

ST. JAMES SYDNEY RECTORY SALE ORDINANCE 1984

NO. 1 1984

AN ORDINANCE to authorise the sale of certain land at Mosman in the Municipality of Mosman and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (now known as the Anglican Church Property Trust Diocese of Sydney and hereinafter called "the Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificate of Title, Volume 5130 Folio 7 more particularly described in the Schedule hereto AND WHEREAS the said property is church trust property held for the sole benefit of the Parish of St. James Sydney and used and occupied as the Rectory of the said Parish but no trusts in writing have been declared concerning the same AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold and the proceeds applied as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby DECLARES RULES AND ORDAINS 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 and it is expedient that the said land be now sold.
2. The Corporate Trustee is hereby authorised and empowered to sell the said land within three years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time at such price and upon such terms and conditions as it may determine freed from the said trusts.
3. The proceeds arising from the sale shall be applied as follows:-
  - (a) First to pay all outgoings to which the land may be subject the costs of and incidental to this Ordinance and the sale pursuant thereto.
  - (b) Secondly towards the purchase price for a residence for the minister or assistant to the minister including the costs of any furnishings for which the churchwardens are responsible pursuant to the provisions of the Sydney Church Ordinance 1912-1983 or the repayment of any money temporarily borrowed for that purpose.
  - (c) Thirdly the net balance to be held on trust to be applied for such purposes within or without or partially within and partially without the parish of St. James Sydney as the Standing Committee at the written request of a majority of the parish council of the said parish may by resolution from time to time determine and to be entirely freed and discharged from the trusts upon which the land was held provided that in default of agreement either party may refer the question of the application to the Synod for determination.

(d) Fourthly pending any such determination as to the application of the balance of the proceeds of sale as aforesaid such balance shall be invested by the Property Trust and the income arising from such investment shall for the meantime be capitalised,

4. This Ordinance may be cited as "St. James Sydney Rectory Sale Ordinance 1984".

#### SCHEDULE

ALL THAT piece or parcel of land situated at Mosman in the Municipality of Mosman, Parish of Willoughby and County of Cumberland being part of Lot 6 in Deposited Plan 3834 and being the whole of the land in Certificate of Title Volume 5130 Folio 7.

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

E.D. CAMERON  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 20th day of February 1984.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney  
20 / 2 / 1984