

CHESTER HILL RECTORY ORDINANCE 1984

NO. 46 of 1984

AN ORDINANCE to authorise the sale of land at Chester Hill, the application of the proceeds and the declaration of trust and mortgaging of other land at Chester Hill.

WHEREAS

A. The Church of England Property Trust Diocese of Sydney (now known as Anglican Church Property Trust Diocese of Sydney) (hereinafter called "the corporate trustee") is registered as proprietor in fee simple of the land described in the First Schedule.

B. The land described in the First Schedule is held upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Anglican Church of Australia in the Parochial District of Sefton and Chester Hill with Regents Park and Birrong or any parish into which it may subsequently be formed.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the First Schedule land is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

D. The corporate trustee proposes to acquire land described in the Second Schedule upon trust for the parish of Chester Hill with Sefton.

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

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

2. The corporate trustee is hereby authorised and empowered to sell the land within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing

30 Committee by public auction or private contract at such time and
at such price and upon such terms and conditions as it may
determine freed from the trusts upon which it is held.

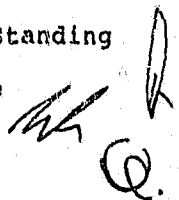
3. The proceeds arising from the sale shall be applied as
follows:

35 (a) Firstly to pay all outgoings to which the land may
be subject, the costs of and incidental to this
Ordinance and the sale pursuant thereto.

40 (b) Secondly the net balance shall be applied towards
the cost of the acquisition and renovation (if
necessary) of a residence for a minister, assistant
minister or person employed by the churchwardens on
the land described in the Second Schedule or the
45 acquisition and renovation or construction of any
such residence on other land to be acquired within
the parish by the corporate trustee for such
purpose.

4. (1) The corporate trustee is hereby authorised and empowered
to mortgage the land described in the Second Schedule (or such
other land as may be acquired by the proceeds of sale arising
50 from this ordinance and for the purposes aforesaid) for the
purpose of securing the repayment of an amount borrowed by the
corporate trustee, such amount (a) not to exceed the amount last
approved by the Standing Committee; and (b) to be paid to
churchwardens for the time being of Chester Hill with Sefton and
55 applied by them for any purpose (being a purpose consistent with
the trusts set forth in clause 3(b), approved by them and by the
Standing Committee by resolution thereof or for repaying the
amount secured by any mortgage over the said land or any part
thereof.

60 A certificate by the secretary for the time being of the Standing
Committee as to the terms of any resolutions passed by the



Standing Committee pursuant to this clause shall be conclusive evidence that the resolution set forth in the certificate has been duly passed by the Standing Committee and is the last resolution to have been passed by the Standing Committee pursuant to this clause.

(2) Any moneys borrowed on the security of the said land shall be repaid at a rate not less than that (if any) specified in the last resolution by the Standing Committee to be passed pursuant to this authority.

(3) While any money is secured by any mortgage granted pursuant to this Ordinance then the said churchwardens shall disclose the amount so secured in every statement of assets prepared pursuant to Clause 41 of the Sydney Church Ordinance 1912 (as amended) and in every return lodged pursuant to the Assessment Authorisation Ordinance 1975 (as amended).

5. The corporate trustee shall not enter a contract for the purchase of any land pursuant to this ordinance until such time as a contract shall have been entered by the corporate trustee for the sale of the land described in the First Schedule for a sum not less than \$85,000 or such other sum as shall be approved by resolution of the Standing Committee".

6/ X. This ordinance may be cited as "Chester Hill Rectory Ordinance 1984".

FIRST SCHEDULE

ALL THAT land at Chester Hill being Lot 18 in Deposited Plan 15807 and being the whole of the land comprised in Certificate of Title Volume 12961 Folio 100.

SECOND SCHEDULE

ALL THAT land at Chester Hill being Lot 51 in Deposited Plan 554589 and being the whole of the land comprised in Certificate of Title Volume 12107 Folio 73.

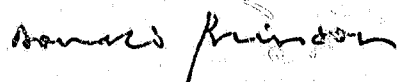
I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.


Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the nineteenth day of November 1984.


Secretary

I ASSENT to this Ordinance


Archbishop of Sydney
19 / 11 / 1984