
*Provisional District of Villawood Declaration of Trust and
Mortgage Ordinance 1958.*

No. 3, 1958.

AN ORDINANCE to declare the trusts of certain land at East Fairfield to authorise the mortgaging of such land and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor of the land comprised in Certificate of Title Registered Volume 2936 Folio 110 more particularly described in the Schedule hereto AND WHEREAS the said land was acquired by the Parish of St. James' Smithfield but is now situated in the Provisional District of Villawood and the Church Hall of St. Cuthbert's is erected thereon AND WHEREAS the said land is Church Trust Property but no trusts in writing have been declared concerning the same and it is expedient to declare the trusts upon which the said land is held AND WHEREAS it is expedient to mortgage the said land for a sum not exceeding One thousand five hundred pounds (£1,500) for the purpose of securing unsecured advances made by a bank for extending the said Church Hall and to provide further funds in connection therewith Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains and Directs as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held, it is inexpedient to carry out and observe the same and it is expedient to vary the trusts as hereinafter set out.

2. The land described in the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used for a Church Parsonage and Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Provisional District of Villawood or any Provisional Parish or Parish of which it shall subsequently form part.

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3. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is expedient to mortgage the same.

(i) 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 the sums following:—

(a) When the power is first exercised a sum not exceeding One thousand five hundred pounds (£1,500).

(b) When the power is subsequently exercised such sum not exceeding One thousand five hundred pounds (£1,500) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than One hundred and fifty pounds (£150) per annum when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine.

Provided Further that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

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

(iii) A document purporting to be signed by the Archbishop or the Secretary of the Standing Committee 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.

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

(i) When the power is first exercised in payment of the costs charges and expenses of and incidental to this

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Ordinance and such mortgage executed in pursuance thereof and subject thereto in securing the amount already advanced by the mortgagee under personal guarantees for the extension of St. Cuthbert's Church Hall and in payment of the balance to the Churchwardens for the time being of St. Cuthbert's East Fairfield to be applied by them in and towards the completion and furnishing of such extensions.

- (ii) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any then existing mortgage or mortgages and the costs and expenses of such further mortgage or mortgages.

5. The Churchwardens of St. Cuthbert's Church East Fairfield shall within seven days of the holding of 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 Secretary of the Standing Committee giving details of the original amount borrowed, the amounts paid off and the balance owing.

6. This Ordinance may be cited as "Provisional District of Villawood Declaration of Trust and Mortgage Ordinance, 1958."

SCHEDULE.

All that piece or parcel of land situated at Fairfield Parish of St. John County of Cumberland having a frontage of 50' to Horsley Drive (formerly Carrington Road) by depth along Diprose Street of 150' being Lot 1 of Section 2 in D.P. 7761 and the whole of the land comprised in Certificate of Title Registered Volume 2936 Folio 110.

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

H. GORDON S. BEGBIE,

Acting Chairman of Committee

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 19th day of March, 1958.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

21/3/1958.
