

ST. THOMAS' NORTH SYDNEY ORDINANCE 1984

NO. ~~44~~ ~~47~~ 1984

AN ORDINANCE to authorise the sale of certain land at Sydney Road, Manly and to ~~provide for the investment of the proceeds thereof upon the same trusts.~~ vary trusts and to

WHEREAS

- A. Anglican Church Property Trust Diocese of Sydney formerly known as Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is seised in fee simple of the land and property described in the Schedule hereto.
- B. The said property is church trust property held by the Corporate Trustee upon certain trusts declared in the Will of the late Francis Paul Couch Morris of "Dane Hollow", Pittwater Road, Pymble in the State of New South Wales, Gentleman, which trusts are as follows, that is to say to pay from time to time the whole of the net income of the said property (therein referred to as "the Trust Fund") to the Rector for the time being of St. Thomas' Church North Sydney for or towards his living and support and it was further declared that if for any reason the trustee shall at any time be unable lawfully to apply the Trust Fund and the income therefrom for the purposes aforesaid then it was directed that the Trust Fund shall be dealt with and applied for the use and benefit of the Anglican Church of Australia as shall be declared by Ordinance of the Synod of the Diocese of Sydney under the Anglican Church of Australia Trust Property Act, 1917 or any statutory amendment or re-enactment thereof and it was further declared that the Trust Fund shall be deemed church trust property within the meaning of Sections 26 and 32 of the abovementioned Act.
- C. The said Francis Paul Couch Morris died on 19th January, 1948 and Probate of his said Will was granted by the Supreme Court of New South Wales in its Probate Jurisdiction on 29th July, 1948.
- D. By reason of circumstances which have arisen subsequent to

the creation of the trusts upon which the said property is held, ^{it is inexpedient to carry out an} it is expedient to empower the Corporate Trustee to sell the said ^{the same are hereby} property and to invest the proceeds. ^{vertical and}

NOW the Standing Committee of the Synod of the Diocese of Sydney ^{W. J.} in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:-

1. This Ordinance may be cited as "St. Thomas' North Sydney Ordinance 1984".

2. By reason of the circumstances which have arisen subsequent

to the creation of the trusts upon which the said land is held, ^{it is inexpedient to carry out an} it is expedient that the said property be sold. ^{observe the same to the extent (if at all) that the same are hereby varied and}

3. The Corporate Trustee is hereby empowered to sell the said ^{W. J.} property 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 in one or more lots and for such price or prices and upon and subject to such terms and conditions as the Corporate Trustee may determine freed from the trusts upon which the said property is now held.

4. The proceeds arising from the sale of the said property after payment of the costs and expenses of and incidental to this Ordinance and the sale and conveyance in pursuance hereof (hereinafter called "the Trust Fund") shall be invested as hereinafter provided by the Corporate Trustee and held by it upon

the same trusts as herein recited and contained in the Will of the late Francis Paul Couch Morris, ^{except that, until otherwise determined by the Synod or the Standing Committee thereof, by ordinance, the amount so applied from time to time shall not exceed the minimum stipend recommended to be paid}

5. The Corporate Trustee shall have in addition to its ^{existing at the present time, to the rector of a parish of the Diocese} powers the following powers:

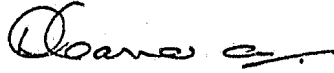
- (a) to invest the Trust Fund in whole or in part in any of the forms of investment approved for the investment of property by the Investment of Church Trust Property Ordinance 1978 as amended from time to time;
- (b) to vary any such investments from time to time; and
- (c) to sell any such investments from time to time, to pay any costs and expenses of and incidental to such sale

out of the proceeds thereof and to reinvest the balance of the proceeds in the manner provided for in sub-clause (a) hereof.

SCHEDULE

ALL THAT piece or parcel of land situate at Manly in the Parish of Manly Cove County of Cumberland State of New South Wales containing by admeasurement twenty eight and three quarter perches more or less being part of lots six, seven, twelve and part of thirteen of Section B of the Fairview Estate commencing at a point on the south western building line of Sydney Road late Sebastopol street bearing north westerly and distant one hundred and forty nine feet one and a half inches from the north western building line of George Street and bounded thence towards the south east north east again on the south east south west and on the remainder of the south east by lines bearing south westerly eighty four feet seven and a quarter inches south easterly twelve feet and three quarters of an inch again south westerly fifty feet four inches north westerly three feet ten inches and again south westerly ten feet two and a quarter inches respectively to land resumed by the Minister for Works for tramway purposes thence towards the remainder of the south east by that land being a curved line whose chord bears south westerly forty seven feet eight and a half inches thence towards the north west by a line bearing north easterly one hundred and seventy five feet ten inches to the south western building line of Sydney Road aforesaid and thence towards the north east by part of that building line of that road bearing south easterly forty six feet to the point of commencement be the said area and dimensions all a little more or less AND ALSO ALL THAT PIECE or parcel of land situate at Manly in the Parish of Manly Cove County of Cumberland State of New South Wales containing by admeasurement twenty five and a quarter perches more or less being part of lots seven, eight and eleven of Section B of the Fairview Estate commencing at a point on the south western building line of Sydney Road late Sebastopol Street bearing north westerly and distant one hundred and ninety five feet one and a half inches from the north western building line of George street and bounded thence towards the south east by a line bearing south westerly one hundred and seventy five feet ten inches to land resumed by the Minister for Works for tramway purposes thence towards the south west and part of the north west by that land being a curved line whose chord bears north westerly forty two feet five and a quarter inches and lines bearing north westerly thirty three feet eight and a half inches north easterly fifteen feet six and one eighth inches and forty eight feet six and one eighth inches respectively and thence towards the remainder of the north west by a line bearing north easterly fifty five feet and three quarters of an inch to the south western building line of Sydney Road aforesaid and thence towards the north east by part of the building line of that road being a line bearing south easterly forty six feet to the point of commencement be the said area and dimensions all a little more or less TOGETHER WITH the improvements erected on both parcels of land known as "Scarborough" Flats No. 115-117 Sydney Road, Manly, as set out in Conveyance No. 795, Book 3092.

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



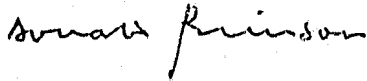
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of ~~October~~ 1984.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
29/10/1984

DR 17/11/1984

