
*St. Alban's French's Forest Variation of Trust and
Mortgage Ordinance 1965*

No. 25, 1965.

AN ORDINANCE to vary the Trusts and authorise the mortgaging of certain lands at French's Forest in the Shire of Warringah and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the lands comprised in Crown Grants Volume 158 Folio 119 and Volume 158 Folio 120 and the residue of the land comprised in Crown Grant Volume 5320 Folio 199 more particularly described in the first second and third parts respectively of the Schedule hereto AND WHEREAS the land comprised in the said Crown Grant Volume 158 Folio 119 was granted upon trust for the erection of a Church of England Church AND WHEREAS the land comprised in the said Crown Grant Volume 158 Folio 120 was granted upon trust as a site of a Dwelling House Garden and other Appurtenances for the Clergyman duly appointed to officiate in the Church of England erected in the district then known as Rodborough AND WHEREAS the land comprised in the said Crown Grant Volume 5320 Folio 199 was granted upon trust for a School in connection with the Church of England in New South Wales at Rodborough French's Forest AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it has become inexpedient to carry out or observe such trusts and it is expedient that the trusts affecting the said lands be now varied AND WHEREAS a church and a parish hall are erected on the said lands and it is intended to erect a parsonage also thereon AND WHEREAS it will be necessary to borrow a sum not exceeding Five thousand pounds (£5,000) to be applied towards the cost of such parsonage AND WHEREAS it is expedient that the said lands excepting thereout that part thereof upon which the said church is erected and which is described in the fourth part of the schedule hereto be mortgaged to secure such advance NOW, the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances subsequent to the creation of the trusts affecting the lands described in the Schedule hereto it has become inexpedient to carry out or observe such trusts and it is expedient that the same be varied as hereinafter set out.

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2. The lands described in the Schedule hereto shall be held upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia at French's Forest.

3. By reason of circumstances subsequent to the creation of the trusts affecting the lands described in the first second and third parts of the Schedule hereto excepting thereout the land comprised in the fourth part of such Schedule it is expedient to mortgage the same.

4. (i) The Corporate Trustee is empowered to mortgage from time to time the whole or any part of the said lands in the first second and third parts of the Schedule hereto excepting thereout the land comprised in the fourth part of such Schedule for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding Five thousand pounds (£5,000).

(b) When the power is subsequently exercised such sum not exceeding Five thousand pounds (£5,000) as the Standing Committee shall by resolution determine.

PROVIDED THAT such debt shall be reduced at the rate of not less than Six hundred and seventy-nine pounds (£679) per annum including interest when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions have been made.

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

(iii) Any 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 be conclusive evidence that such resolution was duly passed.

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5. The proceeds of any mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and such mortgage be applied as follows:-

(i) When the power is first exercised towards the cost of erection of a parsonage upon part of the said lands.

(ii) When the power is subsequently exercised (other than by a renewal of the original mortgage) in payment of the principal interest and costs of discharge of any existing mortgage.

6. The Churchwardens for the time being of the Church of St. Alban's French's Forest shall within Seven (7) days of the holding of the Annual Vestry Meeting of such church during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed, the amount paid off and the balance owing.

7. This Ordinance may be cited as "St. Alban's French's Forest Variation of Trust and Mortgage Ordinance 1965."

SCHEDULE

FIRST PART

All that piece or parcel of land situate at French's Forest in the Shire of Warringah Parish of Manly Cove County of Cumberland containing an area of 1 acre and having a frontage of 264' to Bantry Bay Road by a depth of 165' along Fitzpatrick Avenue being the whole of the land comprised in Crown Grant Volume 158 Folio 119.

SECOND PART

All that piece or parcel of land situated as aforesaid having a frontage of 17' 10 $\frac{1}{2}$ " to Fitzpatrick Avenue a depth of 264' along Wakehurst Parkway on one side and a rear line of 12' 3 $\frac{1}{2}$ " and being the residue of the land comprised in Crown Grant Volume 158 Folio 120 remaining after the resumption by the Commissioner for Main Roads Registered Number D770173.

THIRD PART

All that piece or parcel of land situated as aforesaid containing an area of 2 roods having a frontage of 82' 6" to Fitzpatrick Avenue

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and a depth of 264' being bounded on the west by the land described in the first part and on the east by the land described in the second part of this Schedule and being the whole of the land comprised in Crown Grant Volume 5320 Folio 199.

FOURTH PART

All that piece or parcel of land comprising part of the land described in the first part of this Schedule containing an area of 14,400 square feet at the north western corner thereof having a frontage of 120' to Bantry Bay Road and a depth of 120' along Fitzpatrick Avenue upon which is erected the church of St. Alban's French's Forest.

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 30th day of August 1965.

W. L. J. HUTCHISON, Secretary.

I assent to this Ordinance.

MARCUS L. LOANE, Bishop,
Commissary.

30/8/1965.