

# Wilton Estate Variation of Trusts and Land Sale Ordinance 2013

No 12, 2013

## Long Title

An Ordinance to vary the trusts and authorise the sale of certain land at Kingsford and to provide for the application of the proceeds of sale.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is registered proprietor of the land contained in Folio Identifier 20/7905 (the "Land") known as 19 Beulah Street, Kingsford.

B. The Land is church trust property and is held pursuant to the terms of Will of the Late Bishop Edward Nowill Wilton.

C. The Will provided for the daughter of Bishop Wilton's wife's niece, Miss Edna Tomkins, to occupy the Land as a life tenant or, "until she shall of her own accord surrender the same", after which death or surrender the Land was to be bequeathed to the Archbishop of Sydney for the purpose of providing a home for missionaries who may return to this city upon retirement or for holiday purposes.

D. The life tenant, Miss Tomkins, voluntarily vacated and surrendered the Land to the Property Trust on 30 November 2012.

E. By reasons of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out or observe those trusts and it is expedient that those trusts be varied and that the Land be sold and the proceeds be applied in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Wilton Estate Variation of Trusts and Land Sale Ordinance 2013.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held, it is inexpedient to carry out or observe those trusts and it is expedient that those trusts be varied and that the Land be sold and the proceeds be applied in the manner set out in clause 5.

### 3. Variation of Trusts

The trusts of the Land are varied to the extent necessary to permit the application of the proceeds in clause 5.

### 4. Authority to Sell

The Property Trust is authorised to sell the Land in such manner and on such terms as it sees fit at any time within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution, whether given before or after that date.

### 5. Application of proceeds of sale

The Property Trust is authorised to make the following payments from the proceeds of sale –

- (a) first, the costs of and incidental to this Ordinance and the sale of the Land;
- (b) second, in payment of goods and services tax (as defined in A New Tax System (Goods and Services Tax) Act 1999) payable in connection with the sale;
- (c) third, a Property Trust management fee being 2.5% of the sale price; and
- (d) the balance is to be added to the Capital Fund held under the Endowment of the See Capital Ordinance 2012.

**Wilton Estate Variation of Trusts and Land Sale Ordinance 2013**

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

PG KELL  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 March 2013.

R WICKS  
Secretary

Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
26/03/2013