



Dulwich Hill Land Sale Ordinance 1999

No 25, 1999

Long Title

An Ordinance to authorise the sale of certain land at Dulwich Hill and to provide for the application of the proceeds of sale.

Preamble

A. The Property Trust is the registered proprietor of the land being part of Lots 61 and 62 in Deposited Plan 3235 and being the land comprised in Certificate of Title Volume 4326 Folio 13 and known as 17 Bedford Crescent, Dulwich Hill (the "Land").

B. The Land is church trust property held on trust for the sole purposes of the parish of Holy Trinity Dulwich Hill (the "Parish") although there are no written trusts.

C. It is expedient that the Land be sold and the proceeds of sale 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 Dulwich Hill Land Sale Ordinance 1999.

2. Declaration of Expediency

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient that the Land be sold and the proceeds of sale applied in the manner set out in this Ordinance.

3. Power to Sell

(1) The Property Trust is authorised to sell the Land, free from the trusts on which it is held, at any time within 3 years after the date of assent of this ordinance and thereafter only with the consent of the Standing Committee given by resolution.

(2) Such sale may be by public auction, private agreement or private tender at such time and at such price and upon such terms and conditions as the Property Trust may determine with the consent of the churchwardens (the "Churchwardens") of Holy Trinity Church, Dulwich Hill.

4. Application of Proceeds of Sale

(1) The proceeds arising from the sale of the Land shall be applied as follows -

(a) first, in payment of all costs, expenses and outgoings in relation to or arising from the preparation and promotion of this Ordinance;

(b) second, in payment of all outgoings to which the Land may be subject and the costs of and incidental to the sale of the Land;

(c) third, if required, in repayment of all moneys borrowed by the Parish from the Sydney Church of England Finance and Loans Board (loan no. 0004 approved 12 February 1998); and

(d) fourth, to the Churchwardens to meet the cost of necessary and urgent restoration and repairs to Holy Trinity Church, Holy Trinity hall, 15 Herbert Street and Holy Trinity rectory Dulwich Hill to an amount of \$20,000.

(2) The balance of the proceeds of sale shall be held by the Property Trust on trust for the sole purposes of the Parish (the "Fund").

(3) The income from the Fund shall be paid to the Churchwardens quarterly in arrears for the general purposes of the Parish.

(4) Within 2 years from the date of assent of this Ordinance, the Parish will promote a further Ordinance to deal with the further application of the capital and income of the Fund.

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 23 August 1999.

M A PAYNE

Secretary

I Assent to this Ordinance.

R H GOODHEW

Archbishop of Sydney

23/8/1999