

ENGADINE MORTGAGING ORDINANCE 1979

No. 29, 1979

AN ORDINANCE to authorise the mortgaging of certain land at Engadine.

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 Schedule hereto.

5 B. The said land is held upon trust to permit the same to be used for a church, church hall or parsonage or partly for one and partly for another or others of such purposes in connection with the Church of England in Australia at Engadine in the Parish of St. George Engadine or any parish, provisional parish or provisional district into which it may be subsequently
10 formed; and to permit the same to be mortgaged to the extent authorised by the St. George's Engadine Mortgaging Ordinance 1975.

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 said land be further mortgaged.

15 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 "Engadine Mortgaging Ordinance 1979".
- 2. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the Schedule hereto is held, it is
20 expedient that the said land be mortgaged or charged.
- 3. (1) 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.

25 (2) The amount borrowed on the security of any mortgage or charge granted pursuant to this Ordinance shall be paid to the Churchwardens of the church building known as St. George's Engadine and, after the costs of and incidental to this Ordinance and to every such mortgage or charge have been met therefrom, shall be applied:-

- 30 (a) in payment of the costs of and incidental to the discharge of
any existing mortgage or charge over the said land;
- (b) towards completion of the buildings erected or being erected on
the said land; or
- 35 (c) for such other purposes in the Parish of Engadine (being consistent
with the trusts of the said land) as the Standing Committee may have
last approved by resolution thereof.

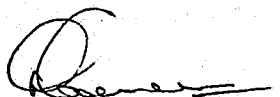
(3) Any document purporting to be certified by the Archbishop or the
Diocesan Secretary of the said Diocese as a copy of any resolution of the
Standing Committee passed pursuant to this clause shall, in favour of a
40 mortgagee or any person claiming under a mortgage or charge granted pursuant
to this Ordinance, be conclusive evidence that such resolution was duly passed
and, except where a subsequent certificate pursuant to this clause 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
45 to this clause.

4. 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 clause 41 of the Sydney Church Ordinance 1912 (as amended),
shall disclose the amount so secured on the last day of the financial year
50 to which the statement of assets relates.


SCHEDULE

ALL THAT piece or parcel of land situate at Engadine in the Shire of Sutherland
Parish of Heathcote and County of Cumberland being Lot 1 in Deposited Plan 527741
in Waratah Road, and being the whole of the land contained in Certificate of Title
Volume 10771 Folio 13.


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



Chairman of Committees

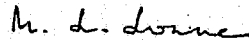


I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of August, 1979.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

29/8/1979