

FORESTVILLE MORTGAGING ORDINANCE 1989

No. 5, 1989

AN ORDINANCE to declare the trusts upon which certain lands to be held, to authorise the mortgaging thereof and to provide for the application of the mortgage advance.

WHEREAS

A. Marion Eva Cornish ("Cornish") is the registered proprietor of all the land comprised in Certificate of Title Volume 7351 Folio 119 and the improvements erected thereon and known as 701 Warringah Road, Forestville ("701").

B. Cornish has contracted with Anglican Church Property Trust Diocese of Sydney ("Corporate Trustee") to sell 701 conditional upon the passing of an ordinance to permit 701 to be mortgaged.

C. The Churchwardens of Forestville wish to grant a mortgage over 701 to secure an advance to enable the proposed purchase to be completed.

D. It is desirable to declare the trusts upon which 701 will be held once the same has been acquired.

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. Upon acquisition 701 shall be held upon trust as a residence for a minister or an assistant to the minister or such other parish purposes as may from time to time be determined by resolution of the Parish Council for the sole benefit of the Parish of Forestville or any parish or ecclesiastical district into which it may subsequently be formed or form part.

2. (1) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of 701 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 towards the cost of acquiring 701 or for such other purpose in the Parish of Forestville (being not inconsistent with the trusts on which the said land is held) 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 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 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.

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(4) 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 shall disclose the amount so secured on the last day of the financial year to which the statement of assets relates.

3. This Ordinance may be cited as the "Forestville Mortgaging Ordinance 1989."

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 March 1989.

**W. G. S. GOTLEY**  
Secretary

I ASSENT to this Ordinance.

**DONALD ROBINSON**  
Archbishop of Sydney  
29 / 3 / 89