

ST. DAVID'S FORESTVILLE SALE ORDINANCE 1976

No. 16 1976

AN ORDINANCE to authorise the sale of certain land at Killarney Heights and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor in fee simple of the land described in the Schedule hereto (hereinafter called "the land") AND WHEREAS a hall building has been erected on the land and for some time was used for services of worship but was delicensed as a place of worship in the year 1970 and is now known as "The Killarney Heights Hall of St. David's Church of England, Forestville" AND WHEREAS the land is church trust property held for the sole benefit of the Parish of St. David, Forestville but no trusts in writing appear to have been declared concerning the same AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DIRECTS AND DECLARES as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is expedient that such land be sold.
2. The Corporate Trustee is hereby empowered to sell the land by private contract or by 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.
3. The proceeds arising from the sale of the land after paying thereout all costs of and incidental to this Ordinance and to the sale and transfer in pursuance thereof and all outgoings to which the said land may be

subject shall be applied as follows:-

- (a) Firstly in satisfaction payment and discharge of all or any moneys owing to the trustees for the time being of the unincorporated association known as the "Heights Kindergarten" pursuant to the terms of a deed bearing date the first day of September, 1971 between the Parish Council of St. David's Church of England Forestville and the said trustees.
- (b) Secondly in reduction of any outstanding liability of the Parish of St. David, Forestville to the Bank of New South Wales and to Sydney Church of England Finance and Loans Board in respect of principal and interest outstanding on the loans granted by the said Bank and the said Board.
- (c) Thirdly, as to any balance, to be applied in or towards the costs, expenses and outgoings of or incidental to the construction or installation of buildings or facilities or the demolition of or addition to or extension, renovation, repair or reconstruction of existing buildings or facilities on or about the existing premises at St. David's Church of England, Forestville or otherwise to be applied in accordance with a resolution of the said Parish Council and approved by a resolution of the Standing Committee provided that such moneys shall be applied for the benefit of the said Parish or any parish into which it may subsequently be formed.

4. This Ordinance may be cited as "St. David's Forestville Sale Ordinance 1976".

SCHEDULE

ALL THAT land situate at Forestville in the Shire of Warringah Parish of Manly Cove and County of Cumberland being Lot 2 in Deposited Plan No. 557475 at the corner of Melwood Avenue and Starkey Street, Killarney Heights and being the whole of the land in Certificate of Title Volume 12024 Folio 2.

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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 28th day of June 1976.

W. Gotley

Secretary

I ASSENT to this Ordinance.

M.L. Loane

Archbishop of Sydney

28/ 6/76