

SUTTON FOREST (LAMBETH ESTATE) VARIATION OF TRUSTS AND SALE
ORDINANCE 1986

NO. 18, 1986

AN ORDINANCE to vest certain property in Anglican Church Property Trust Diocese of Sydney to vary trusts to authorise the sale of the property and to provide for the application of the proceeds.

WHEREAS

A. Under the Will of the late Muriel Pryor Lambeth her residuary estate was devised to her Trustee on trust for sale, realisation and investment for the benefit of certain life tenants and after their deaths for the Parish Council of the Parish of Sutton Forest (hereinafter called "the Parish Council") for such ecclesiastical purposes as the Council might in its discretion determine.

B. The Parish's interest in the Estate (hereinafter called "the trust property") is church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 as amended.

C. Earlier life estates have now terminated and the last life tenant, Arthur James Lambeth is now in receipt of income.

D. The said Arthur James Lambeth has requested that the estate assets be sold and that the proceeds of the sale be divided between the Parish and the life tenant.

E. It is appropriate that the trust property be vested in Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee").

F. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient that the trust property be 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 ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. Consent is hereby given to the trust property vesting in the Corporate Trustee.

2. By reason of circumstances which have arisen subsequent to the creation of the Trusts upon which the trust property is held it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied as hereinafter set out.

3. The Corporate Trustee is hereby authorised to sign all necessary deeds or documents and give all necessary consents to enable the trust property to be sold within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee for such price or prices and on and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

4. The Proceeds arising from the sale after paying thereout the costs of and incidental to this Ordinance and the costs of and incidental to the sale shall be applied as follows:-

- (a) up to Forty thousand dollars (\$40,000) to be paid to the churchwardens of the church of All Saints' Sutton Forest (hereinafter called "the churchwardens") and applied by them towards the construction and furnishing of a rectory upon land in the Parish held upon trust for the parish; and
- (b) the balance to be invested by the Corporate Trustee and the income therefrom to be paid to the churchwardens for general church purposes as determined by the Parish Council.

5. This Ordinance may be cited as the "Sutton Forest (Lambeth Estate) Variation of Trusts and Sale Ordinance 1986".

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of June 1986.

W.G.S. GOTLEY
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney.
30/6/1986