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*Sefton and Chester Hill with Regent's Park and Birrong  
Declaration of Trust and Mortgage Ordinance 1957.*

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No. 26, 1957.

AN ORDINANCE to declare the trusts of certain land in Campbell Hill Road Chester Hill to authorise the mortgaging of such land, to provide for the application of the proceeds thereof and to authorise the application of certain moneys held by the Churchwardens of St. John's Church Sefton.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 4364 Folio 172 more particularly described in the Schedule hereto AND WHEREAS the said land was purchased by the Parish of St. Thomas Auburn through the Sydney Church Endowment Fund and is held upon trust for that Parish but no trusts in writing have been declared concerning the same AND WHEREAS the said land is now situated in the Parochial District of Sefton and Chester Hill with Regent's Park and Birrong and it is proposed to erect a Rectory thereon in connection with such Parochial District AND WHEREAS it is expedient to declare that the said land be henceforth held upon trust for the sole benefit of the said Parochial District and any Parish into which it may subsequently be formed or be a part AND WHEREAS for the purpose of erecting the said Rectory it is necessary to borrow a sum not exceeding Four thousand five hundred pounds (£4,500) and for such purpose it is expedient that the said land be mortgaged to secure the same AND WHEREAS pursuant to the provisions of "St. John's Sefton Sale Ordinance 1954" the net proceeds of the sale of the land thereby authorised to be sold were paid to the Churchwardens of St. John's Church Sefton to be applied by them in and towards the erection of a Rectory in connection with that Church AND WHEREAS the said net proceeds amounted to the sum of Nine hundred and sixty-two pounds seventeen shillings and three pence (£962 17s. 3d.) AND WHEREAS the said Church of St. John Sefton is one only of the Churches within the said Parochial District and it is now proposed to erect the Rectory in connection with such District at Chester Hill on the land described in the said Schedule hereto in lieu of at Sefton as previously contemplated AND WHEREAS it is expedient that the Churchwardens of St. John's Sefton be now authorised to apply the said sum (together with any subsequent accretions thereto)

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in and towards the erection of a Rectory on the said land 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 such trusts as hereinafter set out.

2. The land described in the said Schedule shall henceforth be held upon trust to permit the same to be used for a church parsonage or parish hall or partly for one or partly for another or others of such purposes in connection with the Church of England in the Parochial District of Sefton and Chester Hill with Regent's Park and Birrong or any Parish into which it may subsequently be formed to be a part.

3. By reason of circumstances subsequent to the creation of the trusts aforesaid it is expedient to mortgage the said land:—

(i) The Corporate Trustee 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 the sums following:—

(a) When the power is first exercised a sum not exceeding Four thousand five hundred pounds (£4,500).

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

Provided that such debt shall be reduced at the rate of not less than Two hundred and fifty pounds (£250) 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 cor-

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poration advancing moneys under 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 certified 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:—

- (a) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage executed in pursuance thereof.
- (b) Subject thereto the balance shall be paid to the Churchwardens of St. Mark's Church Chester Hill who shall apply such moneys in or towards the erection of a Rectory on the land described in the said Schedule.
- (c) 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 for the time being of St. Mark's Church Chester Hill 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.

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6. The Churchwardens of St. John's Church Sefton shall pay the sum of Nine hundred and sixty-two pounds seventeen shillings and three pence (£962 17s. 3d.) paid to them in pursuance of the provisions of the "St. John's Sefton Sale Ordinance 1954" and any accretions thereto to the Churchwardens of St. Mark's Chester Hill to be applied by them in and towards the cost of and incidental to the erection of a Rectory on the land described in the said Schedule hereto.

7. This Ordinance may be cited as "Sefton and Chester Hill with Regent's Park and Birrong Declaration of Trust and Mortgage Ordinance 1957."

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SCHEDULE.

All that piece or parcel of land situated in the Municipality of Bankstown Parish of Liberty Plains County of Cumberland having a frontage of 147 feet to Campbell Hill Road Chester Hill being Lots 16, 17 and 18 D.P. 15807 and the whole of the land comprised in Certificate of Title Volume 4364, Folio 172.

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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 on the twenty-sixth day of August, 1957.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

26/8/1957