

ST. MARK'S YAGOONA (CONDELL PARK) MORTGAGE ORDINANCE 1980

No. 6 1980

AN ORDINANCE to authorise the mortgaging or charging of certain land at Condell Park in the Municipality of Bankstown.

WHEREAS:

A. The Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") intends to enter into a contract for the purchase of the whole of the land described in the Schedule hereto.

B. Such land will upon completion of the purchase and transfer be church trust property within the meaning of the Church of England Trust Property Act, 1917 (as amended) and held for the sole benefit of the Church of England in Australia in the Parish of Yagoona.

C. It is intended after completion as aforesaid to use the property for the sole benefit of the Parish.

D. It is expedient that on completion as aforesaid the property 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 ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. This Ordinance may be cited as "St. Mark's Yagoona (Condell Park) Mortgage Ordinance 1980".

2. Upon completion of the purchase and transfer the property described in the Schedule hereto shall be vested in the Corporate Trustee and 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;

[Handwritten signatures]

or partly for one or another of those purposes in connection with the Church of England in Australia at Condell Park within the Diocese of Sydney for the sole benefit of the Parish or other ecclesiastical district of Yagoona or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

3. (1) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing such sum as may from time to time be 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 of the church building known as St. Clement's Condell Park 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 completion of the purchase of~~ ^{and the costs and expenses of and incidental to the purchase} the land described in the Schedule hereto, or for such other purposes in the said Parish (being not inconsistent with the trusts on which the said land is held) 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 said Diocese as a copy of any resolution of the Standing Committee passed pursuant to this clause 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, except where a subsequent certificate pursuant to this clause has been delivered to such mortgagee or person, 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 (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 in the Municipality of Bankstown Parish of Bankstown and County of Cumberland being Lot 2 in Deposited Plan 213771s and being the whole of the land comprised in Certificate of Title Volume 9423 Folio 32 known as 193 Edgar Street, Condell Park.

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

Mullam

Deputy

Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this *25th* day of February, 1980.

W. G. M.

Secretary

I ASSENT to this Ordinance.

M. L. Doane

Archbishop of Sydney

25/2/1980.