

WAITARA ORDINANCE 1981

No. 23 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 that land is held.

WHEREAS:

- 5
- 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.
- 10
- B. The said land is church trust property held on trust to permit the same to be used as a residence and the rents and profits arising therefrom to be applied for the benefit of the Parish of Saint Andrew's Church of England Wahroonga in the State of New South Wales for such purpose or purposes as the Churchwardens of such Parish may determine and also at any time in the future to permit the same to be used for a Church, Parsonage or Parish Hall or partly for one and partly for another or
- 15
- C. The church building known as All Saints Waitara and a hall and rectory are erected on the said land.
- D. The said land is situated in the Provisional Parish of Waitara.
- 20
- E. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the said land is held, it is inexpedient to carry out and observe the same and it is expedient that the said land be mortgaged.

25 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.-

*th*

1. (1) By reason of circumstances subsequent to the creation  
of the trusts on which the land described in the Schedule  
hereto is held, it is inexpedient to carry out and observe  
the same and it is expedient that the said land be mortgaged.
- (2) The said land shall be held upon trust to permit the same  
to be used for a Church, Rectory or Parish Hall or partly  
for one and partly for another or others of such purposes  
in connection with the Church of England in Australia in  
the Provisional Parish of Waitara.
2. The Property Trust is hereby authorised and empowered to  
mortgage from time to time the whole or any part of the land  
described in the Schedule hereto 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 of the church  
building known as All Saints Waitara and shall be applied  
by them in or towards meeting the whole or any part of the  
following:-
- (a) the cost of demolishing the rectory and hall  
presently standing on the said land,
  - (b) the cost of erecting a new hall and rectory  
on the said land,
  - (c) repaying the whole or any part of the amount  
borrowed on the security of any mortgage  
previously granted pursuant to this Ordinance.
3. Any document purporting to be certified by the Archbis  
or the Diocesan Secretary of the said Diocese as a copy  
of any resolution of the Standing Committee passed pursuant  
to Clause 2 shall, in favour of a mortgagee, or any person  
claiming under a mortgage granted pursuant to this Ordinance,  
be conclusive evidence that such resolution was duly passed  
except where a subsequent certificate pursuant to this clause

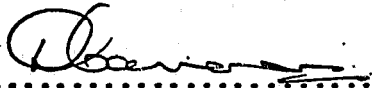
has been delivered to such mortgagee or person, be conclusive evidence that such resolution was the last resolution passed by the Standing Committee pursuant to this Clause.

- 65 4. Whilst any money is secured by any mortgage granted pursuant to this Ordinance, the said Churchwardens, in every statement of assets <sup>and liabilities</sup> 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.
- 70 5. This Ordinance may be cited as "Waitara Ordinance 1981".

SCHEDULE

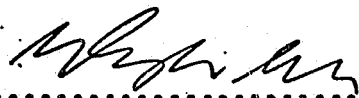
The land comprised in Certificate of Title Volume 5147 Folio 15.

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 21<sup>st</sup> day of August 1981.



.....  
Secretary.

I ASSENT to this Ordinance.

M. L. Jones  
.....