

THE INGLEBURN VESTING DECLARATION OF
TRUSTS AND MORTGAGING ORDINANCE 1983

NO. 47 1983

AN ORDINANCE to vest certain land at Ingleburn in the Corporate Trustee to declare the trusts of certain other land at Ingleburn and to authorise the mortgaging thereof and to provide for the application of the proceeds and matters incidental thereto.

WHEREAS

A. The property described in the First Schedule hereto is held upon trust for the sole benefit of the Parish of Ingleburn with Denham Court and Rossmore (hereinafter called "the Parish") but no trusts in writing have been declared
5 concerning the same.

B. The persons named and described in the Second Schedule hereto are the Trustees of that property.

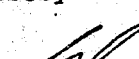
C. It is appropriate that the said persons cease to be the
10 Trustees of that property and that the property be vested in Anglican Church Property Trust Diocese of Sydney (hereinafter called the "the Corporate Trustee").

D. The Corporate Trustee is the purchaser in a certain
15 Contract for Sale of the land described in the Third Schedule hereto.

E. Such land will on the completion of the said purchase and transfer be Church Trust Property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 as amended and held for the sole benefit of the Parish.

F. For such purpose it is expedient that on completion as
20 aforesaid the property described in the Third Schedule be mortgaged or charged to secure the sum of Forty-Five Thousand Dollars (\$45,000) to be applied towards the payment of the purchase price of the property.

25 NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby
DECLARES ORDAINS AND DIRECTS as follows:-



1. Consent is hereby given to the property described in the First Schedule vesting in the Corporate Trustee.

30 2. Upon completion of the said purchase and transfer the property described in the Third Schedule shall be vested in the Corporate Trustee and held upon trust for a:-

(a) church;

(b) residence for a minister, assistant to the minister
35 or person employed by the churchwardens;

(c) hall or halls;

(d) school or other place of assembly;

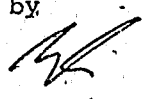
or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the
40 Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district of Ingleburn or any parish or ecclesiastical district into which it may subsequently be formed or form part.

3. (1) Upon completion of the said purchase and transfer
45 the Corporate Trustee is hereby empowered from time to time to mortgage the property described in the Third Schedule hereto for the purpose of borrowing the sums following:-

(a) when the power is first exercised a sum not exceeding Forty-Five Thousand Dollars (\$45,000);

50 (b) when the power is subsequently exercised such sum as Standing Committee shall by resolution determine.

PROVIDED that such debts shall be reduced by half-yearly repayments of not less than Three Thousand Five Hundred and
55 Thirty-Six Dollars (\$3,536) inclusive of the principal and interest or by such other payments as the Standing Committee may by resolution from time to time approve when the power is first exercised and when the power is subsequently exercised at such rate as the Standing Committee may by





60 resolution determine PROVIDED FURTHER that no person or
corporation advancing moneys pursuant to this ordinance
shall be concerned to enquire as to whether this condition
has been complied with.


65 (2) Any renewal of a mortgage shall be deemed to be a
subsequent exercise of the said power.

(3) A document purporting to be a certificate signed by
the Archbishop or the 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
70 mortgage be conclusive evidence that such resolution was
duly passed.

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

75 (a) When the power is first exercised in payment of the
costs of and incidental to this Ordinance the costs
fees and other outgoings of and incidental to the
said purchase and completion of transfer and the
costs of and incidental to any mortgage or charge
executed in pursuance of this Ordinance and the
80 balance shall be applied towards the purchase money
and adjustments required to completed the said
transfer. 

(b) When the power is subsequently exercised in payment
of the principal, interest and costs of and
85 incidental to the discharge of any then existing
mortgage and the expense of such further mortgage or
for such other purpose or purposes as the Standing
Committee shall be resolution determine. 

(c) Any mortgagee advancing moneys pursuant to the
90 provisions of paragraphs (a) and (b) of this clause
is hereby authorised to pay the same direct to the
churchwardens for the time being of the Parish or
as they may in writing direct. 

5. The said churchwardens shall within seven (7) days of the date of holding 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 Secretary of the Corporate Trustee giving details of the original amount borrowed the amounts paid off and the balance owing as at the end of the last financial year.

6. This Ordinance may be cited as "The Ingleburn Vesting Declaration of Trusts and Mortgaging Ordinance 1983".

THE FIRST SCHEDULE

ALL THAT piece or parcel of land at Ingleburn in the City of Campbelltown Parish of Minto and County of Cumberland being Lots 26 to 29 inclusive and Lots 58 to 61 inclusive of Section 6 in Deposited Plan 1912 and being the whole of the land in Certificate of Title Volume 881 Folio 203.


THE SECOND SCHEDULE

Keith Brougham DOCKER of Sydney, Public Accountant
Henry Wallace MORT of Woollahra, Clerk in Holy Orders
James Montague SANDY of Sydney, Merchant.

THE THIRD SCHEDULE

ALL THAT piece or parcel of land at Ingleburn in the City of Campbelltown Parish of Minto and County of Cumberland being Lot 726 in Deposited Plan 255393 and the whole of the land in Certificate of Title Volume 13499 Folio 26.

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



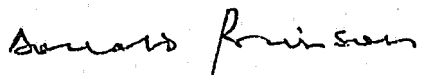
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 12th day of December 1983.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
12/12/1983