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*Kingsgrove and Bexley North Sale Purchase Mortgaging and  
Declaration of Trust Ordinance, 1950.*

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No. 35, 1950.

AN ORDINANCE to authorise the sale of certain land in the Parochial District of Kingsgrove and Bexley North and the application of the proceeds arising therefrom in and towards the acquisition of a residence in the said Parochial District to be used as a Parsonage and the mortgaging of such residence to secure part of the purchase money therefor; and for purposes connected therewith.

WHEREAS:—

1. The land described in the First Schedule hereto was acquired by Church of England Property Trust Diocese of Sydney (hereinafter called the Property Trust) as a site for a Church under and by virtue of Memorandum of Transfer from Fred A. Mashman Pty. Limited (hereinafter called the Company) registered No. D 478363 which contains (inter alia) a restrictive covenant that no main building erected on the land shall be other than a Church.

2. The said land was sold to the Property Trust for the sum of Four hundred and one pounds thirteen shillings and fourpence, which was very considerably under the true market value thereof if then free from such restrictive covenant as aforesaid.

3. The property described in the Second Schedule hereto was vested in the Property Trust and there are erected thereon a Church known as St. Thomas' and a Parish Hall.

4. The Property Trust now has an option of purchasing for the sum of Four thousand one hundred pounds (£4,100) the land described in the Third Schedule hereto (upon which is erected the house known as No. 3 Paterson Avenue) the rear of which adjoins the rear of the land described in the Second Schedule hereto.

5. The land described in the First Schedule hereto can be sold free from the said restrictive covenant for a sum of not less than Five thousand seven hundred pounds (£5,700).

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6. It is proposed to take appropriate steps to secure the release of the said restrictive covenant which will necessitate an application to the Court and involve substantial expenditure including the payment of an amount to the Company to obtain its consent to such release.

7. It is deemed expedient:—

- (a) To sell the land described in the First Schedule hereto as now being unsuitable for the purpose for which it was purchased.
- (b) To develop the land described in the Second Schedule hereto as opportunity occurs by building a new Church thereon, and by using the existing Church as a Parish Hall and the existing Parish Hall as a Kindergarten School.
- (c) To purchase the land described in the Third Schedule hereto.
- (d) To declare the trusts upon which the land described in the Second and Third Schedules hereto shall be held.

8. It is expedient to raise by way of Mortgage on the land described in the Third Schedule hereto such amount as the Property Trust shall deem necessary to enable it to purchase the same.

9. By reason of circumstances subsequent to the creation of the Trust to which the land described in the Second Schedule hereto is subject, it has become impossible or inexpedient to carry out or observe such trusts in their entirety.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains directs and declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts of the land described in the First Schedule hereto—

- (a) It is expedient that such land be sold.
- (b) It has become impossible or inexpedient to carry out the trusts of the purchase money arising from such sale to the extent to which such trusts are inconsistent with the provisions of this Ordinance and the same are hereby varied accordingly.

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Declaration of Trust Ordinance 1950.*

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2. The land described in the First Schedule hereto may be sold either at public auction or by private treaty and in such manner at such price and upon such terms and conditions as the Property Trust shall determine.

3. The land described in the Third Schedule hereto may be purchased by the Property Trust and shall be held upon the trusts hereinafter declared.

4. The Purchase Money arising from the said sale shall be applied in payment of certain moneys owing to the Sydney Diocesan Board of Finance in connection with the acquisition of the land described in the First Schedule hereto and in payment of costs, charges and expenses of, incidental to or occasioned by this Ordinance and carrying into effect the various matters and things hereby sanctioned and directed.

5. It is expedient that the land described in the Third Schedule hereto should be mortgaged to raise such sum as the Property Trust shall deem necessary to enable it to purchase the same and such mortgage is hereby directed and authorised.

6. By reason of circumstances subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it has become impossible and inexpedient to observe the same so far as they are hereinafter varied and they are hereby varied accordingly.

7. The lands described in the Second and Third Schedules hereto shall be held upon trust as sites for a Church Parsonage and Parish Hall or partly for one and partly for another or others of such purposes in connection with the Parochial District of Kingsgrove and Bexley North.

8. This Ordinance may be cited as the "Kingsgrove and Bexley North Sale Purchase Mortgage and Declaration of Trust Ordinance, 1950."

#### THE FIRST SCHEDULE.

All that piece or parcel of land comprised and described in Certificate of Title registered Volume 5606 Folio 75 situated in the Municipality of Hurstville Parish of St. George and County of Cumberland containing 25½ perches or thereabouts as shown in

*Printing Error*

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the Plan endorsed on such Certificate and edged red and having a frontage of 56 feet 8 inches to Kingsgrove Road by depths of 120 feet 8 inches and 123 feet 7½ inches with a rear line of 56 feet 9 inches.

THE SECOND SCHEDULE.

All that piece or parcel of land comprised and described in Certificate of Title Registered Volume 512309 Folio 1, situated in the Municipality of Hurstville Parish of St. George and County of Cumberland containing 1 rood 2 perches or thereabouts as shown in the Plan endorsed on such Certificate and edged red and having a frontage of 94 feet ½ inch to Morgan Street by depths of 123 feet 6½ inches and 123 feet 1½ inches with a rear line of 94 feet ½ inch.

THE THIRD SCHEDULE.

All that piece or parcel of land comprised and described in Certificate of Title Registered Volume 5177, Folio 34, situated in the Municipality of Hurstville Parish of St. George and County of Cumberland whereon is erected a residence known as No. 3 Paterson Avenue, Kingsgrove.

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I certify that the Ordinance as printed is in accordance with the Ordinance as reported

W. G. HILLIARD, Bishop,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 15th day of December, 1950.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

20/12/1950.