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*St. Paul's Wahroonga Variation of Trust and  
Mortgaging Ordinance 1966*

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No. 36, 1966.

AN ORDINANCE to vary the trusts and to authorise the mortgaging of certain lands situate at Pearce's Corner Wahroonga in the Shire of Hornsby Parish of South Colah County of Cumberland and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter referred to as "The Corporate Trustee") is the registered proprietor of the lands comprised in Certificates of Title Volume 4301 Folios 23 and 24 AND WHEREAS the said lands are held upon trust for the erection of church and school AND WHEREAS it is expedient to vary the said trusts and more fully to declare the same AND WHEREAS it is desired to enlarge the church of St. Paul at Wahroonga erected on part of the said land and to defray the cost thereof AND WHEREAS for such purchase it is expedient to raise the sum of Thirty three thousand dollars by mortgage over the said land AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it is expedient to mortgage part of the said lands being the land described in the Schedule hereto NOW the Standing Committee of the Synod of the Diocese of Sydney ordains and declares as follows:-

1. By reason of circumstances subsequent to the creation of the said trusts it is expedient to vary and more fully declare the same.

2. The lands in Certificates of Title Volume 4301 Folios 23 and 24 shall henceforth be held upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or other of such purposes in connection with the Church of England in Australia in the Parish of St. Paul at Wahroonga.

3. By reason of circumstances subsequent to the creation of the trusts of the said land it is expedient to mortgage so much thereof as is described in the Schedule hereto.

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

(a) When the power is first exercised a sum not exceeding \$33,000.

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(b) When the power is subsequently exercised such sum not exceeding \$33,000 as the Standing Committee shall by resolution determine.

PROVIDED THAT such debt shall when the power is first exercised be repaid at the rate of not less than \$4,700 including interest per annum and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be certified 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.

5. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:-

- (a) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance and the payment thereof of all outgoings properly chargeable against the said land and
- (b) In payment of the balance to the Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefore) and who shall apply such moneys in or towards payment of the cost of and incidental to the enlargement of the said Church and
- (c) When the power is subsequently exercised in payment of principal and interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage or renewal of an existing mortgage.

6. The Rector and Churchwardens for the time being of St. Paul's Church Wairoonga shall within seven days of the date of holding the annual vestry meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an

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account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed amounts paid off and the balance owing.

7. This Ordinance may be cited as "St. Paul's Wahoonga Variation of Trust and Mortgaging Ordinance 1966."

THE SCHEDULE

All those pieces or parcels of land in the Shire of Hornsby, Parish of South Colah, County of Cumberland being Lot A in plan annexed to Order B 810425 and being the whole of the land in Certificate of Title Volume 4301 Folio 23 and also Lot C in plan annexed to Order B 810425 being part of the land in Certificate of Title Volume 4301 Folio 24.

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

H. G. S. BEGBIE,  
Acting 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 November, 1966.

W. L. J. HUTCHISON,  
Diocesan Secretary.

I assent to this Ordinance.

28/11/1966.

MARCUS LOANE,  
Archbishop of Sydney