

GLADESVILLE ORDINANCE 1981

No. 47 1981

AN ORDINANCE to vary the trusts on which certain land is held, to authorise the mortgaging of that land and to provide for the application of the proceeds from such mortgaging.

WHEREAS:

A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Property Trust") is the registered proprietor of the land described in the schedules hereto.

B. The land described in the First Schedule hereto is held on trust for the Church of England in Australia in the Parish of Christ Church Gladesville but no trusts have been recorded in writing in respect of the same.

C. The land described in the Second Schedule hereto is held on trust to pay the income derived therefrom as and when the same is available as an increment to the stipend payable to the Rector or other the Incumbent for the time being of the Church of England Parish Church at Gladesville.

D. The Christ Church Gladesville Land Sale Ordinance of 1946 authorised the sale of certain land (including the land described in the Second Schedule hereto) held on the same trusts as the trusts on which the land so described is held.

E. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the schedules hereto are held it is inexpedient to carry out and observe the same and it is expedient that the said land be mortgaged.

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. (1) By reason of circumstances subsequent to the creation of the trusts on which the land described in the Schedules hereto are held, it is expedient that the same be mortgaged.

*Handwritten signature*

(2) The Property Trust, is hereby empowered to mortgage from time to time the whole or any part of the land so described for the purpose of borrowing such sum as may have been last approved by the Standing Committee by resolution thereof.

30 (3) The amount borrowed on the security of any mortgage granted pursuant to this ordinance shall be paid to the churchwardens of the church building known as Christ Church Gladesville and shall be applied by them in or towards meeting the whole or any part of the following:-

(a) The cost of erecting a house on the land described in the First Schedule hereto, and of making other improvements thereto, and

(b) the cost of improving the house erected on the land described in the Second Schedule hereto and of making other improvements thereto.

40 (4) 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  
45 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  
50 this ordinance, the said churchwardens, 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 relates.

2. (1) By reason of circumstances which have arisen subsequent to the  
55 creation of the trust on which the land described in the Second Schedule

hereto is held, it is inexpedient to carry out and observe the same.

(2) The said land shall be held on trust for use as a rectory in connection with the Parish of Gladesville.

(3) The Christ Church Gladesville Land Sale Ordinance of 1946, insofar as the same applies to the land so described, is hereby repealed.

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3. This Ordinance may be cited as the "Gladesville Ordinance 1981".

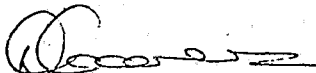
FIRST SCHEDULE

The whole of the land in Certificate of Title Volume 5597 Folio 40.

SECOND SCHEDULE

The whole of the land in Certificate of Title Volume 9476 Folio 81.

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



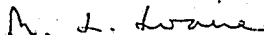
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 2nd day of November 1981.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

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