

ST. THOMAS' MULGOA ORDINANCE 1974

No. 26, 1974

AN ORDINANCE to vary the trusts of certain land at The Orphan School Road (now known as Elizabeth Drive), Kemps Creek to authorise the sale or lease of such land and to provide for the application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land comprised in Certificate of Title Volume 1778 Folio 115 more particularly described in the Schedule hereto AND WHEREAS the said lands are church trust property held by the said Corporate Trustee upon trust to permit the same to be used for the benefit of the Parish of St. Thomas Mulgoa AND WHEREAS no trusts have been declared in writing concerning the said land 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 expedient that the said land be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and the 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 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 sold or leased.
2. The Corporate Trustee is hereby empowered to either:
 - (a) Sell the said lands by public auction or private contract at such time or times and at such price or prices and upon such terms and conditions as it may think fit freed from any trusts whatsoever or;
 - (b) Lease the said lands to such person or persons corporations or institutions at such rental and upon such terms and conditions as it may think fit.
3. The proceeds arising from the sale or sales of the said land after paying thereout all outgoing and all other debts to which the said land is subject shall be applied as follows:-
 - (a) In the payment of the costs of and incidental to this Ordinance and of the sale or sales and any conveyance or transfer in pursuance thereof.
 - (b) Subject to the foregoing the balance thereof shall be paid to the Churchwardens for the time being of the said Parish and applied by them subject to the payment of all outstanding arrears of Diocesan Assessments if any and then for such purpose or purposes as may be determined by a majority of the members of the Parish Council of the said Parish by formal resolution and with the approval by resolution of the said Standing Committee.

PROVIDED HOWEVER that the said proceeds shall pending such application by the said Churchwardens be invested on their behalf by the Corporate Trustee and the income arising therefrom shall be paid in the reduction of any outstanding arrears of Diocesan Assessments and subsequently:-

- (a) As to ten per centum (10%) thereof or such lesser percentage as shall be determined from time to time by resolution of the Standing Committee at the request of a majority of the members of the Parish Council by formal resolution the same shall be added to the principal sum of the investment as aforesaid.
- (b) To the said Churchwardens at regular intervals and applied by them for such purpose or purposes and in such manner within the said Parish as may be approved from time to time by a majority of the Parish Council.

4. The proceeds arising from any lease of the said land shall after paying thereout all outgoings and all other debts to which the said land is subject be applied as follows:-

- (a) In the payment of the costs of and incidental to this Ordinance and of the lease in pursuance thereof.
- (b) Subject to the foregoing the balance thereof shall be paid to the said Churchwardens for the time being and applied by them in payment of all outstanding arrears of Diocesan Assessments if any and then for such purpose or purposes as may be determined by a majority of the members of the Parish Council.

5. This Ordinance may be cited as the "St. Thomas Mulgoa Ordinance 1974".

SCHEDULE

ALL THAT piece or parcel of land situated at Kemps Creek in the Municipality of St. Marys Parish of Melville and County of Cumberland containing 1 Acre 2 Roods 23½ Perches being Lot 9 of Section A in Deposited Plan No. 2566 and comprising the whole of the land in Certificate of Title Volume 1778 Folio 115.

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

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 9th day of September 1974.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

M.L. LOANE
Archbishop of Sydney
9/9/1974