

ST. LUKE'S WARILLA DECLARATION OF TRUST AND MORTGAGING
ORDINANCE 1976

No. 12 1976

AN ORDINANCE to declare the trust of certain land at Warilla in the Municipality of Shellharbour to authorise the mortgaging of such land and to provide for the application of the proceeds and matters incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the purchaser in a certain Contract for Sale of the fee simple in the whole of the land in Certificates of Title Volume 10005 Folios 31, 32 and 33 more particularly described in the Schedule hereto AND WHEREAS such land will upon the completion of the said purchase and transfer be church trust property within the meaning of the Church of England Trust Property Act 1917 and held for the sole benefit of the Church of England in Australia at Warilla in the Provisional Parish of Shellharbour but no trusts in writing have been declared concerning the same AND WHEREAS it is intended after completion as aforesaid to use the property for the benefit of the said Parish AND WHEREAS for such purpose it is expedient that on completion as aforesaid the said property be mortgaged or charged to secure the sum of Twentythree thousand three hundred and forty dollars (\$23,340.00) to be applied towards payment of the purchase price of the said property NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. Upon completion of the said purchase and transfer the property described in the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used for the benefit of the Church of England within the Provisional Parish of Shellharbour.
2. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the property described in the Schedule hereto is held it is expedient that such property be mortgaged.
3. (1) Upon completion of the said purchase and transfer the Corporate Trustee is hereby empowered from time to time to mortgage the property

described in the Schedule hereto for the purpose of borrowing the sums following:-

30 (a) When the power is first exercised a sum not exceeding Twentythree thousand three hundred and forty dollars (\$23,340.00).

(b) When the power is subsequently exercised such sum not exceeding Twentythree thousand three hundred and forty dollars (\$23,340.00) as Standing Committee shall by
35 resolution determine.

PROVIDED THAT when the power is first exercised no interest shall be payable and the sum borrowed shall be repaid on or before 1st June, 1978 and PROVIDED FURTHER that when the power is subsequently exercised interest and periodic payments and the term of the advance shall be as
40 Standing Committee shall by resolution determine.

(2) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.

(3) A document purporting to be a certificate signed by the Archbishop or the Diocesan Secretary of the said Diocese as a copy of
45 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 duly authorised shall be applied by the Corporate Trustee as follows:-

50 (a) When the power is first exercised in payment of the costs of and incidental to this Ordinance the costs fees and other outgoings of and incidental to the said purchase and completion of transfer and the costs of and incidental to any mortgage or charge executed in pursuance of this Ordinance and the balance
55 shall be applied towards the purchase money and adjustments required to complete the said transfer.

(b) When the power is subsequently exercised in payment of the

60 principal interest and costs of and incidental to the
 discharge of any then existing mortgage and the costs and
 expenses of such further mortgage or for such other purpose
 or purposes as the Standing Committee shall by resolution
 determine.

65 (c) Any mortgagee advancing moneys pursuant to the provisions
 of paragraph (a) and (b) of this clause is hereby authorised
 to pay the same direct to the churchwardens for the time being
 of St. Luke's Church Warilla.

70 5. The churchwardens for the time being of St. Luke's Church, Warilla
 shall within seven (7) 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 account to be forwarded to the Diocesan
 Secretary giving details of the original amount borrowed the amounts
 paid off and the balance owing as at the end of the last financial year.

6. This Ordinance may be cited as "St. Luke's Warilla Declaration of
 Trust and mortgaging Ordinance 1976".

SCHEDULE

ALL THOSE pieces or parcels of land situate at Warilla in the Municipality
 of Shellharbour Parish of Terragong and County of Camden being Lots 211,
 212 and 213 in Deposited Plan 224606 and being the whole of the land in
 Certificates of Title Volume 10005 Folios 31, 32 and 33.

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

D. Cameron
Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the
 Synod of the Diocese of Sydney on the 31st day of May 1976.

W. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane
Archbishop of Sydney
 31 / 5 / 76