

ST PAUL'S CARLINGFORD MORTGAGE ORDINANCE 1989

No 1, 1989

AN ORDINANCE to authorise the mortgaging of certain land and provide for the application of the proceeds.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (the "Corporate Trustee") is the proprietor of the land described in the schedule hereto (the "land").

B. Pursuant to the St Paul's Carlingford Ordinance No. 44, 1976 the land is held upon trust for a church parish hall and other appurtenant buildings and rectory or partly for one or partly for another or others of such purposes in connection with the Anglican Church of Australia at Carlingford in the Parish of St Paul Carlingford.

C. The land has been mortgaged pursuant to the St Paul's Carlingford Ordinance No 44, 1976 and the St Paul's Carlingford Further Mortgaging Ordinance No 3, 1978.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land is held it is expedient to provide for the further mortgaging of the land.

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 the "St Paul's Carlingford Mortgaging Ordinance 1989".

2. By reason of circumstances, which have arisen subsequent to the creation of the trusts on which the land is held it is inexpedient to carry out and observe the trusts to the extent provided in this Ordinance and it is expedient to provide for the mortgaging of the land.

3. (1) The Corporate Trustee is hereby empowered to mortgage or further mortgage from time to time the whole or any part of the land for the purpose of securing such sum as may have been last approved by the Standing Committee by resolution thereof.

(2) The amount borrowed on the security of any mortgage granted pursuant to this Ordinance shall be paid to the Corporate Trustee or as it may direct in writing and, after the costs of and incidental to this Ordinance and to every such mortgage granted pursuant thereto have been met therefrom, shall be applied for such purposes in the Parish of St Paul Carlingford (being consistent with the trusts of the 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, in favour of a mortgage or any person claiming under a mortgage granted pursuant to this Ordinance, shall 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 to this clause.

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(4) Whilst any money is secured by any mortgage granted pursuant to this Ordinance, in every statement of assets prepared pursuant to clause 11 of the Sydney Church Ordinance 1912 the churchwardens of the Church of St Paul Carlingford shall disclose the amount so secured on the last day of the financial year to which the statement of assets relates.

SCHEDULE

ALL THAT piece or parcel of land being Lot 34 in Deposited Plan Number 251044 and being the whole of the land comprised in Certificate of Title Volume 12998 Folio 161.

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

E.D. CAMERON  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 20th day of February 1989.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney  
20/2/89