

ENGADINE RECTORY ORDINANCE 1985

No. 9, 1985

An Ordinance to vary trusts, to authorise the sale of two properties and to provide for the application of a certain trust fund and the proceeds from the sales.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the properties described in the First and Second Schedules hereto (hereinafter called "the properties").

B. Pursuant to clause 5 of Ordinance No. 17 of 1978, the property in the First Schedule is held upon trust for a minister's residence at Engadine in connection with the Anglican Church of Australia in the Parish of Engadine.

C. Pursuant to clause 7 of Ordinance No. 17 of 1978 the property in the Second Schedule is held upon trust for a church, church hall or minister's residence or partly for one and partly for another or others of such purposes at Waterfall in connection with the Anglican Church of Australia in the Parish of Engadine.

D. Pursuant to clause 3 of Ordinance No. 17 of 1978, the Corporate Trustee holds the sum of approximately \$19,000 (hereinafter called the "trust fund") upon trust to apply the same as requested by the Churchwardens for the time being of St George's Church Engadine towards meeting the cost of improving the rectory of the Parish of St George Engadine or of building or acquiring a residence for a curate in that parish.

E. The properties and trust fund are church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917.

F. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the properties and trust fund are held, it is inexpedient to carry out and observe the same and it is expedient to vary trusts to the extent necessary to enable the properties to be sold and to enable the proceeds

and the trust fund to be applied as hereinafter set out.

NOW the Standing Committee of the Synod of the Diocese of Sydney 30
in the name and place of the said Synod HEREBY ORDAINS DECLARES
DIRECTS AND RULES as follows:-

1. By reason of circumstances which have arisen subsequent to
the creation of the trusts upon which the properties and the
trust fund are held, it is inexpedient to carry out and observe 35
the same, and it is expedient to vary the trusts to the extent
necessary to sell the properties and apply the proceeds and the
trust fund as hereinafter set out.

2. The Corporate Trustee is hereby empowered and authorised to
sell the properties or either of them within three years after 40
the date of assent to this Ordinance, and thereafter only with
the consent of the Standing Committee, by public auction or
private agreement, in one or more lots, for such price or prices,
and on and subject to such terms and conditions as the Corporate
Trustee may deem fit. 45

3. (1) The trust fund and the proceeds from the sale or sales
of the properties shall be applied as follows:-

(a) First, in meeting the costs of and incidental to this
Ordinance and of the sale or sales.

(b) Secondly, as required by the churchwardens for the time 50
being of the church of St. George, Engadine, in
purchasing a property for use as a minister's residence
within the Parish of Engadine, or in reduction of debts
incurred in purchasing such a property or towards
improving or maintaining that property. 55

(2) Pending any application of funds under sub-clause (2),
the Corporate Trustee shall invest the trust fund and the
proceeds from the sale or sales and capitalise the income.

4. This Ordinance may be cited as the "Engadine Rectory
Ordinance 1985". 60

W. L.

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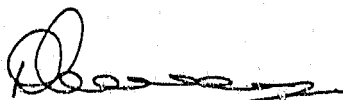
FIRST SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 7508 Folio 74, Shire of Sutherland being Lot A in Plan lodged with Transfer No G 910570 together with improvements thereon, known as 63 Cambrai Avenue, Engadine.


SECOND SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 12026 Folio 201, Shire of Sutherland, being Allotment 2, Section 14, situated at Yanagang Street, Waterfall.

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


.....
Chairman of the Committee

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of *July* 1985.


.....
Diocesan Secretary.

I ASSENT to this Ordinance.

Donald Ross
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Archbishop of Sydney.
27/5/1985