

FRENCH'S FOREST - BELROSE ORDINANCE 1979.No. 45 1979

AN ORDINANCE to vary the trusts on which certain land is held and to permit the further mortgaging of that land.

WHEREAS

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

5 B. The land described in the first part of the Schedule hereto is held upon trust to permit the same to be used for a church a parsonage a residence for an assistant curate or a parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in Australia at Belrose in the Parish of St. Alban French's Forest with St. Stephen Belrose or any parish, provisional parish or provisional district into which it  
10 may subsequently be formed and on trust to permit the same to be mortgaged to the extent and for the purposes set forth in the St. Stephen's Belrose Declaration of Trusts and Mortgage Ordinance 1974 and St. Stephen's Belrose Mortgage Ordinance 1976.

15 C. The land described in the second part of the Schedule hereto is held upon trust to permit the same to be used as a church parsonage 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 at Belrose or any parish into which it may  
20 subsequently be formed and on trust to permit the same to be mortgaged to the extent and for the purposes set forth in the St. Stephen's Belrose Declaration of Trusts and Mortgage Ordinance 1971 and St. Stephen's Belrose Mortgage Ordinance 1976.

D. By reason of circumstances which have arisen 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 to the extent that the same are hereby varied.

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:-

1. This Ordinance may be cited as "French's Forest - Belrose Ordinance 1979".

2. By reason of circumstances which have arisen subsequent to the creation  
30 of the trusts on which the land described in the Schedule hereto is held it is  
inexpedient to carry out and observe the same to the extent that the same are  
hereby varied.

3. The land described in the Schedule hereto shall be held upon trust for a:-

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

or partly for one or another or others of these purposes in connection with the  
40 Church of England in Australia within the Diocese of Sydney for the sole benefit  
of the Parish of French's Forest 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  
the whole or any part or parts of the land described in the Schedule hereto for  
45 the purpose of securing the repayment of an amount borrowed by the Corporate  
Trustee, such amount

- (a) not to exceed the amount last approved by resolution of the Standing  
Committee, and
- 50 (b) to be paid to the churchwardens for the time being of St. Stephen's  
Church at Belrose and applied by them for any purpose (being a purpose  
consistent with the said Trusts) approved by them and by the Standing  
Committee by resolution thereof or for repaying the amount secured by  
any mortgage over the said land or any part thereof.

A certificate by the Secretary for the time being of the Standing Committee as  
55 to the terms of any resolution passed by the Standing Committee pursuant to this  
clause shall be conclusive evidence that the resolution set forth in the certificate

has been duly passed by the Standing Committee and is the last resolution to have been passed by the Standing Committee pursuant to this clause.

60 (2) Any moneys borrowed on the security of the said land shall be repaid at a rate not less than that (if any) specified in the last resolution by the Standing Committee to be passed pursuant to this sub-clause.

65 (3) So long as any moneys remain secured by any mortgage created pursuant to this clause, then, in every return lodged pursuant to Clause 5(1) of the Assessment Authorisation Ordinance 1975 (as amended) or pursuant to any clause replacing that Clause, in respect of the Parish of French's Forest or any parish or ecclesiastical district into which it may subsequently be formed or form a part, the amount thereof (as at 31st December preceding the date upon which such return is due to be lodged under that Ordinance) shall be disclosed.

SCHEDULE


FIRST PART

The whole of the land comprised in Certificate of Title Volume 9677 Folio 158.

SECOND PART

The whole of the land comprised in Certificate of Title Volume 10051 Folios 41 and 42.

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 29<sup>th</sup> day of October, 1979.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

29 / 10 / 1979