
*All Saints' Balgowlah Declaration of Trust and
Mortgage Ordinance, 1966*

No. 6, 1966

AN ORDINANCE to declare the trusts of certain land at Balgowlah in the Municipality of Manly to authorise the mortgaging of such land and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Crown Grant Volume 10191 Folio 72 more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Provisional Parish of All Saints' Balgowlah but no trusts in writing have been declared concerning the same AND WHEREAS it is desirable that the trusts thereof be now declared AND WHEREAS it is proposed to erect upon the said land a Church or Church Hall known as St. James and for such purpose it is necessary and expedient that the land be mortgaged to secure the sum of Fourteen thousand dollars (\$14,000) to be applied towards such erection NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES RULES AND ORDAINS as follows:-

1. The land described in the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used as a church parsonage 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 Provisional Parish of All Saints' Balgowlah or any Parish into which it may subsequently be formed.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient that the land be mortgaged.

3. (i) The Corporate Trustee is hereby empowered to mortgage the said land from time to time for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding Fourteen thousand dollars (\$14,000)

(b) When the power is subsequently exercised such sum not exceeding Fourteen thousand dollars (\$14,000) as Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced at the rate of not less than Two thousand dollars (\$2,000) per annum principal and interest when the power is first exercised and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine

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PROVIDED FURTHER that no person or corporation advancing moneys pursuant to the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.

- (ii) Any renewal of this mortgage shall be deemed to be a subsequent exercise of the power.
- (iii) A document purporting to be signed by the Archbishop or Diocesan Secretary as a copy of any such resolution as aforesaid 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 as follows:-

- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage or charge executed in pursuance thereof and the balance towards the erection of a church or church hall on the said land.
- (ii) When the power is subsequently exercised in the discharge of any existing mortgage or mortgages and the costs of and incidental to such discharge and new mortgage or mortgages.
- (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 All Saints' Church of England Balgowlah.

5. The Churchwardens of All Saints' Church Balgowlah shall within seven days of the holding of the Annual Vestry Meeting of such church 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 particulars of the amount borrowed the amounts paid off and the balance owing.

6. This Ordinance may be cited as "All Saints' Balgowlah Declaration of Trust and Mortgage Ordinance 1966."

SCHEDULE

All that piece or parcel of land situated at Balgowlah in the Municipality of Manly Parish of Manly Cove County of Cumberland having a frontage to Scenic Drive of 95 feet $1\frac{1}{4}$ inches by depths of 138 feet $9\frac{1}{2}$ inches on the western side and 154 feet 8 inches on the east being allotments 16 and 17 of Section 56 in plan No. C 8251-2030 in the Department of Lands and being the whole of the land in Crown Grant Volume 10191 Folio 72.

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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 28th day of March, 1966.

R. K. JONES,
Acting Secretary.

I assent to this Ordinance.

MARCUS L. LOANE,
Bishop Commissary.

28/3/1966.