
*Arden Church of England Girls' School Declaration of
Trusts and Mortgaging Ordinance 1970*

No. 62, 1970

AN ORDINANCE to declare the trusts of certain land at Beecroft in the Shire of Hornsby to authorise the mortgaging of that and other adjoining land to grant an easement over such land and to provide for the application of the proceeds.

WHEREAS in pursuance of the Arden Church of England Girls' School Ordinance 1962 (No. 15 of 1962) the Arden Church of England Girls' School Council (hereinafter called "the Council") is now carrying on, managing, governing and controlling a School at Beecroft known as "Arden Church of England Girls' School" (hereinafter called "the school") AND WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the land comprised in Certificates of Title Volume 11433 Folio 28 and Volume 6204 Folio 12 more particularly described in the Schedule hereto (hereinafter called "the said land") AND WHEREAS the Arden Church of England Girls' School Mortgaging Ordinance 1964 (No. 41 of 1964) declared the trusts and authorised the mortgaging of part of the said land but no mortgage has been executed in pursuance thereof AND WHEREAS a debt has been incurred to the Bank of New South Wales secured by a letter of guarantee issued by the Sydney Diocesan Finance and Loans Board AND WHEREAS the said land is held by the Corporate Trustee as church trust property for the use benefit and purposes of the school at Beecroft in connection with the Church of England in Australia in the Diocese of Sydney AND WHEREAS part of the said land is held upon those trusts pursuant to Ordinance No. 41 of 1964 and the Arden Church of England Girls' School Variation of Trust Ordinance 1964 (No. 32 of 1964) but no trusts have been declared in writing concerning the remainder and it is expedient to declare such trusts AND WHEREAS it is expedient that the said land be mortgaged in the manner and for the purposes hereinafter appearing AND WHEREAS since the purchase of the said land it has become necessary to grant an easement to drain sewage over existing line of pipes running through part of the said land to the owner for the time being of Lot 2 in Deposited Plan No. 544764 with the consent of the Metropolitan Water Sewerage and Drainage Board (hereinafter called "the Board") NOW 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:—

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1. The said land shall be held by the Corporate Trustee upon trust for the use benefit and purposes of the school at Beecroft in connection with the Church of England in Australia in the Diocese of Sydney.

2. By reason of circumstances which have arisen since the creation of the trusts upon which the said land is held it is inexpedient to observe the same in their entirety and it is expedient to mortgage the said land and to grant an easement as hereinafter set out.

3. (i) The Corporate Trustee is hereby empowered to mortgage or charge from time to time the whole or any part of the said land for the purposes of borrowing the sum or sums following:—

(a) When the power is first exercised a sum not exceeding Sixty-eight thousand dollars (\$68,000).

(b) When the power is subsequently exercised such sum or sums as the Standing Committee shall from time to time by resolution determine.

PROVIDED that the debt shall when the power is first exercised be reduced by the sum of Seven thousand dollars (\$7,000) per annum including interest and when the power is subsequently exercised at such rate as Standing Committee shall from time to time by resolution determine PROVIDED FURTHER that no person or corporation advancing money pursuant to this Ordinance shall be concerned to enquire whether such reductions have been made.

(ii) Any renewal of a mortgage or charge shall be deemed to be a subsequent exercise of the said power.

(iii) a document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage or charge be conclusive evidence that such a resolution was duly passed.

4. The Corporate Trustee is hereby empowered to grant any easement as may be required by the Board or by any other statutory authority over through and under the said land or any part thereof.

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

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- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and the execution of any mortgage, charge, easement or other assurance in law executed in pursuance thereof and thereafter towards the erection on the said land of a new school building and appurtenances and for the repair, renovation and improvement of buildings standing or hereafter to be erected on the said land and otherwise for the use benefit and purposes of the school.
- (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 or charge and the costs and expenses of such further mortgage or charge and thereafter for such other purposes consistent with the trusts of the said land as Standing Committee at the request of the Council shall from time to time by resolution determine.
- (iii) Any mortgagee advancing money pursuant to the provisions of this clause is hereby authorised to pay the same direct to the Council to be applied by it for the purposes aforesaid.

6. This Ordinance may be cited as "Arden Church of England Girls' School Declaration of Trusts and Mortgaging Ordinance 1970".

SCHEDULE

ALL THAT piece or parcel of land situate in Beecroft Road, Beecroft in the Shire of Hornsby Parish of Field of Mars and County of Cumberland being Lot 1 in Deposited Plan No. 544764 and being the whole of the land comprised in Certificate of Title Volume 11433 Folio 28 upon which is erected a cottage known as No. 67 Beecroft Road, Beecroft and other buildings and also

ALL THAT piece or parcel of land situate in Wongala Crescent (formerly Railway Parade) in the Shire of Hornsby Parish of Field of Mars and County of Cumberland being Lot B in plan annexed to instrument of Transfer No. F172047 and being the whole of the land comprised in Certificate of Title Volume 6204 Folio 12 upon which is erected a cottage known as No. 39/41 Wongala Crescent (formerly No. 69 Railway Parade) Beecroft and other buildings.

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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 14th day of December, 1970.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

14/12/1970