

ST. COLUMB'S WEST RYDE DECLARATION OF TRUSTS AND  
MORTGAGING ORDINANCE 1980

No. 2 1980

AN ORDINANCE to declare certain trusts and to authorise the mortgaging of certain land in Dickson Avenue, West Ryde and to provide for the application of the proceeds of such mortgaging.

WHEREAS

A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of the land described in the Schedule hereto.

B. The said land is church trust property held for the sole benefit of the Parish of St. Columb West Ryde but no trusts in writing have been declared concerning the same.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient to vary the same and it is expedient that the said land be mortgaged or charged.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS DIRECTS AND RULES as follows:-

1. This Ordinance may be cited as "St. Columb's West Ryde Declaration of Trusts and Mortgaging Ordinance 1980".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient to vary the same and it is expedient that the said land be mortgaged or charged.

3. The said land shall henceforth be held upon trust for a:-

- (a) church;
- (b) residence for a minister, assistant to the minister or person employed by the churchwardens;
- (c) hall or halls;
- (d) school or other place of assembly;

or partly for one or another or others of those purposes in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit

*[Handwritten Signature]*

of the parish or other ecclesiastical district of West Ryde or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

30 4. The Corporate Trustee is hereby empowered to mortgage the whole or any part of the said land from time to time for the purpose of borrowing such sum or sums of money as may from time to time be approved by the Standing Committee by resolution thereof.

35 5. The amount borrowed on the security of any mortgage granted pursuant to this Ordinance shall be paid to the churchwardens of the Church of St. Columb West Ryde and, after the costs of and incidental to this Ordinance and to every such mortgage have been met therefrom, shall be applied in or towards meeting the costs of constructing a church upon part of the said land or for such other purposes consistent with the trusts upon which the said land is held as may be approved by the Standing Committee by resolution.

40 6. Any document purporting to be certified by the Archbishop or the Diocesan Secretary of the said Diocese as a copy of any resolution of the Standing Committee passed pursuant to the provisions of this Ordinance shall, in favour of a mortgagee or any person claiming under a mortgage granted pursuant to this Ordinance, be conclusive evidence that such resolution was duly passed and, other than where a later document purporting to be certified as aforesaid is delivered to such mortgagee or person, be conclusive evidence that such resolution was the last resolution passed by the Standing Committee pursuant to the provisions of this Ordinance.

45 7. 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 (as amended), 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 situate in the Municipality of Ryde Parish of Hunters Hill and County of Cumberland being lots A,B,C and D in the plan annexed to Instrument of Transfer No. C175309 and registered as Miscellaneous Plan of Subdivision (R.P.) Registered No. 28761 and being the whole of the land comprised in Certificate of Title Volume 4583 Folio 157.

*W. H. Lamb*

- 3 -

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

*M. L. Downes*

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 25<sup>th</sup> day of February, 1980.

*M. L. Downes*

Secretary

I ASSENT to this Ordinance.

*M. L. Downes*

Archbishop of Sydney

25/2/1980