

DENHAM COURT WITH ROSSMORE MORTGAGING
AND SALE ORDINANCE 1980

No. 21 1980

AN ORDINANCE to authorise the mortgaging of certain land, to vest certain other land in the Corporate Trustee and to vary ~~the trusts~~ and authorise the mortgaging, sub-division and sale or sales of that land, and to provide for the application of the proceeds of such sale or sales and mortgages.

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WHEREAS

- A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of the land described in the First Schedule hereto.
- B. The said land is held upon trust for use as a rectory for the sole purpose of the Parish of Denham Court with Rossmore or such other purposes within the said Parish as the Standing Committee may determine by resolution at the written request of a majority of the members of the Parish Council of the said Parish.
- C. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient that the land be mortgaged.
- D. On 2nd May 1941 the land described in the Second Schedule hereto was conveyed to Stanley Cook, Jeffrey Robert Angus Winton, John ^{Ronald} Grant MacDonal and Charles Henry Throsby in fee simple upon trust for the Church of England in Australia within the Parish of Denham Court with Rossmore but no trusts have been declared in writing concerning the same.
- E. It is expedient that the said land in the Second Schedule be vested in the Corporate Trustee.
- F. The lands described in the Schedules hereto are church trust property within the meaning of the Church of England Trust Property Act 1917 (as amended).
- G. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule is held, it is expedient that it be mortgaged, sub-divided and sold

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and that the proceeds be 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. This Ordinance may be cited as "Denham Court with Rossmore Mortgaging and Sale Ordinance 1980".

2. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the First Schedule is held, it is expedient that the said land be mortgaged or charged.

(2) 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 purpose of borrowing such sum as may have been last approved by the Standing Committee by resolution thereof.

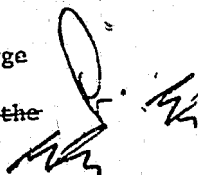
(3) The amount borrowed on the security of any mortgage or charge granted pursuant to sub-section (2) of this section shall be paid to the Churchwardens of the Church of St. Barnabas at Ingleburn and shall be applied towards the cost of building a rectory on the said land.

3. (1) Pursuant to section 19 of the Church of England Trust Property Act 1917 (as amended), consent is hereby given to the vesting of the land described in the Second Schedule hereto in the Corporate Trustee.

(2) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the said land is held, it is inexpedient to carry out and observe the same and it is expedient that the said land be dealt with as hereinafter provided.

(3) 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 purpose of borrowing such sum as may have been last approved by the Standing Committee by resolution thereof.

(4) The amount borrowed on the security of any mortgage or charge granted pursuant to sub-section (3) of this section ~~shall be paid to the~~



~~Churchwardens of the Church of St. Barnabas at Ingleburn and shall be applied by the Corporate Trustee~~ in payment of the costs of and incidental to this Ordinance and every mortgage or charge granted pursuant to this sub-section and the survey costs fees and charges incidental to the sub-division of the said land.

(5) The Corporate Trustee is hereby empowered to apply for the sub-division of the said land and to sell it in one or more parcels, by public auction or private contract, at such price or prices and upon such terms and conditions as the Corporate Trustee may determine.

(6) The proceeds arising from such sale or sales shall be applied in meeting all outgoings properly chargeable against the said land (including any debts secured by a mortgage or charge) and all costs, charges and expenses of and incidental to this Ordinance and to any sale or sales, and thereafter the balance shall be applied towards building a rectory on the land in the First Schedule or for such other purposes within the said Parish as the Standing Committee may determine by resolution at the written request of the members of the Parish Council of the said Parish PROVIDED THAT any funds not immediately so required shall be ^{invested} ~~vested~~ by the Corporate Trustee and the income arising therefrom shall be capitalised.

4. Any document purporting to be certified by the Archbishop or the Diocesan Secretary of the said Diocese as a ^{copy} ~~corporate~~ of any resolution of the Standing Committee passed pursuant to sections 2 or 3 of this Ordinance, shall be conclusive evidence that such resolution was duly passed and, except where a subsequent certificate pursuant to either or both of those sections has been delivered to such mortgagee or person, shall be conclusive evidence that such resolution was the last resolution passed by the Standing Committee pursuant to either or both of those sections.

5. Whilst any money is secured by any mortgage or charge granted pursuant to this Ordinance, the said Churchwardens, in every statement of assets prepared pursuant to section 41 of the Sydney Church Ordinance 1912 (as amended), shall disclose the amount so secured on the last day of the financial year to which the statement of assets relates.

FIRST SCHEDULE

ALL THOSE pieces or parcels of land situated in Lionel Street, Ingleburn in the City of Campbelltown Parish of Minto and County of Cumberland being Lots 30 - 35 inclusive of Section 6 in Deposited Plan 1912 and being the whole of the land comprised in Certificates of Title Volume 2727 Folio 151 and Volume 13085 Folio 144.

SECOND SCHEDULE

ALL THAT piece or parcel of land situated in Oxford Street, Ingleburn in the City of Campbelltown Parish of Minto and County of Cumberland and being the whole of the land comprised in Conveyance No. 676 Book 1892.

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

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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 August 1980.

W. G. M.

Secretary

I ASSENT to this Ordinance.

M. L. Home

Archbishop of Sydney
25/8/1980