

ST. PAUL'S WENTWORTHVILLE ORDINANCE 1980

No. 20 1980

AN ORDINANCE to amend St. Paul's Wentworthville (St. Martin's South Wentworthville) Land Sale and Declaration of Trusts Ordinance 1969 and St. Paul's Wentworthville Variation of Trusts and Land Sale Ordinance 1975 and to authorise the mortgaging of a property known as No. 30 Sturdee Street, Wentworthville and to declare certain trusts in relation thereto.

5 WHEREAS in accordance with the provisions of St. Paul's Wentworthville (St. Martin's South Wentworthville) Land Sale and Declaration of Trusts Ordinance 1969 (hereinafter called "the 1969 Ordinance") certain moneys (hereinafter called "the Damien Avenue moneys") representing the proceeds arising from certain sale or sales of land having a frontage to Damien Avenue, Wentworthville are held (after certain payments thereout) upon trust to be paid in the manner stated therein and applied "towards the erection of a church, church hall or other buildings in the Parish of St. Paul Wentworthville" AND WHEREAS in accordance with the provisions of St. Paul's Wentworthville Variation of Trusts and Land Sale Ordinance 1975 (hereinafter called "the 1975 Ordinance") certain moneys (hereinafter called "the Adler Parade moneys") representing the proceeds arising from certain sale or sales of land having a frontage to Adler Parade, Wentworthville are held (after certain payments thereout) upon trust to be invested in the manner stated therein and the income arising therefrom paid and applied by them in the manner and for the purposes stated therein provided that in accordance with certain procedures set forth therein the whole or any part of the Adler Parade moneys may be applied towards certain specified purposes including "capital works within the said Parish" AND WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") proposes to enter a contract to purchase certain land and improvements described in the Schedule hereto (hereinafter called "the property") for the purchase price of Sixty-eight thousand dollars (\$68,000) AND WHEREAS the property will on completion of the purchase become Church trust property within the meaning of the Church Trust Property Act, 1917 as amended AND WHEREAS the said purchase price and other costs and expenses incidental to such purchase and also certain costs relating to the proposed renovation and furnishing of the property (which price, costs and expenses are hereinafter called "the acquisition cost") is to be paid as to part thereof out of the Damien Avenue moneys, as to part thereof out of the Adler Parade moneys and as to the balance thereof from moneys to be borrowed from the Commonwealth Savings Bank of Australia (hereinafter called "the Bank") upon the terms and conditions hereinafter mentioned AND WHEREAS by reason of the aforesaid circumstances and for the purposes of providing part of such acquisition cost it is inexpedient to carry out and observe the said trusts relating to the Damien Avenue moneys and it is inexpedient to deal with or apply such moneys or any part thereof for the same or like purposes and it is expedient that such trusts be now varied to the extent hereinafter set out by amendment of the 1969 Ordinance

AND WHEREAS also by reason of the aforesaid circumstances and for the purposes of also providing part of the acquisition cost it is inexpedient to carry out and observe the trusts relating to the Adler Parade moneys and it is inexpedient to deal with or apply such moneys or any part thereof for the same or like purposes and it is expedient that such trusts be now varied to the extent hereinafter set out by amendment of the 1975 Ordinance

AND WHEREAS The Bank has requested the Corporate Trustee to grant to it a mortgage over the property to secure the repayment of the sum to be borrowed

AND WHEREAS it is expedient that the property be mortgaged or otherwise charged for such purpose NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES RULES AND DIRECTS as follows:

1. (1) The 1969 Ordinance is amended by the addition of the words "or purchase" after "erection" and by the addition of the words "residence for a minister" after "church" and before "church hall" in Clause 3 thereof;

(2) The 1969 Ordinance as amended by this Ordinance may be cited as "St. Paul's Wentworthville (St. Martin's South Wentworthville) Land Sales and Declaration of Trusts Ordinance 1969-1980".

2. (1) The 1975 Ordinance is amended by the omission of paragraph (b) in Clause 3 thereof and by the insertion in lieu thereof of the following substitute paragraph:-

"(b) Erection, purchase, reconstruction, renovation or repair of buildings for the purposes of and within the said Parish".

(2) The 1975 Ordinance as amended by this Ordinance may be cited as "St. Paul's Wentworthville Variation of Trusts and Land Sale Ordinance 1975-1980".

3. The property shall on purchase be vested in the Corporate Trustee and subject to the terms of this Ordinance be held upon trust for a:-

- (i) Church;
- (ii) Residence for a minister, assistant to the minister or person employed by the churchwardens;
- (iii) Hall or halls;
- (iv) School or other place of assembly;

or partly for one or another or others of those purposes in connection with the Church of England in Australia for the sole benefit of the Parish of St. Paul's Wentworthville or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

4. (1) The Corporate Trustee is hereby authorised and empowered to mortgage or otherwise charge the property 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 the Standing Committee shall by resolution determine; provided that such debt shall be reduced at the rate of not less than Four thousand nine hundred and twenty dollars (\$4,920) per annum when the power is first exercised or at such other rate as the Standing Committee at the request of the Parish Council of the said Parish shall by resolution determine provided that no person or corporation advancing money under the provision of such Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

- (2) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (3) A document purporting to be certified by the Archbishop or Diocesan Secretary 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.
- (4) The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:-
 - (a) When the power is first exercised in payment of the costs, charges and expenses of and incidental to this Ordinance and of any mortgage executed in pursuance thereof and the balance shall be paid to the churchwardens of St. Paul's Wentworthville who shall apply the same:
 - (i) firstly in the purchase of the property;
 - (ii) secondly in the payment of costs and expenses in relation to the said purchase;
 - (iii) thirdly in and towards the renovation and furnishing of the said property.
 - (b) When the power is subsequently exercised in payment of the principal interest, costs of and incidental to the discharge of any existing mortgage or mortgages and costs and expenses of such further mortgage or mortgages.

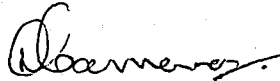
5. Whilst any money is secured by any mortgage or charge granted pursuant to this Ordinance the churchwardens for the time being of St. Paul's Wentworthville, in every statement of assets prepared pursuant to Clause 41 of the Sydney Church Ordinance 1912 (as amended), shall disclose the amount so secured on the last day of the financial year to which the statement of assets relates.

6. This Ordinance shall be cited as "St. Paul's Wentworthville Ordinance 1980".

SCHEDULE

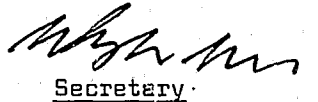
ALL THAT piece or parcel of land in the Municipality of Holroyd Parish of Prospect County of Cumberland being Lot 4 in Deposited Plan 28007 and the whole of the land in Certificate of Title Volume 7477 Folio 141 together with improvements erected thereon and known as 30 Sturdee Street, Wentworthville.

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



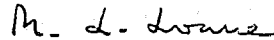
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of July 1980.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
28/7/1980