
*St. Stephen's Normanhurst Variation of Trust and
Mortgage Ordinance 1971*

No. 14, 1971

AN ORDINANCE to vary the trusts and to authorise the mortgaging of certain land situate at Kenley Road, Normanhurst and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land comprised in Certificate of Title Volume 3058 Folio 220 more particularly described in the First Schedule hereto AND WHEREAS the said land is church trust property formerly held for the benefit of the Parish of St. Paul's Wahroonga at Normanhurst AND WHEREAS the said land is now held for the sole benefit of the Parish of St. Stephen Normanhurst and it is expedient to vary the benefit of the said trusts accordingly AND WHEREAS the Parish Council of the Parish of St. Paul Wahroonga has consented to such variation AND WHEREAS the Church of St. Stephen is a consecrated building erected on part of the said land AND WHEREAS it is proposed to erect on part of the said land more particularly described in the Second Schedule hereto a Christian Education Centre AND WHEREAS for such purpose it is expedient to mortgage the said land to borrow a sum not exceeding Forty-eight thousand dollars (\$48,000) 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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied and that part of the said land be mortgaged as hereinafter set out.

2. The land described in the First Schedule hereto shall henceforth be held by the Corporate Trustee upon trust to permit the same to be used for a church parsonage Christian education centre or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Parish of St. Stephen Normanhurst.

3. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land described in the Second Schedule hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Forty-eight thousand dollars (\$48,000).

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Mortgage Ordinance 1971*

- (b) When the power is subsequently exercised such sum not exceeding Forty-eight thousand dollars (\$48,000) as the Standing Committee may by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Four thousand five hundred and fifty-three dollars (\$4,553) per annum principal and interest when the power is first exercised and when the power is subsequently exercised at such rate as the Standing Committee may by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys pursuant to this Ordinance shall be concerned to enquire whether this condition has been complied with.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be signed by the Archbishop or Diocesan Secretary as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.
4. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and of any mortgage executed in pursuance thereof and the balance shall be applied towards the costs of erection on the said land of a Christian Education Centre.
- (ii) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any existing mortgage or mortgages over the said land and the costs of and incidental to the discharge or renewal thereof and of such new mortgage or mortgages or for such other purpose or purposes not inconsistent with the trusts of the said land as Standing Committee may by resolution determine.
- (iii) Any mortgagee advancing moneys to the Corporate Trustee pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same to the Churchwardens for the time being of St. Stephen's Church Normanhurst.

*St. Stephen's Normanhurst Variation of Trust and
Mortgage Ordinance 1971*

5. The Churchwardens of St. Stephen's Church Normanhurst shall within seven (7) days of the holding of the Annual Vestry Meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed, the amount paid off and the balance owing.

6. This Ordinance may be cited as "St. Stephen's Normanhurst Variation of Trust and Mortgage Ordinance 1971".

FIRST SCHEDULE

ALL THAT piece or parcel of land situate at Normanhurst in the Shire of Hornsby, Parish of South Colah and County of Cumberland containing 3 roods 6 $\frac{1}{2}$ perches or thereabouts and having a frontage of about 139' 11 $\frac{1}{2}$ " to Pennant Hills Road a depth on the side fronting Kenley Road (formerly Platform Road) of about 230' and a depth on the other side of about 248' and a rear line of about 149' 9 $\frac{1}{2}$ " and being part of Lot 12 of Section 2 in a plan deposited in the Land Titles Office, Sydney No. 484 and being the whole of the land comprised in Certificate of Title Volume 3058 Folio 220.

SECOND SCHEDULE

ALL THAT piece or parcel of land situate at Normanhurst in the Shire of Hornsby Parish of South Colah and County of Cumberland containing 2 roods 3 perches or thereabouts and having a frontage to Kenley Road of about 163' and a depth on the South boundary of about 145' and a depth on the Northern boundary of about 149' 9 $\frac{1}{2}$ " and a rear line measurement on the Eastern boundary of about 146' and being part of the land comprised in Certificate of Title Volume 3058 Folio 220.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 19th day of July, 1971.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

19/7/1971.