

Flemington with Homebush (Parsonage) Sale and Mortgaging Ordinance, 1953.

No. 37. 1953.

AN ORDINANCE to authorise the sale of certain land situate in the Provisional District of Flemington with Homebush on which the present parsonage is erected; to declare the trusts of certain other land in the said Provisional District which is being acquired as the site of a new parsonage; to apply a certain sum authorised to be borrowed under the Flemington with Homebush Mortgaging Ordinance 1950 towards the purchase of such other land; to authorise the mortgaging of the land firstly and secondly mentioned and for purposes incidental thereto.

WHEREAS:—

- (a) The land described in the First Schedule hereto (hereinafter called "the present site") was acquired in the year 1950 by the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trust").
- (b) By the Flemington with Homebush Mortgaging Ordinance 1950 it was inter alia ordained that the whole of the present site should be held by the Corporate Trust upon trust to permit the same to be used for a parsonage in connection with the Church of England in the Provisional District of Flemington with Homebush and the Corporate Trust was empowered to mortgage the whole of any part of the said land and to apply the proceeds towards payment or satisfaction of the cost of and incidental to the erection on the said land of a parsonage.
- (c) On the present site was erected a residence which has since been used as a parsonage.
- (d) The present site was mortgaged to the Rural Bank of New South Wales to provide the finance for building the said parsonage and is still mortgaged.

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- (e) It has since been found that the said parsonage is not sufficiently large.
- (f) In pursuance of the hereinbefore recited Ordinance and of a resolution of the Standing Committee passed on the 26th October 1953 the Corporate Trust executed in favour of the Rural Bank of New South Wales a second mortgage to secure a further advance of £550 for the purpose of extending the present parsonage but such advance has not been made.
- (g) Subsequently the land described in the Second Schedule hereto (hereinafter called "the new site") was offered to the Council of the said Provisional District as the site for a new parsonage and the Corporate Trust has agreed subject to the passing of this Ordinance to purchase the new site.
- (h) It is expedient to acquire the new site and to build thereon a parsonage for the said Provisional District and to mortgage the present site and the new site for that purpose and thereafter to sell the present site.
- (i) It is expedient to apply the said sum of £550 towards the purchase of the new site.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains directs and declares as follows:—

1. By reason of circumstances subject to the creation of the trusts to which the present site is subject it is expedient to sell the same.

2. The Corporate Trust is hereby authorised to sell the present site and the buildings erected thereon by public auction or private contract at such price and subject to such terms and conditions as they determine.

3. The proceeds of sale of the present site after payment thereout of the amount owing under the mortgage thereof and all costs charges and expenses shall be applied towards the building

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of a parsonage on the new site or as to so much thereof as is not so required for such other purpose in connection with the said Provisional District as the Standing Committee may by resolution determine.

4. The new site shall be held on trust to permit the same to be used for a parsonage in connection with the Church of England in the Provisional District of Flemington with Homebush.

5. By reason of circumstances subsequent to the creation of the trusts to which the present site and the new site are subject it is expedient to mortgage the same and accordingly:—

(1) The Corporate Trust is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the First and Second Schedules hereto for the purpose of borrowing:—

(a) When the power is first exercised a sum not exceeding Four thousand five hundred pounds.

(b) When the power is subsequently exercised such sum not exceeding £4,500 as the Standing Committee shall by resolution determine.

PROVIDED THAT such debt shall be reduced at the rate of not less than fifty pounds per annum as from the date of the first borrowing.

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

(3) A document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese as a copy of 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.

6. The proceeds of any mortgage hereby authorised under Clause 5 shall be applied by the Corporate Trust as follows:—

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- (a) In payment of the costs charges and expenses of and incidental to this Ordinance the purchase of the new site and any mortgage executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Curate-in-Charge and Churchwardens for the time being of the said Provisional District of Flemington with Homebush (whose receipt shall be a sufficient discharge therefor) who shall apply such moneys received in or towards payment or satisfaction of the cost of and incidental to the erection on the new site of a parsonage.

7. The Churchwardens for the time being of the said Provisional District 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.

8. By reason of circumstances subsequent to the creation of the trusts to which the present site and the said sum of £550 are subject it is expedient to vary the same to enable the Corporate Trust to apply the said sum of £550 towards the purchase of the new site and the Corporate Trust may apply the said sum accordingly but such sum shall be deemed to be part of the sum of £4,500 to be borrowed when the power in that behalf is first exercised.

9. This Ordinance may be cited as the "Flemington with Homebush (Parsonage) Sale and Mortgaging Ordinance 1953."

THE FIRST SCHEDULE.

All that land at Flemington in the Municipality of Strathfield Parish of Liberty Plains County of Cumberland containing 37½ perches and being Lot 17 Section 11 Deposited Plan 827 and having a frontage of 50 feet to Hornsey Road and being the whole of the land comprised in Certificate of Title Volume 5413 Folio 221.

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THE SECOND SCHEDULE.

All that land at Flemington in the Municipality of Strathfield Parish of Liberty Plains County of Cumberland containing 21½ perches and being Lot 1 on Deposited Plan 6863 and having a frontage of 43 feet 4 inches to Hornsey Road by a depth of 135 feet along Exeter Road and being the whole of the land contained in Certificate of Title Volume 2350 Folio 9.

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

W. G. HILLIARD, Bishop,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 23rd day of December, 1953.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

23/12/1953.