

Holy Trinity Baulkham Hills Mortgaging Ordinance 1951.

No. 20, 1951.

AN ORDINANCE to authorise the mortgaging of certain land situated at Baulkham Hills such lands being more particularly described in the schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust) is registered as Proprietor of the land firstly described in the Schedule hereto.

AND WHEREAS the Corporate Trust has entered into a contract for the purchase of the land together with a residence thereon secondly described in the schedule hereto and is by virtue thereof the holder of an equitable estate in fee simple therein. AND WHEREAS the whole of the land described in the said Schedule is Church Trust Property held for the sole benefit of the Parish of St. Paul's, Castle Hill, with Baulkham Hills at Baulkham Hills but no trusts have been declared concerning the same. AND WHEREAS it is necessary and expedient to mortgage the land in the schedule to complete the payment of the purchase money payable under the said contract.

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 creation of the said Trusts it is expedient to mortgage the land firstly and secondly described in the schedule hereto,

(a) The Corporate Trust is hereby empowered to mortgage from time to time the whole or any part of the land described in the schedule hereto for the purpose of borrowing:—

(i) When the power is first exercised a sum not exceeding Three thousand seven hundred and fifty pounds (£3,750),

(ii) When the power is subsequently exercised such sum as the Standing Committee shall by resolution determine provided that:—

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1. The amount first borrowed shall be reduced at the rate of not less than £75 per annum.
 2. Any amount subsequently borrowed shall be reduced at such rate as the Standing Committee may by resolution determine.
- (b) Any renewal of mortgage shall be deemed to be a subsequent exercise of the said power.
- (c) 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 mortgage be conclusive evidence that such resolution was duly passed.
2. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trust as follows:—
- (a) In the 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.
- (b) Subject thereto the balance shall be applied in or towards completion of the purchase of the land secondly described in the said Schedule together with any charges costs and expenses incidental thereto.
3. This Ordinance may be styled and cited as "The Holy Trinity Baulkham Hills Mortgaging Ordinance 1951."

SCHEDULE.

Firstly: All that piece of land having a frontage of 120' to Windsor Road Baulkham Hills by a depth of 153' 2½" being Lots 1 and 2 Deposited Plan 22003 comprised in Certificate of Title Volume 6108 Folio 139.

Secondly: All that piece of land situated at the corner of Windsor Road and Cook Street having a frontage of 105' to Windsor Road by a depth along Cook Street of 160' and a splay corner of 22' 10" being Lot D of a subdivision of Lots 3 and 4 Deposited Plan 2990 as shown on plan annexed to Transfer No. F.386780 and part of the land in Certificate of Title Volume 977 Folio 100.

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

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 this 26th day of November, 1951.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

29th November, 1951.