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*St. Stephen's Taren Point Variation of Trust and  
Mortgage Ordinance 1965*

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No. 17, 1965.

AN ORDINANCE to vary the trusts upon which certain land in Smith Street Taren Point in the Shire of Sutherland is held to authorise the mortgaging of such land and land adjacent thereto 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 Certificate of Title Volume 2901 Folio 160 more particularly described in the first part of the Schedule hereto AND WHEREAS by Declaration of Trust dated 6th October 1949 the Corporate Trustee declared that it held the said land upon trust to permit the same to be used as and 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 the Parish of St. Andrew, Sans Souci AND WHEREAS the said land is now situated in the Parish of St. Philip Caringbah with Taren Point AND WHEREAS the Parish of St. Andrew Sans Souci has by decision of a majority of its Parish Council given in writing consented that the said land be held by the Corporate Trustee upon trust for the purposes aforesaid in connection with the Parish of St. Philip Caringbah with Taren Point AND WHEREAS it is expedient that the trusts be varied accordingly AND WHEREAS the Corporate Trustee is also registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 2899 Folio 188 more particularly described in the second part of the said Schedule and by a Declaration of Trust dated 12th June 1919 the Corporate Trustee declared that it held the said land upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England at Taren Point AND WHEREAS it is proposed to erect a Hall upon part of the said land and for such purpose it will be necessary to borrow a sum not exceeding Three thousand pounds (£3,000) upon the security of the land described in the Schedule NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES AND DIRECTS 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 part of the Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which such trusts are

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hereby varied and it is expedient that such trusts be varied accordingly.

2. The said land shall henceforth be held by the Corporate Trustee 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 at Taren Point in the Parish of St. Philip Caringbah with Taren Point.

3. (i) The Corporate Trustee is hereby empowered from time to time to mortgage the land described in the first and second parts of the Schedule or any part thereof:-

(a) When the power is first exercised for a sum not exceeding Three thousand pounds (£3,000).

(b) When the power is subsequently exercised for such sum not exceeding Three thousand pounds (£3,000) as Standing Committee may by resolution determine

PROVIDED that the debt shall be reduced when the power is first exercised at the rate of not less than Seven hundred and twenty eight pounds (£728) per annum principal and interest and thereafter at such rate as Standing Committee may by resolution determine PROVIDED FURTHER that no person or corporation advancing money pursuant to 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 hereby authorised shall be applied as follows:-

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- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and the mortgage executed in pursuance thereof and the balance towards the cost of erection of a Hall upon the said land.
- (ii) When the power is subsequently exercised in repayment and discharge of any existing mortgage or mortgages and the costs of any such new mortgage or mortgages or renewals thereof.
- (iii) Any mortgagee advancing money 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 Taren Point.

5. The Churchwardens of St. Stephen's Church Taren Point shall within seven days of the holding of the Annual Vestry meeting of such Church whilst any money is owing under any mortgage or charge executed pursuant to this ordinance forward to the Diocesan Secretary a statement showing the amount originally borrowed the amount paid off and the balance owing.

6. This Ordinance may be cited as "St. Stephen's Taren Point Variation of Trust and Mortgage Ordinance 1965."

### SCHEDULE

#### FIRST PART

All that piece or parcel of land situated at Taren Point in the Shire of Sutherland Parish of Sutherland County of Cumberland containing  $37\frac{1}{2}$  perches or thereabouts and having a frontage to Smith Street of  $51' 3''$  by depth of  $200'$  on the east and  $210' 4\frac{1}{2}''$  on the west and a rear width of  $50'$  being Lot 16 D.P. 9230 and the whole of the land comprised in Certificate of Title Volume 2901 Folio 160.

#### SECOND PART

All that piece or parcel of land situated as aforesaid having a frontage of  $102' 1\frac{1}{2}''$  to Smith Street, a depth on the east of  $210' 4\frac{1}{2}''$  on the west of  $231' 1\frac{1}{2}''$  and a rear width of  $100'$  being Lots 17 and 18 D.P. 9230 and the whole of the land comprised in Certificate of Title Volume 2899 Folio 188.

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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 June, 1965.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

28/6/1965.

HUGH SYDNEY,  
Archbishop of Sydney.

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