

ST. MARK'S AVALON WITH PALM BEACH LAND SALE ORDINANCE
AMENDMENT ORDINANCE 1978

No. 10 1978

AN ORDINANCE to amend St. Mark's Avalon with Palm Beach Land Sale Ordinance 1967 so as to vary the provisions therein relating to application of the proceeds of sale of certain land in Nabilla Road, Palm Beach.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 4122 Folio 174 more particularly described in the Schedule hereto AND WHEREAS the said land together with certain furniture and effects in the building erected thereon are church trust property held for the sole benefit of the Parish of St. Mark Avalon with Palm Beach but no trusts in writing have been declared concerning the same AND WHEREAS by the terms of the St. Mark's Avalon with Palm Beach Land Sale Ordinance 1967 (herein called "the Principal Ordinance") it was declared ordained and directed by the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod that the Corporate Trustee be authorised and empowered to sell the said land, furniture and effects AND WHEREAS the said land, furniture and effects are not sold AND WHEREAS by the terms of the Principal Ordinance the proceeds arising from the said sale were directed to be paid and applied in the manner therein set out AND WHEREAS it is desired to amend the Principal Ordinance in the manner hereinafter appearing NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod **HEREBY DECLARES ORDAINS AND DIRECTS** as follows:-

1. (1) This Ordinance may be cited as the "St. Mark's Avalon with Palm Beach Land Sale Ordinance Amendment Ordinance 1978".

(2) The Principal Ordinance as amended by this Ordinance may be cited as the "St. Mark's Avalon with Palm Beach Land Sale Ordinance 1967-1978" and in any reprint of that Ordinance clause 4 shall be amended accordingly.

2. The Principal Ordinance is amended by deleting clause 3 and by substituting therefor a new clause 3 as follows:-

"3. The proceeds arising from the said sale after paying thereout the costs of and incidental to this Ordinance and the amendment hereof and the sale and transfer pursuant thereto and all outgoings to which the land is subject shall be paid to the Churchwardens of St. David's Church Palm Beach

and applied by them in or towards the following purposes namely:-

30

(a) first in repayment of any existing advance by the Mutual Life and Citizens Assurance Company Limited made for the original purchase of the said property known as No. 6 Nabilla Road, Palm Beach;

35

(b) secondly in or towards all costs and expenses of and incidental to the demolition of existing buildings and the construction of a new rectory together with all fixtures and fittings therein upon premises known as No. 4 Kevin Avenue, Avalon; and

(c) thirdly in or towards repayment of or in reduction of any debts owing by the Parish to the Bank of New South Wales."

SCHEDULE

ALL THAT piece or parcel of land situated at Palm Beach in the Shire of Warringah Parish of Narrabeen County of Cumberland having a frontage of 50 feet to Nabilla Road by depth of 150 feet being Lot 9 D.P. 14682 and the whole of the land in Certificate of Title Volume 4122 Folio 174.

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

Q. 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 March 1978.

M. J. ...

Secretary

I ASSENT to this Ordinance.

M. L. Loane

Archbishop of Sydney

20/3/1978