

MIRANDA (ASSISTANT MINISTER'S RESIDENCE) ORDINANCE 1990

No 51, 1990

AN ORDINANCE to authorise the sale of certain land at Miranda, to provide for the application of the proceeds of sale, to declare trusts to authorise mortgaging and to amend the Miranda Sale and Variation of Trusts Ordinance 1990.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (formerly known as Church of England Property Trust Diocese of Sydney) (hereinafter called "the corporate trustee") is registered as proprietor of the land comprised in Certificate of Title Volume 7078 Folio 224 (Folio Identifier 23/26110).

B. While no written evidence can be found the land is held on trust in connection with the Anglican Church of Australia in the Parish of Miranda.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the 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 of sale be applied towards the purchase of other land.

D. It is expedient to declare the trusts on which the replacement land will be held when acquired and to provide a power to mortgage.

E. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the deposit from the Miranda Sale and Variation of Trusts Ordinance 1990 is held it is expedient to vary the same as provided hereafter.

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. This Ordinance may be cited as the "Miranda (Assistant Minister's Residence) Ordinance 1990".
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is now inexpedient to carry out and observe those trusts and it is expedient to sell the land and to apply the proceeds of sale as set out hereunder.
3. The corporate trustee is hereby authorised and empowered to sell the land within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time as it may determine freed from the trusts upon which the land is held.
4. The proceeds arising from the sale of the land after deduction of costs and fees of and incidental to this Ordinance and the sale thereof shall be applied:
 - (a) towards the acquisition (including any renovations and modifications) of property which is suitable as a residence for an assistant minister or other person employed by the churchwardens; and
 - (b) towards necessary alterations and modifications to the previous Rectory in Jackson Avenue, Miranda.
5. Upon acquisition the land upon which is erected a residence and known as 82 Garnet Road, Miranda and being comprised in Folio Identifier 10/229226 shall be held upon trust as a residence for an assistant to the minister or other person employed by the churchwardens for the sole benefit of the Parish of Miranda or any other parish of ecclesiastical district into which it may subsequently be formed or form a part.
6. The corporate trustee is hereby empowered from time to time to mortgage the land purchased pursuant to clause 4:
 - (a) For an amount not exceeding \$85,000; and

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- (b) When the power is subsequently exercised, such sum as the Standing Committee at the request of the Parish Council of the Parish shall by resolution determine.

Any renewal of a mortgage shall be deemed to be subsequent exercise of the said power.

A document purporting to be a certificate signed by the Archbishop or the Diocesan Secretary of the said Diocese as a copy of any such resolution shall in favour of a mortgage be conclusive evidence that such resolution was duly passed.

7. The proceeds of any mortgage duly authorised shall be applied as follows:

- (a) When the power is first exercised, in payment of:
- (i) the costs of and incidental to this Ordinance; and
 - (ii) the costs of and incidental to any mortgage or charge executed in pursuance of this Ordinance;
 - (iii) the amount required to purchase the land over which the mortgage is granted.
- (b) When the power is subsequently exercised for such purposes as the Standing Committee shall by resolution determine.

8. Whilst any money is secured by any mortgage granted pursuant to this Ordinance the Churchwardens of Miranda in every statement of assets prepared pursuant to clause 41 of the Sydney Church Ordinance 1912 shall disclose the amount so secured on the last day of the financial year to which the statement of assets relates.

9. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the deposit from the Miranda Sale and Variation of Trusts Ordinance 1990 is held it is expedient to vary the same as provided hereafter.

(2) The Miranda Sale and Variation of Trusts Ordinance 1990 is amended:-

- (a) by adding to clause 4(a)(i) after the word "requirements" the words "and any necessary relocation costs"; and
- (b) by deleting clause 4(a)(ii) and adding instead:-
- "(ii) Towards the acquisition (including any renovations and modifications) of property which is suitable as a residence for an Assistant Minister or other person employed by the Churchwardens."

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

E.D. CAMERON
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 26th day of November 1990.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney

23/11/90