
*Emmanuel Church Glenhaven Declaration, Variation of
Trust and Exchange Ordinance 1970*

No. 59, 1970

AN ORDINANCE to declare the trusts of certain land at Glenhaven in the Shire of Baulkham Hills to vary the trusts on part of the said land, to authorise the exchange of that part for certain other land in the said Shire and to declare the trusts of the land so obtained.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor in fee simple of the land comprised in Certificate of Title Volume 10082 Folio 172 more particularly described in the First Schedule hereto AND WHEREAS the land was acquired for the use of the Church of England in Australia in the Parish of St. Paul Castle Hill but no trusts have been declared in writing concerning the same and it is expedient that particular trusts be declared AND WHEREAS Howard James Thomas is the registered proprietor in fee simple of certain land adjoining that comprised in the First Schedule AND WHEREAS the Parish Council of the said Parish has negotiated with the said Howard James Thomas to transfer that part of the land comprised in the First Schedule as is described in the Second Schedule hereto in exchange for the land described in the Third Schedule hereto AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is inexpedient to carry out and observe the same in their entirety and it is expedient that the said land be transferred freed from all trusts AND WHEREAS it is expedient that the land comprised in the Third Schedule be held upon the same trusts as the residue of the land comprised in the First Schedule 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. The land described in the First Schedule hereto shall be held by the Corporate Trustee 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 Church of England in Australia at Glenhaven in the Parish of St. Paul Castle Hill.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which that part of the land

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comprised in the First Schedule and which is more particularly described in the Second Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that the land described in the Second Schedule be exchanged for other land.

3. The Corporate Trustee is hereby empowered to exchange the land described in the Second Schedule hereto for the land described in the Third Schedule hereto freed from any trusts whatsoever.

4. Upon exchange the land described in the Third Schedule hereto shall be held upon the same trusts as the residue of the land described in the First Schedule hereto.

5. This Ordinance may be cited as "Emmanuel Church Glenhaven Declaration, Variation of Trust and Exchange Ordinance 1970".

FIRST SCHEDULE

ALL THAT piece or parcel of land situate in the Shire of Baulkham Hills Parish of Castle Hill and County of Cumberland being Lot 2 in Deposited Plan 515470 and Lot 1 in plan lodged with Transfer No. A57056 (filed as F.P. 104374) and being the whole of the land in Certificate of Title Volume 10082 Folio 172.

SECOND SCHEDULE

ALL THAT piece or parcel of land situated as aforesaid being part of Lot 1 in plan lodged with Transfer No. A57056 (filed as F.P. 104374) and being part of the land in Certificate of Title Volume 10082 Folio 172 having a frontage to Glenhaven Road of about 33 feet and having an area of about 625 square feet as more particularly shown on plan of subdivision of Mr. Surveyor Clements dated 4th November 1969.

THIRD SCHEDULE

ALL THAT piece or parcel of land situated as aforesaid being part of Lot X in plan lodged with Transfer No. H328744 and being part of the land in Certificate of Title Volume 7900 Folio 214 having a rear width of about 41 feet and having an area of about 980 square feet as more particularly shown on plan of subdivision of Mr. Surveyor Clements dated 4th November 1969.

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

H. G. S. BEGBIE,

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 23rd day of November, 1970.

W. L. J. HUTCHISON,

Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,

Archbishop of Sydney.

23/11/1970.