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*St. Aidan's Annandale Declaration of Trust and Mortgage Ordinance 1955.*

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No. 15, 1955.

AN ORDINANCE to authorise the mortgaging of certain land situate in Booth Street and Johnston Street Annandale Municipality of Leichhardt and to provide for the application of the proceeds thereof.

WHEREAS by Certificates of Title dated respectively the thirteenth day of April 1888 and the fourth day of March 1898 Volume 876 Folio 143 and Volume 1242 Folio 116 Frederick Edward William Smith Douglas Osborn White and Sydney Herbert Abrams in the said Certificate of Title Volume 876 Folio 143 wrongly called Adams are the registered proprietors in fee simple as joint tenants of the land therein and in the Schedule hereto described AND WHEREAS erected upon the land comprised in the said Certificate of Title Volume 876 Folio 143 are buildings used as a Rectory in connection with the Parish of St. Aidan's Annandale and upon the land comprised in the said Certificate of Title Volume 1242 Folio 116 buildings used as a Parish Hall in connection with the said Parish AND WHEREAS the said Frederick Edward William Smith Douglas Osborn White and Sydney Herbert Abrams held the said land which is part of the Parochial Church Property known as Saint Aidan's Annandale as Trustees for the said Parish AND WHEREAS the said trusts upon which the said lands are held have never been declared in writing and it is expedient that the trusts of the said land should be declared in manner hereinafter appearing AND WHEREAS by Certificate dated the twelfth day of May 1955 Howard Archbishop of Sydney did certify in accordance with the provisions of the "Sydney Church Ordinance 1912" and the "Church of England Trust Property Act 1917" that Henry William Tyrell of Johnston Street Annandale Retired Clerk and Harold Bennett of Albion Street Annandale Clerk and Ronald Patfield Clerk in Holy Orders (hereinafter called "the trustees") are the trustees of the Parochial Church property known as St. Aidan's Annandale AND WHEREAS it is expedient to renovate and rebuild the whole or portions of the said Parish Hall erected upon the land comprised in the said Certificate of Title Volume 1242 Folio 116 AND WHEREAS it is necessary and expedient that the land comprised in the Schedule hereto be mortgaged to provide the funds

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to complete the renovation and rebuilding of the whole or portions of the said Parish Hall Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

1. That the Trustees shall hold the said land comprised in the Schedule hereto upon trust to permit the same to be used for a Church Rectory 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 Parish of St. Aidan's Annandale.

2. By reason of circumstances subsequent to the creation of the said trusts to which the said land comprised in the Schedule hereto is subject it is expedient that the land comprised in the said Schedule be mortgaged.

3. (i) The Trustees are hereby empowered to mortgage from time to time the whole or any part of the said land comprised in the Schedule hereto for the purpose of borrowing:—

(a) When the power is first exercised a sum not exceeding Three thousand pounds (£3000).

(b) When the power is subsequently exercised such sum not exceeding Three thousand pounds (£3000) as the Standing Committee shall by resolution determine provided that such debt shall be reduced at the rate of not less than One hundred pounds (£100) per annum as from the date of the first borrowing but no mortgagee advancing moneys in pursuance of this Ordinance shall be concerned or obliged to see that this proviso is complied with.

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

(iii) A document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese

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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 Trustees 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 or mortgages executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the Parish of St. Aidan's Annandale (whose receipt shall be a sufficient discharge therefor and who shall apply such moneys received in or towards payment or satisfaction of the costs of and incidental to the renovation and rebuilding of the whole or portions of the Parish Hall erected upon the land comprised in Certificate of Title Volume 1242 Folio 116 being part of the land comprised in the Schedule hereto.
- (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 and the costs and expenses of such further mortgage or mortgages.

5. 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 the amounts paid off and the balance owing.

6. This Ordinance shall be styled and cited as the "St. Aidan's Annandale Declaration of Trust and Mortgage Ordinance 1955."

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THE SCHEDULE.

All that piece or parcel of land situate at Annandale in the Municipality of Leichhardt Parish of Petersham and County of Cumberland having a frontage of about 50 feet 6 inches to Booth Street by a depth of 132 feet being Lot 25 Section 27 on a Plan deposited in the Land Titles Office Sydney Numbered 638 and the whole of the land comprised in Certificate of Title Volume 876 Folio 143.

Also all that piece of land situate as aforesaid having a frontage of 30 feet to Johnston Street by a depth of 132 feet being part of Lot 23 of Section 27 on a Plan deposited in the Land Titles Office Sydney Numbered 638 and the whole of the land comprised in Certificate of Title Volume 1242 Folio 116.

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

ARTHUR L. WADE.

Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of June, 1955.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

1/7/1955