

ST. THOMAS' MULGOA, WITH LUDDENHAM VARIATION OF TRUSTS  
AND LAND SALE ORDINANCE 1973

No. 38, 1973

AN ORDINANCE to vary the trusts of certain land at Mulgoa Road, Mulgoa in the Parish of Mulgoa County of Cumberland to authorise the sale of such land 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 the purchaser under a contract of sale dated 23rd August 1973 of part of the land in Conveyance No. 180 Book 217 more particularly described in the Schedule hereto AND WHEREAS upon completion of the said purchase the said land shall be church trust property held by the Corporate Trustee upon trust to permit the same to be used for the benefit of the Parish of St. Thomas Mulgoa with Luddenham AND WHEREAS no trusts have been declared in writing concerning the said land AND WHEREAS it is expedient that the said 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 DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to entering into a contract to purchase the said land it is expedient that the said land be sold.

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

3. The proceeds arising from the sale of the said land after paying thereout all costs of and incidental to this Ordinance and to the sale and conveyance in pursuance thereof and all outgoings to which the said land may be subject shall be paid to the Corporate Trustee and shall be applied by it for the following purposes:-

- (a) First in payment of the principal and interest of the loan made by the Bank of New South Wales to enable completion of the purchase of the said land.
- (b) Then in payment of arrears of diocesan assessments, and in payment of diocesan assessments for the year 1973.
- (c) Then in payment of the principal interest and costs of and incidental to the discharge of the existing mortgage debt over the rectory at Mulgoa.
- (d) Then in payment of the principal and interest of a loan made from the funds and assets of St. Thomas' Cemetery Mulgoa.

As to the balance remaining it shall be paid by the Corporate Trustee to the churchwardens for the time being of St. Thomas' Church Mulgoa for the sole benefit of the Parish of Mulgoa with Luddenham.

4. This Ordinance may be cited as the "St. Thomas' Mulgoa with Luddenham Variation of Trusts and Land Sale Ordinance 1973".

SCHEDULE

ALL THAT piece or parcel of land situate at Mulgoa in the City of Penrith, Parish of Mulgoa, County of Cumberland being part of portion 10 of the said Parish containing 4 acres 1 rood 7 $\frac{1}{2}$  perches and being part of the land comprised in Conveyance No. 180 Book 217:

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 19th day of November 1973.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

Marcus Loane  
Archbishop of Sydney

19/11/1973