

DULWICH HILL (ST AIDAN'S) SALE ORDINANCE 1991

No 11, 1991

AN ORDINANCE to appoint new trustees of certain lands at Dulwich Hill, to authorise the sale of part of those lands and to provide for the application of the proceeds of sale.

WHEREAS

- A. Geoffrey Herbert Carter, Bertie Allen Larven and Adam Kembal Dein are the registered proprietors of the church building property and the residential property.
- B. Standing upon the church building property is St Aidan's.
- C. The present trustees held the church building property and the residential property on trust for St Aidan's but no express trusts have been declared in writing.
- D. The final service was held at St Aidan's on 10 December, 1989. The Archbishop withdrew the licence of St Aidan's with effect from 31 May 1990.
- E. The present trustees are dead.
- F. The church building property and the residential property are church trust property within the meaning of the Anglican Church Property Act 1917 held on trust for the purposes of the Parish.
- G. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the church building property and the residential property are held, the churchwardens have requested the Archbishop to appoint as trustees of the church building property and the residential property the Anglican Church Property Trust Diocese of Sydney, such properties to be held on trust for the parish.
- H. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the church building property is held, it is inexpedient to carry out and observe the same and it is expedient that the property be sold and the proceeds applied as hereafter provided.

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. This Ordinance may be cited as Dulwich Hill (St Aidan's) Sale Ordinance 1991.

2. In this Ordinance:-

"the present trustees" means Geoffrey Herbert Carter, Bertie Allen Larven and Adam Kembal Dein;

"the church building property" means the whole of the lands described in the First Schedule;

"the residential property" means the whole of the lands described in the Second Schedule;

"St Aidan's" means the church of St Aidan South Dulwich Hill;

"the parish" means the parish of Holy Trinity Dulwich Hill;

"the churchwardens" means the churchwardens for the time being of the parish;

"the trustee" means Anglican Church Property Trust Diocese of Sydney;

"the fund" means the trust fund established in clause 6(c);

"the Ordinance" means Dulwich Hill (St Aidan's) Sale Ordinance 1991.

3. Consent is hereby given to the church building property and residential property vesting in the trustee.

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4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the church building property is held it is inexpedient to carry out and observe the same and it is expedient that the church building property be sold.

5. The trustee is hereby authorised and empowered to sell freed from all trusts the church building property within three (3) years after the date of assent of this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private treaty at such time and at such price and upon such terms and conditions as it may determine with the consent of the churchwardens.

6. The proceeds arising from the sale of the church building property shall be paid to the trustee and applied as follows:-

- (a) in payment of all costs, expenses and outgoings in relation to or arising from the preparation and promotion of the Ordinance;
- (b) to pay all outgoings to which the property may be subject and the costs of and incidental to the sale pursuant to the Ordinance;
- (c) the balance to be invested and the income applied:-
 - (i) as to 30% to be capitalised; and
 - (ii) the balance to the churchwardens for the promotion, development and maintenance of the cross cultural ministry of the Parish or for such other purpose or purposes as requested from time to time by resolution of the majority of the Parish Council of the Parish and approved by the Standing Committee or, failing such approval, as approved by the Synod of the Diocese of Sydney.

FIRST SCHEDULE

The whole of the land in the Municipality of Marrickville, Parish of Petersham and County of Cumberland being part of Lots 59 and 60 in Deposited Plan No 3253 and being the whole of the land comprised in Certificate of Title Volume 4547 Folio 76 and known as 19 Bedford Crescent, Dulwich Hill.

SECOND SCHEDULE

The whole of the land in the Municipality of Marrickville, Parish of Petersham and County of Cumberland being part of Lots 61 and 62 in Deposited Plan No 5253 and being the whole of the land comprised in Certificate of Title Volume 4326 Folio 13 and known as 17 Bedford Crescent, Dulwich Hill.

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

N.M. 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 29th day of April 1991.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
29 / 4 / 1991