

JAMBEROO VARIATION OF TRUSTS AND LAND SALE ORDINANCE 1985

NO. 52, 1985

AN ORDINANCE to vary the trusts of certain land at Jamberoo to permit part thereof to be sold and to provide for the application of the proceeds.

WHEREAS:

- A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is seized of an estate in fee simple of the whole of the land comprised in Conveyance Registered No. 877 Book 20 more particularly described in the First Schedule hereto. 5
- B. The land in the First Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held upon trust to permit the same to be used for the erection thereon of a church, chapel or school house in connection with the United Church of England and Ireland or for all or any purposes of religion or education in conformity therewith and also for a cemetery or burial place to be attached and appertaining to the said church. 10
- C. The land in the Third Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held upon trust to permit a Rectory or residence for the clergyman for the time being of the Church of England officiating at Jamberoo to be erected and maintained thereon. 15 20
- D. It has been determined to seek approval for the subdivision of the land in the First Schedule.
- E. By reason of circumstances which have arisen subsequent to the creation of the trusts impressed upon the land in the Second Schedule it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient to 25
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sell the land described in the Second Schedule being part of the land in the First Schedule.

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

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1. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

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2. The Corporate Trustee is hereby authorised to sell the land described in the Second Schedule within three (3) years after 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 and for such price or prices and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

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3. (1) The proceeds arising from the sale of the land described in the Second Schedule after paying thereout the costs of and incidental to this ordinance, the costs of and incidental to the subdivision, and the costs of and incidental to the sale or sales shall be paid by the Corporate Trustee to the churchwardens of the Church of the Resurrection, Jamberoo and applied by them towards the construction of a rectory upon the land described in the Third Schedule;

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(2) pending the application set out in sub clause (1) of this clause the Corporation Trustee shall invest the net proceeds and capitalise the income;

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(3) any balance of proceeds remaining after the application set out in sub-cause (1) of this clause shall be applied by

the churchwardens towards the maintenance and repair of
buildings erected upon land within the provisional Parish of
Jamberoo held upon trust for the provisional Parish.

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4. This ordinance may be cited as the "Jamberoo Variation of
Trusts and Land Sale Ordinance 1985".

FIRST SCHEDULE .

ALL THAT piece or parcel of land situate in Jamberoo in the
County of Camden containing by admeasurement 1 acre 3 roods and
13 perches or therabouts and being the land in Conveyance
Registered No. 877 Book 20.

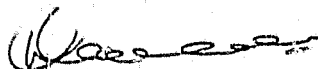
SECOND SCHEDULE

ALL THAT piece or parcel of land described in the First Schedule
excepting thereout an area of approximately 3,810 square metres
used as a cemetery.

THIRD SCHEDULE

ALL THAT piece or parcel of land similarly situated containing 2
acres more or less being the land in Indenture No. 177 Book 751.

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



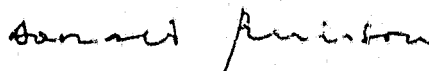
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing
Committee of the Synod of the Diocese of Sydney on the
16th day of December 1985.



Secretary

I ASSENT to this Ordinance



Archbishop of Sydney

16 / 12 / 1985

