

MILL HILL ORDINANCE 1980

No. 41 1980

AN ORDINANCE to vary the trusts on which certain moneys are held, to vest certain moneys in Church of England Property Trust Diocese of Sydney and to authorise the mortgaging of certain land.

WHEREAS:

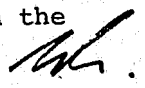
A. Robert Keith Newton is the surviving trustee of certain moneys (being the balance of the proceeds from the sale of the property known as 45 Oxford Street, Bondi Junction) on the trusts set forth in a deed made the 13th day of August 1917 by William Sydney Rowley and Robert Dawes Registered No. 176 Book 3431, namely:-

"upon trust to lay out and invest the same in the buying or erecting in any other suitable situation of a dwelling house for the Rector of the said Parish to reside therein and any surplus moneys then remaining and any moneys received by way of rents or profits arising from the said lands and hereditaments shall be payable to the Treasurer for the time being of the said Parish for the general purposes of the said Church",

the reference to "the said Parish" being a reference to "the Parish of St. Barnabas Church Waverley" and the reference to "the said Church" being a reference to St. Barnabas' Church at Waverley.

B. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the said moneys are held, it is inexpedient to carry out and observe the same.

C. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") has entered into an agreement to purchase the land described in the schedule hereto.



30 D. It is expedient that the Corporate Trustee be appointed
 the trustee of the said moneys and that the said moneys
 be applied in and towards the purchase price for the
 said land.

35 E. The Corporate Trustee will need to borrow further moneys
 to pay the balance of the said purchase price and to
 meet the costs of the Corporate Trustee in connection
 with the acquisition of the said land.

F. It is expedient that the said land be mortgaged to
 secure the repayment of the said further moneys.

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

1. This ordinance may be cited as "Mill Hill Ordinance
 1980".

45 2. Consent is hereby given to the vesting of the moneys
 referred to in Recital A of this ordinance in the Corporate
 Trustee.

3. (1) By reason of circumstances subsequent to the creation
 of the trusts on which the said moneys are held, it is
 inexpedient to carry out and observe the same.

50 (2) The said moneys shall be held on trust to permit the
 same to be applied in or towards meeting the cost of the land
 described in the schedule hereto.

55 (3) On completion of the purchase of the land described in
 the schedule hereto, the said land shall be held upon trust
 for the Parish of Mill Hill (or any parish or ecclesiastical
 district into which it may subsequently be formed or form part)
 but so as to permit the same (or any part thereof) to be used
 as the residence for a minister or assistant to a minister
 and to permit the same to be mortgaged as hereinafter provided

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and so as to permit any income derived therefrom to be applied in and towards the repayment of moneys borrowed on the security of any such mortgage and interest thereon and any balance then remaining to be paid to the churchwardens of St. Barnabas' Church Mill Hill to be applied for the purposes of the said Parish.

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4. (1) The Corporate Trustee is hereby empowered to mortgage the said land for the purpose of borrowing such sum as may have been last approved by the Standing Committee by resolution thereof.

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(2) The amount borrowed on the security of any mortgage granted pursuant to this ordinance shall be paid to the Corporate Trustee and shall be applied by it:-

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- (a) in or towards meeting the purchase price of the said land and the costs of the Corporate Trustee in connection with the acquisition of the same, or
- (b) for such other purposes of the said parish (being not inconsistent with the trusts on which the said property is to be held) as the Standing Committee may have last approved by resolution thereof.

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(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 mortgagee, or any person claiming under a mortgage 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, be conclusive evidence that such resolution was the last resolution passed by the Standing Committee pursuant to this clause.

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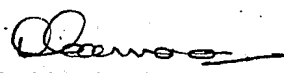
(4) Whilst any money is secured by any mortgage granted pursuant to this ordinance, the churchwardens of St. Barnabas Church Mill Hill, in every statement of assets prepared pursuant to Clause 41 of the Sydney Church Ordinance 1912 (as amended) shall disclose the amount so secured on the last day of the financial year to which the statement of assets relates.

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SCHEDULE

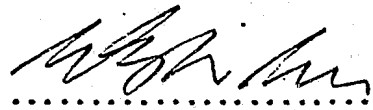
All that land being the whole of the land comprised in Conveyance Registered No. 805 Book 3032 and known as 86 Denison Street, Bondi Junction.

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



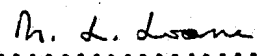
 Chairman of Committees

I CERTIFY that this ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 24th day of November 1980.



 Secretary

I ASSENT to this ordinance.



 Archbishop of Sydney
 24/11/1980