
St. Mark's Malabar Variation of Trusts Ordinance 1971

No. 16, 1971

AN ORDINANCE to vary the trusts of certain land at Malabar and for the purposes incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of the land described in the Schedule hereto AND WHEREAS the said land is church trust property held for the sole benefit of the Parish of St. Mark Malabar but no trusts in writing have been declared concerning the same AND WHEREAS by St. Mark's Malabar Land Sale Ordinance No. 25 of 1969 the Corporate Trustee was empowered to sell inter alia the land described in the Schedule hereto AND WHEREAS it has been agreed between the said Parish and The Home Mission Society that the beneficial interest in the said land will be acquired by the Society for Thirty-five thousand dollars (\$35,000) 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 and it is expedient that such trusts be varied NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DIRECTS RULES AND DECLARES as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts 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 held for The Home Mission Society for the purpose of parish nursing homes and/or hostels in accordance with the provisions of The Home Mission Society Ordinance of 1911 as amended.

2. The Home Mission Society shall pay the Churchwardens of the Parish of St. Mark Malabar the sum of Thirty-five thousand dollars (\$35,000) which shall be applied by them in payment of the costs of and incidental to this Ordinance and any outgoings to which the land is subject and the balance towards the building of a new church centre at Franklin and Victoria Streets, Malabar Junction and otherwise in accordance with the provisions of clause 3 of Ordinance No. 25 of 1969.

3. This Ordinance may be cited as "St. Mark's Malabar Variation of Trusts Ordinance 1971".

St. Mark's Malabar Variation of Trusts Ordinance 1971

SCHEDULE

ALL THAT piece or parcel of land situated in the Municipality of Randwick Parish of Botany and County of Cumberland containing two roods and 39½ perches having a frontage of 122 ft. to Raglan Street, Malabar and a depth on both sides of approximately 214 ft. and a rear line of 222 ft. being Lot 5 in Deposited Plan No. 240952 and being part of land comprised in Land Grant Volume 1934 Folio 39.

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 16th day of August, 1971.

W. L. J. HUTCHISON,
Secretary,

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

16/8/1971