

ST. LUKE'S WARILLA LAND SALE ORDINANCE 1976

No. 11 1976

AN ORDINANCE to authorise the sale of certain land situate at Warilla in the Municipality of Shellharbour and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificates of Title Volume 7277 Folio 15, Volume 7713 Folio 45 and Volume 11729 Folio 222 more particularly described in the schedule hereto (hereinafter called "the lands") AND WHEREAS the lands are church trust property within the meaning of the Church of England Trust Property Act 1917 held for the sole benefit of the Church of England in Australia at Warilla but no trusts have been declared in writing concerning the same AND WHEREAS there is erected on the land comprised in said Certificate of Title Volume 7713 Folio 45 a cottage known as No. 7 Antrim Avenue, Warilla AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands are held it is inexpedient to carry out and observe the same and it is expedient that the lands be now sold and the proceeds applied as hereinafter set out 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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands are held it is inexpedient to carry out and observe the same and it is expedient that the lands be sold.
2. The Corporate Trustee is hereby empowered to sell the lands as a whole or separately by public auction or private contract at such time, at such price and upon such terms and conditions as it shall think fit freed from the trusts upon which it is now held.
3. The proceeds arising from the sale of the land comprised in Certificates of Title Volume 7277 Folio 15 and Volume 11729 Folio 222

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after paying thereout all outgoing to which the land may be subject,
 the costs of and incidental to this Ordinance and the sale and transfer
 pursuant thereto shall be paid towards discharge of any mortgage or
 charge over lands situate at Warilla in the Municipality of Shellharbour
 being Lots 211, 212 and 213 in Deposited Plan 224606 and being the
 whole of the lands in Certificates of Title Volume 10005 Folios 31, 32
 or any moneys borrowed to enable those lands to be purchased when such lands have
 and 33/PROVIDED THAT any funds not so required shall be paid to the ^{become church trust property}

churchwardens for the time being of St. Luke's Church Warilla and applied
 by them towards capital expenditure at Warilla within the Provisional
 Parish of Shellharbour AND PROVIDED ALSO that any such funds not immediately
 required for capital expenditure shall be invested by the Corporate
 Trustee and the income arising therefrom shall be paid to the said
 churchwardens and applied by them for general parochial purposes.

4. The proceeds arising from the sale of Lot 31 in Deposited Plan
 23432 being the whole of the land in Certificate of Title Volume 7713
 Folio 45 upon which said land is erected the cottage known as No. 7
 Antrim Avenue, Warilla, after paying thereout the costs of and incidental
 to this Ordinance if not already paid from the proceeds of the other
 lands hereinbefore referred to and the costs of and incidental to the
 sale and transfer pursuant thereto and all outgoing to which the said
 land and the building is subject, shall be paid to the churchwardens
 for the time being of St. Luke's Church Warilla and applied by them
 towards the purchase of another cottage at Warilla in such position
 and for such price and upon such terms and conditions as the Corporate
 Trustee thinks fit PROVIDED THAT any funds not so required shall be
 applied by the said churchwardens towards capital expenditure within
 the Provisional Parish of Shellharbour at Warilla AND PROVIDED ALSO
 that any such funds not immediately required for the purchase of another
 cottage as aforesaid or for capital expenditure shall be invested by
 the Corporate Trustee and the income arising therefrom shall be paid
 to the said churchwardens and applied by them for general parochial

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purposes.

60 5. This Ordinance may be cited as "St. Luke's Warilla Land Sale Ordinance 1976".

SCHEDULE

ALL THOSE pieces or parcels of land situate at Warilla in the Municipality of Shellharbour Parish of Terragong and County of Camden being Lots 30 and 31 in Deposited Plan 23432 and Lot 2 in Deposited Plan 552194 having a combined frontage of 150 feet to Antrim Avenue and being the whole of the lands in Certificates of Title Volume 7277 Folio 15, Volume 7713 Folio 45 and Volume 11729 Folio 222.

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 31st day of May 1976.

W. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane
Archbishop of Sydney
31/ 5/76