
*St. James' Smithfield Land Sale and Variation of Trusts
Ordinance 1971*

No. 54, 1971

AN ORDINANCE to authorise the sale of certain land in the Municipality of Fairfield and to vary the trusts on which the proceeds are to be held.

WHEREAS:—

- A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of an estate in fee simple of the land comprised in Certificate of Title Volume 8168 Folio 215 more particularly described in the Schedule hereto.
- B. By St. James' Smithfield Variation of Trusts Vesting and Leasing Ordinance 1970 (No. 24 of 1970) the Corporate Trustee was empowered to lease certain land including the land comprised in the Schedule hereto upon the terms and conditions therein ordained.
- C. By reason of circumstances which have arisen subsequent to the passing of that Ordinance it is inexpedient to lease the land comprised in the Schedule hereto.
- D. The land comprised in the Schedule hereto is church trust property held upon trust for the sole benefit of the Parish of St. James Smithfield.
- E. It is expedient that the land described in the Schedule hereto be now sold and the proceeds of such sale applied in the manner hereinafter provided.

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

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which they are hereby varied and it is expedient that such land be sold.

2. The Corporate Trustee is hereby authorised and empowered to sell the said land by public auction or private contract at such time for such price and upon such terms and conditions as it may think fit freed from the trusts upon which it is held.

*St. James' Smithfield Land Sale and Variation of Trusts
Ordinance 1971*

3. The proceeds of sale of the said land after paying thereout all outgoings to which the land is subject shall be applied as follows:—

- (a) First in payment of the costs of and incidental to this Ordinance and of the sale and transfer in pursuance thereof.
- (b) Secondly in discharge of the liability to the Bank of New South Wales in respect of any moneys outstanding on the security of the said land.
- (c) Thirdly in reimbursement and payment of all moneys disbursed by the Churchwardens of St. James' Church Smithfield in purchasing the said land and of all rates and taxes paid by them in respect thereof.
- (d) Fourthly in payment of any outstanding costs and disbursements in relation to Ordinance No. 24 of 1970 and of draft leases and other business carried out in pursuance thereof.
- (e) Fifthly as to any balance to be paid to the Churchwardens of St. James' Church Smithfield to be applied by them for the purposes of maintenance and/or replacement of the rectory building in the said Parish or for such purpose or purposes as may be determined by resolution of the Church Committee of the said Church and approved by resolution of the Standing Committee.

4. This Ordinance may be cited as "St. James' Smithfield Land Sale and Variation of Trusts Ordinance 1971".

SCHEDULE

ALL THAT piece or parcel of land in the Municipality of Fairfield Parish of St. Luke and County of Cumberland containing an area of 27½ perches or thereabouts being Lot B in Plan lodged with Transfer No. H578534 and being the whole of the land in Certificate of Title Volume 8168 Folio 215.

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

ATHOL RICHARDSON,
Chairman of Committees.

*St. James' Smithfield Land Sale and Variation of Trusts
Ordinance 1971*

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 13th day of December, 1971.

W. GOTLEY,
Acting Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

13/12/1971.