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*St. David's Forestville cum Belrose and French's Forest  
Declaration of Trust and Mortgage Ordinance 1966*

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No. 3, 1966.

AN ORDINANCE to declare the trusts of certain land at Forestville in the Shire of Warringah to authorise the mortgaging of such land and to provide for the application of the proceeds and matters incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 9763 Folio 99 more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Provisional Parish of St. David Forestville cum Belrose and French's Forest AND WHEREAS the trusts of part of the said land were declared by Ordinance No. 28, 1961 but since the passing of such Ordinance certain additional land has been acquired and consolidated with that described in such Ordinance and it is expedient that the trusts of the consolidated land be now declared AND WHEREAS there is now owing to the Bank of N.S.W. Savings Bank a sum of approximately Six thousand seven hundred dollars (\$6,700) previously borrowed for the purpose of erecting a Rectory in the said Provisional Parish AND WHEREAS it is now proposed to erect a new church on part of the said land and for such purpose it is necessary and expedient that the land be now mortgaged or charged to secure a sum of Thirty thousand dollars (\$30,000) to be applied partly in refunding the existing debt to the said Bank and the balance towards the erection of the said church NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND RULES as follows:-

1. The land described in the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used for a church parsonage and parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia at Forestville in the Provisional Parish of Forestville cum Belrose and French's Forest or in any other District or Parish in which it may subsequently be situated.

2. 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 mortgaged.

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3. (i) The Corporate Trustee is hereby empowered to mortgage the said land from time to time for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding Thirty thousand dollars (\$30,000).

(b) When the power is subsequently exercised such sum not exceeding Thirty thousand dollars (\$30,000) as Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced at the rate of not less than Three thousand four hundred dollars (\$3,400) per annum principal and interest when the power is first exercised and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine.

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

(iii) A document purporting to be signed by the Archbishop or Diocesan Secretary as a copy of any such resolution as aforesaid shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

4. The proceeds of any mortgage hereby authorised shall be applied as follows:-

(i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage or charge executed in pursuance thereof and the balance in funding the existing loan by the Bank of N.S.W. Savings Bank and subject thereto towards the cost of erection of a new church on the said land.

(ii) When the power is subsequently exercised in the discharge of any existing mortgage or mortgages and the costs of and incidental to such discharge and new mortgage or mortgages.

(iii) Any mortgagee advancing moneys to the Corporate Trustee pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same to the Churchwardens for the time being of St. David's Church of England Forestville.

5. The Churchwardens of St. David's Church Forestville shall within 7 days of holding the Annual Vestry Meeting of such church

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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 particulars of the amount borrowed the amounts paid off and the balance owing.

6. This Ordinance may be cited as "St. David's Forestville cum Belrose and French's Forest Declaration of Trust and Mortgage Ordinance 1966."

**SCHEDULE**

All that piece or parcel of land situated at Forestville in the Shire of Warringah Parish of Narrabeen County of Cumberland having a frontage of 98 feet 8 inches to Warringah Road containing 2 roods 39 $\frac{3}{4}$  perches being Lot 1 D.P. 510117 and the whole of the land in Certificate of Title Volume 9763 Folio 99.

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 28th day of February, 1966.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

MARCUS L. LOANE,  
Bishop Commissary.

28/2/1966.