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*St. Stephen's Belrose Declaration of Trusts and Mortgage Ordinance 1971*

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No. 19, 1971

AN ORDINANCE to declare the trusts and authorise the mortgaging of certain land at Belrose in the Shire of Warringah and to provide for the application of the proceeds thereof.

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 Certificates of Title Volume 10051 Folio 41 and Volume 10051 Folio 42 more particularly described in the First and Second Parts of the Schedule hereto AND WHEREAS the said land is church trust property held for the sole benefit of the Provisional Parish of St. Alban French's Forest and St. Stephen Belrose but no trusts have been declared in writing concerning the same AND WHEREAS it is expedient to mortgage the said land for the purpose of erecting a church hall upon part of the said land NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:—

1. The land described in the Schedule hereto shall 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 others of such purposes in connection with the Church of England in Australia at Belrose 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 land described in the Schedule hereto is held it is expedient to mortgage the same.

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

(a) When the power is first exercised a sum not exceeding Thirty thousand dollars (\$30,000).

(b) When the power is subsequently exercised such sum not exceeding Thirty thousand dollars (\$30,000) as the Standing Committee shall by resolution determine.

PROVIDED THAT such debt shall be reduced at the rate of not less than Four thousand three hundred and twenty dollars (\$4,320) per annum including interest

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when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) Any document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese 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 or charge 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 shall be paid to the Churchwardens of St. Stephen's Church Belrose to be applied by them in and towards the cost of erection of a new church hall upon part of the said land described in the Schedule hereto.
- (ii) When the power is subsequently exercised in payment of the principal interest and costs of any existing mortgage or charge or the renewal thereof or towards the repayment of any then existing mortgage or mortgages over the said land and the costs of and incidental to the discharge thereof or for such other purpose not inconsistent with the trust upon which the said land is held as Standing Committee may by resolution determine.

5. The Churchwardens for the time being of the Church of St. Stephen Belrose shall within seven (7) 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 details of the original amount borrowed, the amount paid off and the balance owing.

6. This Ordinance may be cited as "St. Stephen's Belrose Declaration of Trusts and Mortgage Ordinance 1971".

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SCHEDULE

FIRST PART

ALL THAT piece or parcel of land situated at Belrose in the Shire of Warringah Parish of Manly Cove and County of Cumberland containing an area of 30 perches being Lot 15 in Deposited Plan 225454 and having a frontage of 68 feet 7 inches to Lockwood Avenue by a depth on one side of 139 feet 1 inch and on the other side of 136 feet 1¾ inches and a rear line of 53 feet 6½ inches and being the whole of the land comprised in Certificate of Title Volume 10051 Folio 41.

SECOND PART

ALL THAT piece or parcel of land situated as aforesaid containing an area of 29¾ perches being Lot 16 in Deposited Plan 225454 and having a frontage of 68 feet 0 inches to Lockwood Avenue by a depth on one side of 136 feet 1¾ inches and on the other side of 135 feet 0 inches and a rear line of 55 feet being the whole of the land comprised in Certificate of Title Volume 10051 Folio 42.

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 20th day of September, 1971.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

20/9/1971.