

ST. MARYS RECTORY VARIATION OF TRUSTS AND LAND SALE  
ORDINANCE 1973

No. 44 1973

AN ORDINANCE to vary the trusts of certain land at No. 34-36 Gidley Street St. Marys, to authorise the sale of such land and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the owner subject to the provisions of an Act of the Governor and Legislative Council of New South Wales 8th William IV Number 5 UPON TRUST for the erection thereon of a clergyman's dwelling house or parsonage to be held managed and dealt with in such manner in all respects as the Synod of the Diocese shall by Rule or Ordinance duly made and passed from time to time direct and appoint as set out in the Indenture dated 8th day of November, 1888 made between the Honourable Philip Gidley King of the one part and the Church of England Property Trust Diocese of Sydney of the other part Registered No. 147 Book 406 of the land more particularly described in the Schedule hereto 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 expedient now to carry out and observe the same and it is expedient that the said land be sold NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such 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 said land is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied and it is expedient that the land be sold.
2. The Corporate Trustee is hereby empowered to sell the said land by private contract or public auction at such time or times for such price or prices and upon such terms and conditions as it shall think fit freed from all trusts upon which it is held AND may in exercise of such powers grant an Option to purchase the said land.
3. The proceeds arising from the sale of the said land after paying thereout all outgoings to which the land may be subject and the costs of and incidental to this Ordinance and of the sale and transfer in pursuance thereof shall be applied by the Corporate Trustee:-
  - (a) First, as to a sum not exceeding Forty thousand dollars (\$40,000) for the provision of a new rectory in the said Parish and for the costs of and incidental thereto including if necessary landscaping of the Church site.
  - (b) Second, to the liquidation of Parish debts not exceeding Eight thousand dollars (\$8,000) and the balance thereof shall be held by the Corporate Trustee in trust for the sole benefit of the Parish of St. Marys and for such purposes within the said Parish as the Standing Committee may approve from time to time by resolution passed at the request of a majority of the members of the Parish Council of the said Parish. PENDING such application the moneys shall be invested by the Corporate Trustee and the income arising therefrom shall be paid to the Churchwardens for the time being of St. Mary Magdalene's Church St. Marys for such purposes and in such manner within the said Parish as may be approved from time to time by the said Parish Council.
4. This Ordinance may be cited as "St. Marys Rectory Variation of Trusts and Land Sale Ordinance 1973".

SCHEDULE

ALL THAT piece or parcel of land having a frontage of 122' 5" to Gidley Street, St. Marys with a rear line of 123' 2 $\frac{1}{2}$ " and depths of 170' 11 $\frac{1}{2}$ " and 175' respectively containing an area of 1 rood 38 $\frac{3}{4}$  perches all measurements being a little more or less being Lot 14 in Registered Plan 2423 in the Parish of Rooty Hill County of Cumberland known as No. 34-36 Gidley Street, St. Marys and being part of the land in Conveyance No. 147 Book 406.

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

D. Cameron  
Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 10th day of December 1973.

W.G.S. Gotley  
Secretary

I ASSENT to this Ordinance.

M.L. Loane  
Archbishop of Sydney  
10/12/1973