

SMITHFIELD ORDINANCE 1981

NO. 16 1981

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

WHEREAS:

A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") intends to purchase the land described in the First Schedule hereto.

5 B. The land described in the First Schedule hereto, on the Corporate Trustee completing the purchase of the same, shall become church trust property (as defined in Section 4 of the Church of England Trust Property Act, 1917) held for the Diocese of Sydney.

10 C. The Corporate Trustee is seised of an estate in fee simple of the land described in the Second Schedule hereto.

D. The land described in the Second Schedule hereto is held upon the trusts set forth in the St. James' Smithfield Ordinance 1970-1973 as varied by the St. James' Smithfield Mortgage Ordinance 1973.

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

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

20 1. (1) This Ordinance may be cited as "Smithfield Ordinance 1981".

(2) The St. James' Smithfield Ordinance 1970-1973 is hereinafter called the "1970-1973 Ordinance".

(3) The 1970-1973 Ordinance, as amended by this ordinance, may be cited as "St. James' Smithfield Ordinance 1970-1981" and Clause 1(2) thereof is
25 amended accordingly.

2. (1) By reason of circumstances subsequent to the creation of the trusts on which the land described in the Second Schedule hereto is held, it is expedient that the land so described be further mortgaged.

(2) The Corporate Trustee is hereby empowered to mortgage either
 30 or both of:-

- (a) the land described in the First Schedule hereto on the same
 becoming church trust property held for the Diocese of Sydney, and
- (b) the land described in the Second Schedule hereto,

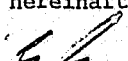
for the purpose of borrowing such sum as may have been last approved by the
 35 Standing Committee by resolution thereof.

(3) The amount borrowed on the security of any mortgage granted pursuant
 to this ordinance shall be applied in or towards meeting the purchase price
 payable by the Corporate Trustee for the land described in the First Schedule
 hereto and all costs and outgoings incurred by the Corporate Trustee in
 40 connection with the purchase of the land described in the First Schedule
 hereto.

(4) Any document purporting to be certified by the Archbishop or by
 the Diocesan Secretary of the said Diocese as a copy of any resolution of the
 Standing Committee pursuant to this clause shall, in favour of a mortgagee
 45 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.

(5) Whilst any money is secured by any mortgage granted pursuant to this
 50 ordinance, the churchwardens of the church known as St. James' Church at
 Smithfield, 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
 55 relates.

3. (1) By reason of circumstances which have arisen subsequent to the
 creation of the trusts on which the land described in the Second Schedule
 hereto is held, it is expedient that the same be varied to the extent hereinafter
 provided.



60 (2) The 1970-1973 Ordinance is hereby amended by the substitution of the following paragraphs for paragraph (f) of Clause 4:-

"(f) Sixthly, in meeting all moneys borrowed pursuant to the Smithfield Ordinance 1981 and all interest on those moneys as and when the lender of those moneys requires such moneys to be repaid and such interest to be paid, and

65 (g) The balance remaining thereafter for such purpose or purposes as may be determined by resolution of the Parish Council of the said Parish and approved by resolution of the Standing Committee.

The provisions of this clause shall be reviewed during the year 1986 by the Standing Committee and Parish Council having regard to the needs of the Parish and of the Diocese at that time. "

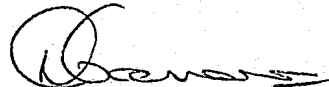
FIRST SCHEDULE

ALL THAT land situated at Bossley Park being Lot 1 in Deposited Plan 545647 and the whole of the land in Certificate of Title Volume 11555 Folio 3.

SECOND SCHEDULE

ALL THAT piece or parcel of land in the Municipality of Fairfield Parish of St. Luke County of Cumberland situate at Smithfield commencing on the north-eastern corner of Lot 2 in Deposited Plan No. 208678 being approximately 355 feet west from the intersection of Liverpool Road and The Horsley Drive bounded thence on the east bearing 179 degrees 59 minutes 20 seconds distant 120 feet bounded thence on the north by a line bearing 90 degrees 49 minutes 30 seconds for 51 feet bounded again on the east by a line bearing 179 degrees 59 minutes 20 seconds for 65 feet 0 1/2 inches bounded on the south by a line bearing 269 degrees 59 minutes 20 seconds distant 20 feet 11 inches bounded thence on the east by a line bearing 179 degrees 37 minutes distant 141 feet 9 inches bounded thence on the south by lines bearing 270 degrees 41 minutes 30 seconds distant 130 feet 11 3/4 inches 272 degrees 29 minutes distant 51 feet 5 inches bounded thence on the west by lines bearing 359 degrees 59 minutes 20 seconds distant 108 feet 6 inches 353 degrees 22 minutes distant 28 feet 7 5/8 inches bearing 359 degrees 59 minutes 20 seconds distant 190 feet 0 inches bounded thence on the north by the southern alignment of The Horsley Drive bearing 90 degrees 49 minutes 30 seconds distant 154 feet 8 inches to the point of commencement having an area of 58,009 square feet or 1 acre 1 rood 13 perches.

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 *29th* day of *June* 1981.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

29/6/1981