

*Christ Church Enmore Mortgage Ordinance 1939.*

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No. 6, 1939.

AN ORDINANCE to authorise the mortgaging of certain land situate at Stanmore in the Municipality of Newtown and to provide for the application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustees") is registered under the provisions of the Real Property Act 1900 as the proprietor of an estate in fee simple in the land comprised in the Certificates of Title registered Volume 3679 Folios 150 and 151 respectively AND WHEREAS it was declared by the Christ Church Enmore Mission Hall Sale Ordinance of 1929 that the Corporate Trustees held the said land upon trust for the erection and maintenance thereon of a church a school house a parsonage and a parish hall or partly for one and partly for another or others of the said purposes in connection with the Parish of Christ Church Enmore AND WHEREAS a parish hall attached to the church erected upon part of the land comprised in Certificate of Title Volume 3679 Folio 151 has been or is being erected upon part of the lands comprised in the said Certificates of Title AND WHEREAS by reason of circumstances subsequent to the declaration of the said trusts it is expedient to mortgage the land in the schedule hereto being part of the land comprised in Certificate of Title Volume 3679 Folio 150 upon which is erected a rectory belonging to the said parish and to apply the proceeds in completing in or towards the erection of the said school hall and for other purposes in manner hereinafter appearing Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the declaration of the trusts of the land hereinbefore recited it has become inexpedient to carry out or observe such trusts in their entirety and it is expedient to mortgage the land comprised in the schedule hereto.

- (i) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the land comprised in the schedule hereto for the purpose of borrowing the sums following:—
  - (a) When the power is first exercised a sum not exceeding Five hundred and fifty pounds (£550).

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(b) When the power is subsequently exercised such sum as the Standing Committee shall by resolution determine Provided that such debt shall be reduced at the rate of not less than fifty pounds (£50) per annum.

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

(iii) A 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 mortgagee be conclusive evidence that such resolution was duly passed.

2. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustees as follows:—

(a) In payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance and the payment thereof of all outgoings properly chargeable against the said land.

(b) And subject thereto the balance shall be paid to the Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards the completion of the said parish hall and the proper laying out and completely adapting the land upon which the said Parish Hall is erected as a site for a Parish Hall or in repayment of any mortgage or mortgages raised pursuant to the terms hereof together with any interest charges costs and expenses incidental thereto.

3. The Rector and Churchwardens for the time being of the said parish shall within seven 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, amounts paid off and the balance owing.

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4. This Ordinance may be styled or cited as "Christ Church Enmore Mortgage Ordinance 1939."

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SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land situate at Stanmore in the Municipality of Newtown Parish of Petersham and County of Cumberland having a frontage of 66 feet to Stanmore Road by a depth of 99 feet to Cavendish Lane being Lots 7 and 8 on Deposited Plan No. 1 and being part of the land comprised in Certificate of Title Volume 3679 Folio 150.

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

R. C. ATKINSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Twenty-ninth day of May, 1939.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

30th May, 1939.