

ST. SIMON AND ST. JUDE BOWRAL VARIATION OF TRUSTS
AND MORTGAGING ORDINANCE 1976

No. 31 1976

AN ORDINANCE to vary the trusts of certain lands situate at Bowral in the Municipality of Bowral to authorise the mortgaging of such lands and to provide for the application of the proceeds and all matters incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the land comprised in Certificate of Title Volume 5569 Folio 234 of which the land is more particularly described in the first schedule hereto
5 is part AND WHEREAS the said land was by Deed of Conveyance dated the 24th October, 1873 Registered No. 566 Book 138 was with other land conveyed to the Bishop of Sydney upon trust to permit the same to be used for a church, burial ground, dwelling house for the minister or schoolhouse or partly for one and partly for another or others for
10 such purposes in connection with the United Church of England and Ireland in the Parish of Bowral AND WHEREAS it is expedient to vary the trusts of the land as hereinafter set out AND WHEREAS it is intended to close the said burial ground and to create a memorial park and to erect a further parish hall upon part of the said land AND WHEREAS for such
15 purposes it is expedient that the said property be mortgaged or charged to secure the sum of Eighty thousand dollars (\$80,000.00) to be applied towards the costs of the erection of the said parish hall NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS
20 as follows:

1. By reason of circumstances which have arisen subsequent to the creation of the trusts of the land described in the Schedule it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied as hereinafter set out.

25 2. The land described in the Schedule hereto shall henceforth be held upon trust for a parsonage church hall or halls and memorial park or partly for one or another or others of such purposes in

connection with the Church of England in Australia at Bowral in the Parish of St. Simon and St. Jude Bowral.

30 3. (1) The Corporate Trustee is hereby empowered from time to time to mortgage the property described in the schedule hereto for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding Eighty thousand dollars (\$80,000.00)

35 (b) When the power is subsequently exercised such sum not exceeding Eighty thousand dollars (\$80,000.00) as Standing Committee shall by resolution determine.

PROVIDED THAT when the power is subsequently exercised interest and periodic payments and the term of the advance shall be as Standing
40 Committee shall by resolution determine.

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

(3) A document purporting to be a certificate signed by the Archbishop or the Diocesan Secretary of the said Diocese as a copy of any such
45 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 duly authorised shall be applied by the Corporate Trustee as follows:-

50 (a) When the power is first exercised in payment of the costs of and incidental to this ordinance the costs of and incidental to any mortgage or charge executed in pursuance of this ordinance and the balance shall be applied towards the cost of the erection of the said parish hall.

55 (b) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage or for such other purpose or purposes as the Standing Committee shall by resolution

60

determine.

- (c) Any mortgagee advancing moneys pursuant to the provisions of paragraph (a) and (b) of this clause is hereby authorised to pay the same direct to the churchwardens for the time being of St. Simon and St. Jude Bowral.

65

5. The churchwardens shall within seven (7) days of the date of holding the Annual Vestry Meeting 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 amounts paid off and the balance owing as at the end of the last financial year.

70

6. This ordinance may be cited as "St. Simon and St. Jude Bowral Variation of Trusts and Mortgaging Ordinance 1976".

THE SCHEDULE

ALL THAT piece or parcel of land situate at Bowral in the Municipality of Bowral Parish of Mittagong and County of Camden being part of the land in Certificate of Title Volume 5569 Folio 234 and being Lot 1 in a Plan of Subdivision of the land in the said Certificate of Title (prepared by Campbell & Anderson Pty. Limited Registered Surveyors reference No. 5254 and proposed to be registered) EXCEPTING THEREOUT that parcel of land representing the curtilage of the Church being the land commencing at a point on the eastern alignment of Bendooley Street bearing 179 degrees 50 minutes 40 seconds distant 35 metres from the intersection of the eastern alignment of Bendooley Street with the southern alignment of Boolwey Street and bounded thence on the north by a line bearing 89 degrees 50 minutes 40 seconds distant 46 metres and thence on the east by a line bearing 179 degrees 50 minutes 40 seconds distant 68 metres thence on the south by a line bearing 269 degrees 50 minutes 40 seconds distant 46 metres thence on the west by the eastern alignment of Bendooley Street bearing 359 degrees 50 minutes 40 seconds distant 68 metres to the point of commencement containing by admeasurement 3128 square metres be the abovementioned several dimensions all a little more or less.

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

D. Cameron

Deputy Chairman of Committees

- 4 -

I CERTIFY that this ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of September 1976.

W. Gotley
Secretary

I ASSENT to the ordinance

M.L. Loane
Archbishop of Sydney
27/ 9/76