

ENGADINE AND HEATHCOTE VARIATION OF TRUSTS AND  
MORTGAGING ORDINANCE 1986

No. 48, 1986

AN ORDINANCE to vary trusts and to authorise mortgaging.

WHEREAS:

A. The Interpretation Ordinance 1985 applies to all ordinances from time to time in force in the Diocese of Sydney, including this Ordinance.

B. Pursuant to clause 3 of Ordinance No. 9 of 1985, the Property Trust holds approximately \$19,000 (the "trust fund") upon trust to be applied "as required by the Churchwardens for the time being of the Church of St. George, Engadine, in purchasing a property for use as a minister's residence within the Parish of Engadine, or in reduction of debts incurred in purchasing such a property or towards improving or maintaining that property".

C. The Parish of Engadine has recently acquired a modern residence for the minister and additional development or maintenance funds are not required in respect of that property.

D. Pursuant to clause 6 of Ordinance No. 17 of 1978, the Property Trust holds the property described in the Schedule to this Ordinance (the "Heathcote property") upon trust "for a church, church hall or minister's residence or partly for one and partly for another or others of such purposes at Heathcote in connection with the Church of England in Australia in the Parish of Engadine".

E. By reason of circumstances which have arisen since the creation of the trusts which apply to the trust fund and the Heathcote property, it is inexpedient to carry out and observe those trusts to the extent set out in this Ordinance, and it is expedient to mortgage the Heathcote property.

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. This Ordinance may be cited as the "Engadine and Heathcote Variation of Trusts and Mortgaging Ordinance 1986".
2. By reason of circumstances which have arisen since the creation of the trusts of the trust fund and the Heathcote property, it is inexpedient to carry out and observe those trusts to the extent set out in this Ordinance and it is expedient to mortgage the Heathcote property.
3. The Property Trust shall pay the trust fund to the Churchwardens of the Church of St. George, Engadine to be applied towards the building of a house for an assistant minister on the Heathcote property.
4. (1) The Property Trust is hereby empowered to mortgage from time to time the whole or any part of the Heathcote property for the purpose of borrowing such sum as may have been last approved by the Standing Committee by resolution thereof.

(2) The amount borrowed on the security of any mortgage granted pursuant to this Ordinance shall be paid to the Churchwardens for the time being of the Church of St. George Engadine and, after the costs of and incidental to this Ordinance and to every such mortgage have been met therefrom, shall be applied for the purpose of building a house on the Heathcote property or for such other purpose (being consistent with the trusts on which the Heathcote property is held) in the Parish of Engadine as the Standing Committee may have last approved by resolution thereof.

(3) Any document purporting to be certified by the Archbishop or the Diocesan Secretary of the Diocese as a copy of any resolution of the Standing Committee passed pursuant to this clause, in favour of a mortgagee or any person claiming under a mortgage granted pursuant to this Ordinance, shall be conclusive evidence that such resolution was duly passed and, except where a subsequent certification pursuant to this clause has been delivered to such mortgagee or person, shall be conclusive evidence that such resolution was the last resolution passed by the Standing Committee pursuant to this clause.

(4) Whilst any money is secured by any mortgage granted pursuant to this Ordinance, the said Churchwardens, in every statement of assets prepared pursuant to clause 41 of the Sydney Church Ordinance 1912, shall disclose the amount so secured on the last day of the financial year to which the statement of assets relates.

#### SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 3260 Folio 190 Shire of Sutherland being Lot Parts 4 and 5 Section 6 Rosebery Street, Heathcote.

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

E.D. CAMERON  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of October 1986.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney  
27/10/1986