

NEWPORT DECLARATION OF TRUSTS AND MORTGAGING ORDINANCE 1987

NO. 1, 1987

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

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called "the corporate trustee") is registered as proprietor of the land described in the Schedule ("the land").

B. The land is held for the sole benefit of the Anglican Church of Australia in the Parish of Newport but no trusts in writing have been declared concerning the same.

C. It is expedient that trusts be declared and that the land be mortgaged as hereinafter provided.

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

1. By reason of circumstances which have arisen it is expedient that the land be mortgaged.
2. (1) The corporate trustee is hereby empowered to mortgage from time to time the whole of the land for the purpose of borrowing 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 churchwardens for the time being of St. Michael and All Angels' Newport and, after the costs of and incidental to this Ordinance and to every such mortgage have been met therefrom, shall be applied for the purpose of improvements and repairs to the improvements erected on the land.  
(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.
3. 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.
4. The land shall be held upon trust for a residence for a minister, assistant to the minister or person employed by the churchwardens in connection with the Anglican Church of Australia in the Parish of Newport or any other ecclesiastical district into which it may be formed or of which it may form a part.

5. This Ordinance may be cited as "Newport Declaration of Trusts and Mortgaging Ordinance 1987".

SCHEDULE

ALL THAT land being Lot 33 and part Lot 32 in Deposited Plan 6248 at Newport in the Shire of Warringah Parish of Narrabeen and County of Cumberland being the whole of the land comprised in Certificate of Title Volume 7276 Folio 21.

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 23rd day of February 1987.

W.G.S. GOTLEY  
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney.  
23/2/1987.