

TURRAMURRA SOUTH ORDINANCE 1981

NO. 52 1981

AN ORDINANCE to Authorise the Mortgaging of certain land and to make provision for the application from the proceeds thereof and to vary the trusts on which certain land is held.

WHEREAS

A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Property Trust") is the registered proprietor of the land described in the Schedule hereto.

5 B. The said land is church trust property held on trust for the benefit of the Provisional Parish of St. Philip Turramurra South.

C. The trusts upon which the said land is held have been declared by the "St. James' Turramurra and St. Philip's Turramurra South Declaration of Trust Land Sale and Mortgaging Ordinance 1968-1977".

10 D. By reason of circumstances which have arisen subsequent to the creation of the said trusts on which the said land is held, it is inexpedient to carry out the same.

E. The said Provisional Parish of St. Philip Turramurra South is now a Parish.

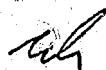
15 NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS DIRECTS AND RULES as follows:-

1. The said land shall be held upon trust for a:-

- (a) church;
- (b) residence for a minister, assistant to the minister or person employed  
20 by the churchwardens;
- (c) hall or halls;
- (d) school or other place of assembly;

25 or partly for one or another or others of those purposes or any other purpose ancillary thereto in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the parish or ecclesiastical district of Turramurra South or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

2. By reason of circumstances subsequent to the creation of the trusts on which the said land is held, it is expedient that such land be mortgaged.
- 30 3. The Property Trust is hereby authorised and empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing such sum as may have been last approved by the Standing Committee by resolution thereof. Any amount borrowed on the security of any mortgage granted pursuant to this Ordinance shall be paid to the churchwardens for the time being of the church known as St. Philip's Turramurra South, and shall be applied by them in or towards meeting the whole or any part of the following:-
- 35
- (a) the costs of an incidental to this ordinance and any mortgage or charge executed thereto;
  - 40 (b) the cost of extending or altering the rectory;
  - (c) the cost of extending or altering other church buildings including the Church and parish hall erected on the said land; and
  - (d) the repayment of the whole or any part of the amount borrowed on the security of any mortgage previously granted pursuant to the said
- 45 St. James' Turramurra and St. Philip's Turramurra South Declaration of Trust Land Sale and Mortgaging Ordinance 1968-1977.
4. 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 Clause 3 shall, in favour of a mortgagee, or
- 50 any person claiming under a mortgage granted pursuant to this Ordinance, 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, be conclusive evidence that such resolution was the last resolution passed by the Standing Committee pursuant to this Clause.
- 55 5. Whilst any money is secured by any mortgage granted pursuant to this Ordinance, the said churchwardens, 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.
- 60 6. This Ordinance may be cited as "Turramurra South Ordinance 1981".



M.L.L.

SCHEDULE

ALL THAT piece or parcel of land situated at Turramurra formerly West Pymble in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland being Lot 4 D.P. 221650 comprising the whole of the land in Certificate of Title Volume 9761 Folio 21.

ALL THAT piece or parcel of land situated as aforesaid being Lot 22 D.P. 221650 comprising the whole of the land in Certificate of Title Volume 9760 Folio 250.

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



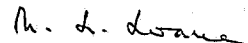
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 14th day of December 1981.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

17/12/1981