapto and applied by them towards the purchase of or construction of another cottage at Dapto in such position and for such price and upon such terms and conditions as the Corporate Trustee thinks fit and/or at the

option of the churchwardens towards repayment of the mortgage over property known as 97 Byamme Street, Dapto in the name of the Corporate Trustee PROVIDED THAT any funds not so required shall be applied by the said churchwardens towards capital expenditure within the Parish of Dapto AND PROVIDED ALSO that any such funds not immediately required shall be invested by the Corporate Trustee and the income arising therefrom shall be capitalised.

4. This Ordinance may be cited as "St. Luke's Dapto Land Sale Ordinance 1977".

SCHEDULE

ALL THAT piece or parcel of land situate at Dapto in the City of Wollongong Parish of Calderwood and County of Camden being Lot 68 in Deposited Plan 30116 having a frontage of 50 feet to Yalunga Street and being the whole of the land in Certificate of Title Volume 10112 Folio 168.

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

Norman Jenkins
 Acting
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 2nd day of May 1977.

[Signature]
Secretary.

I ASSENT to this Ordinance.

H. L. Evans
Archbishop of Sydney.
 2/5/1977