

# Mission Property (Dural District) Variation of Trusts and Land Sale Ordinance 2007

No 44, 2007

## Long Title

An Ordinance to vary the trusts and authorise the sale of certain property at Dural and for related matters.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the trustee of the land in Lots 21, 22 and 23 in Deposited Plan 1104018 at Dural (the "Land").

B. By clause 5A of the Mission Property Ordinance 2002 (the "2002 Ordinance") the Land is held on trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney and comprises part of the property of the Mission Property Fund.

C. By reason 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 the Land or part of the Land be sold.

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

### 1. Name

This Ordinance is the Mission Property (Dural District) Variation of Trusts and Land Sale Ordinance 2007.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held –

- (a) it is inexpedient to carry out or observe those trusts, and
- (b) it is expedient that the Land or part of the Land be sold.

### 3. Variation of trusts

On and from the date on which the churchwardens of St Jude's Dural (the "Churchwardens") make the payment referred to in clause 4, the Land is to be held on trust for the purposes of the parish of Dural District.

### 4. Payment to the Property Trust

(1) The Churchwardens may within a period of 3 months from the date of assent to this Ordinance pay a sum of \$350,000 (the "Sum") to the Property Trust as an addition to the Mission Property Fund.

(2) For the avoidance of doubt, any payment made by the Churchwardens to the Property Trust as an addition to the Mission Property Fund –

- (a) after the expiry of the period of 3 months from the date of assent to this Ordinance, or
- (b) for an amount which is, at the expiry of that period, less than the Sum,

has no effect for the purposes of clause 3.

### 5. Sale of the Land

If the payment referred to in clause 4 is not made by the Churchwardens within a period of 3 months from the date of assent to this Ordinance, the Property Trust is authorised to sell one or more of Lots 21, 22 and 23 in accordance with a direction given by the Mission Property Committee under clause 9B(d) of the 2002 Ordinance.

**Mission Property (Dural District) Variation of Trusts and Land Sale Ordinance 2007**

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 10 December 2007.

R WICKS  
Secretary

I Assent to this Ordinance.

ROBERT FORSYTH  
Commissary of Sydney  
11/12/2007