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SUMMER HILL SALE ORDINANCE 1988

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NO 12 1988

AN ORDINANCE to authorise the sale of a strata title unit situate at Summer Hill and to provide for the proceeds of sale thereof.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (formerly Church of England Property Trust Diocese of Sydney and hereinafter called "the corporate trustee") is registered as the proprietor of the strata title home unit situate at Summer Hill being lot 11 in Strata Plan No. 377 and being the whole of the land contained in Certificate of Title Volume 9498 Folio 56 (hereinafter called "the home unit").

B. The home unit was bequeathed to St. Andrews Church of England, Summer Hill in the Will of the Late Vera Vivienne Lucas and by a Deed of Consent dated 31 May 1976 the home unit was transferred by the executrix of the said Will to the corporate trustee upon trust for St. Andrews Church of England, Summer Hill and the home unit is church trust property.

C. The corporate trustee is the registered proprietor of certain lands situate at 16 Short Street, Summer Hill being all that land contained in Certificate of Title Volume 478 Folio 66 (hereinafter called "the land").

D. The land is church trust property held for the purposes of the Anglican Church in the Diocese of Sydney and the Parish of Summer Hill but no evidence of trusts having been declared in writing have been found.

E. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the home unit is held it is expedient that the home unit be sold and that the net proceeds of sale be applied towards the cost of constructing a cottage on the land.

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. (a) By reason of circumstances which have arisen subsequent to the creation of the trusts hereinbefore recited it is expedient that the home unit be sold.

(b) The corporate trustee is hereby authorised and empowered to sell the home unit freed from all trusts at such price and upon such terms and conditions as it may determine within a period of three years from the date of assent to this ordinance and thereafter only by resolution of the Standing Committee

2. After payment of all outgoings to which the home unit may be subject at the time of sale and the costs of or incidental to the passing of this ordinance and to the sale authorised by this ordinance the net proceeds shall be held for the purposes of the Anglican Church in the Diocese of Sydney in the Parish of Summer Hill to be applied towards the construction (including any fees necessary and incidental thereto) of a cottage on the land upon the application to the corporate trustee by the parish of Summer Hill following a resolution or resolutions passed by a majority of the Parish Council of the Parish. Pending such application as aforesaid the proceeds shall be invested and the interest capitalised.

3. This Ordinance may be cited as "Summer Hill Sale Ordinance 1988".

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

E.D. CAMERON  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of May 1988.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance

DONALD ROBINSON  
Archbishop of Sydney  
30 / 5 / 1988