
*All Saints' West Lindfield Declaration of Trust and
Mortgage Ordinance 1968*

No. 7, 1968.

AN ORDINANCE to declare the trusts of certain land in Moore Avenue West Lindfield in the Municipality of Ku-ring-gai to authorise the further mortgaging of such land and for purposes incidental thereto.

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 Certificate of Title Volume 6713 Folio 167 more particularly described in the Schedule hereto AND WHEREAS by All Saints' West Lindfield Mortgage Ordinance 1963 (No. 3, 1963) it was declared that the said land be held by the Corporate Trustee upon trust to permit the same to be used as a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia at West Lindfield in the Parish of St. Alban Lindfield AND WHEREAS the land is now situated in the Provisional Parish of All Saints' West Lindfield and it is expedient that the trusts concerning the same be now modified accordingly AND WHEREAS the said land is now subject to a mortgage to the C.B.C. Savings Bank Limited executed pursuant to the provisions of the said Ordinance No. 3, 1963 AND WHEREAS it is proposed to erect a new church upon part of the said land and it is necessary that the land be further mortgaged or charged to secure the sum of Thirty thousand dollars (\$30,000) to be applied towards the cost thereof AND WHEREAS it is expedient that the land be now so further mortgaged or charged NQW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such 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 land described in the Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby modified or varied.

2. The said land shall henceforth be held by the Corporate Trustee upon trust to permit the same to be used as a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Provisional Parish of All Saints' West Lindfield or any parish into which it may subsequently be formed.

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3. By reason of circumstances which have arisen subsequent to the creation of the trusts as hereby modified upon which the said land is held it is expedient to further mortgage the said land:—

- (i) The Corporate Trustee is hereby empowered to further mortgage the whole or any part of the said land for the purpose of borrowing the sums following:—
 - (a) When the power is first exercised a sum not exceeding Thirty thousand dollars (\$30,000).
 - (b) When the power is subsequently exercised such sum not exceeding Thirty thousand dollars (\$30,000) plus any balance then owing under the mortgage previously executed pursuant to Ordinance No. 3, 1963 as the Standing Committee may by resolution determine.

PROVIDED that such debt shall when the power is first exercised be repaid at the rate of not less than Two thousand seven hundred and thirty eight dollars (\$2,738) per annum principal and interest and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine. PROVIDED FURTHER that no person or corporation advancing moneys under this Ordinance shall be concerned to enquire whether such reductions shall have been made.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the power.
- (iii) A document purporting to be certified by the Archbishop or Diocesan Secretary as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

4. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of All Saints' Church West Lindfield who shall apply the same towards the cost of erection of a church upon the said land.

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(ii) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage.

(iii) Any mortgagee advancing moneys pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same direct to the Churchwardens for the time being of the said Church of All Saints' West Lindfield.

5. The Churchwardens for the time being of All Saints' Church West Lindfield shall within seven days of the holding of the Annual Vestry Meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed, the amounts paid off and the balance owing.

6. This Ordinance may be cited as "All Saints' West Lindfield Variation of Trust and Mortgage Ordinance 1968".

SCHEDULE

All that piece or parcel of land situated at West Lindfield in the Municipality of Ku-ring-gai having a frontage of 84' to Moore Avenue being Lot 7 D.P. 24782 and the whole of the land in Certificate of Title Volume 6713 Folio 167.

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 25th day of March, 1968.

F. A. JOHNSON,

Acting Secretary.

I assent to this Ordinance.

MARCUS LOANE,

Archbishop of Sydney.

25/3/68.