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*St. John's Penshurst Vesting Variation of Trusts and Land  
Sale Ordinance 1972*

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No. 12, 1972

AN ORDINANCE to vest certain land at 2A Ocean Street Penshurst in the Corporate Trustee to vary the trusts and to authorise the sale of the said land and to provide for the application of the proceeds.

WHEREAS by virtue of Certificate of Title Volume 7504 Folio 184 John Upton, William Arps and Keith Alroy Ball are registered as proprietors of an estate in fee simple as joint tenants of the land described in the Schedule hereto AND WHEREAS by declaration of trust registered and numbered 16138 the said land is held upon trust for the purpose of a rectory in connection with the Church of England in the Parish of Mortdale Penshurst Cum Oatley and Peakhurst AND WHEREAS the said land is church trust property held for the sole benefit of the Parish of St. John Penshurst AND WHEREAS it is expedient that the said land be now vested in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same to the extent to which they are hereby varied and it is expedient that the land be sold and the net proceeds used and 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 DECLARES DIRECTS AND RULES as follows:—

1. The land described in the Schedule shall be and the same is hereby vested in the Corporate Trustee.

2. 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 to the extent to which they are hereby varied and it is expedient that the land be sold.

3. The Corporate Trustee is hereby empowered to sell the land by public auction or private treaty at such time and at such price and upon such terms and conditions as the Corporate Trustee may determine freed from any trusts whatsoever.

4. The proceeds arising from the sale of the land after paying thereout the costs of and incidental to this Ordinance and the sale and transfer in pursuance thereof and all outgoings to which the land may be subject shall be paid to the Churchwardens of St. John's Church Penshurst and shall be applied by them as follows:—

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(a) As to Five thousand dollars (\$5,000) towards the reduction of the overdraft on the current account known as "St. John's Church of England Penshurst War Memorial Building Fund".

(b) As to the balance of such proceeds towards the purchase of a rectory in connection with the Parish of St. John Penshurst and the renovation thereof.

5. This Ordinance may be cited as "St. John's Penshurst Vesting Variation of Trusts and Land Sale Ordinance 1972".

**SCHEDULE**

ALL THAT piece or parcel of land situate in the Municipality of Hurstville Parish of St. George and County of Cumberland being Lot B in Plan lodged with Transfer No. F550570 and having a frontage to Ocean Street of 70' a depth on its Southern boundary of 121' 6 $\frac{1}{2}$ " a depth on its Northern boundary of 124' 1" and a rear line measurement of 70' 8" and containing an area of 31 $\frac{1}{2}$  perches all dimensions a little more or less and being the whole of the land comprised in Certificate of Title Volume 7504 Folio 184 and known as 2A Ocean Street Penshurst.

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

ATHOL RICHARDSON,  
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 24th day of April, 1972.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

24/4/1972.