



Sutton Forest (Exeter Land and Lambeth Estate) Variation of Trusts Ordinance 1996

No 3, 1996

An Ordinance to vary the trusts on which certain land at Exeter is held, to vary the trusts on which certain investments are held and for other purposes.

Preamble

A. Under the Will of the late Muriel Pryor Lambeth the residuary estate (the "Estate") was devised to her trustee upon trust for sale, realisation and investment for the benefit of certain life tenants and after their deaths for the parish council of the parish of Sutton Forest for such ecclesiastical purposes as that parish council might determine.

B. Under the Sutton Forest (Lambeth Estate) Variation of Trusts and Sale Ordinance 1986 -

(a) consent was given to vest the parish council's interest in the Estate (the "Trust Property") in the Anglican Church Property Trust Diocese of Sydney (the "Property Trust");

(b) the Property Trust was authorised to sign all documents to enable the Trust Property to be sold; and

(c) the net proceeds of sale of the Trust Property were to be applied as follows -

(i) up to \$40,000 to be paid to the churchwardens of All Saints Church, Sutton Forest (the "Churchwardens") and applied by them towards the construction and furnishings of a rectory upon land in the parish of Sutton Forest (the "Parish") held upon trust for the Parish; and

(ii) the balance to be invested by the Property Trust and the income therefrom to be paid to the Churchwardens for general church purposes as determined by the parish council of the Parish.

D. The church land at Exeter (the "Land") comprises the land described in the schedule 1 and that land is held on the trusts set out in the schedule 2.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Trust Property and the Land is respectively held it is inexpedient to carry out and observe those trusts and it is expedient to amend the trusts in the manner set out in this Ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod Ordains Declares Directs and Rules as follows -

Name

1. This Ordinance is the Sutton Forest (Exeter Land and Lambeth Estate) Variation of Trusts Ordinance 1996.

Declarations of inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Trust Property is now held it is inexpedient both to -

(a) to carry out and observe those trusts; and

(b) to deal with and apply all the Trust Property for the same or like purposes as the trusts on which that property is currently held.

3. By reason of circumstances which have arisen after the creation of the Trusts on which the Land is held it is inexpedient to carry out and observe those trusts.

Declaration of Trusts

4. The Trust Property (or so much as now remains) shall be applied towards the costs of the construction and furnishings of a residence for a minister, an assistant to the minister or person employed by the Churchwardens upon land in the Parish held upon trust for the Parish.

5. The Land shall be held upon trust for -

(a) a church;

(b) a residence for a minister, assistant to the minister or person employed by the churchwardens of any church in the Parish;

(c) a hall or halls;

(d) a school or other place of assembly, or partly for one or another or others of those purposes or any ancillary purposes in connection with the Anglican Church of Australia within the Diocese of Sydney at Exeter in the parish of Sutton Forest.

Leasing of Residence

6. The Property Trust is authorised, from time to time, to lease that part of the Land on which the residence referred to in clause 4 is to be constructed and the proceeds of such lease, after the payment of the costs associated with the lease and any outgoings to which the Land may be subject, is to be applied -

(a) toward the repayment of any loan from the Finance and Loans Board taken out to finance the construction and furnishings of the residence referred to in clause 4; and

(b) for such other purposes as may be determined by the Standing Committee following a written request from the majority of the parish council of the Parish.

Schedule 1

The land described in Certificate of Title Volume 2642 Folio 157 being part Lot 8 in Section 5 in Deposited Plan 3373.

The land described in Certificate of Title Volume 2563 Folio 49 being Lot 9 in Section 5 in Deposited Plan 3373.

The land described in Certificate of Title Volume 1275 Folio 87 being Lot 10 in Section 5 of Deposited Plan 3373.

Schedule 2

By Deed made by the Property Trust dated 31 January 1916 the land described in Certificate of Title Volume 2642 Folio 157 being part Lot 8 in Section 5 of Deposited Plan 3373 is held on trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England at Exeter in the parish of Sutton Forest.

By Deed made by the Property Trust dated 26 May 1915 the land described in Certificate of Title Volume 2563 Folio 49 being Lot 9 in Section 5 in Deposited Plan 3373 and the land described in Certificate of Title Volume 1275 Folio 87 being Lot 10 in Section 5 of Deposited Plan 3373 is held on trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England at Exeter in the parish of Sutton Forest.

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

N.M. CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 February 1996.

W.G.S. GOTLEY

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

6/3/1996