

No. 7, 1956

AN ORDINANCE to authorise the mortgaging of certain land at Merrylands in the Municipality of Holroyd Parish of St. John County of Cumberland 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 in fee simple of the land comprised in Certificate of Title Registered Volume 2994 Folio 126 and Volume 2634 Folio 241 more particularly described in the first and second parts respectively of the Schedule hereto AND WHEREAS by Declaration of Trust dated 2nd May 1916 the Corporate Trustee declared that it held the land comprised in the said Certificate of Title Volume 2634 Folio 241 upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England at Merrylands but no trusts have been declared in writing concerning the land described in the first part of the said Schedule AND WHEREAS the Corporate Trustee is also registered as proprietor in fee simple of the land comprised in Certificate of Title Registered Volume 6909 Folio 241 more particularly described in the third part of the Schedule hereto but no trusts have been declared in writing concerning the same AND WHEREAS all the land described in the said Schedule is Church Trust Property held for the sole benefit of the Parish of St. Anne Merrylands AND WHEREAS it is expedient to mortgage the said land for the purpose of erecting and furnishing a church upon the land described in the first and second parts of the said Schedule 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 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 land comprised in the Schedule hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Five thousand pounds (£5,000).

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- (b) When the power is subsequently exercised such sum not exceeding Five thousand pounds (£5,000) as the Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Two hundred pounds (£200) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine.

PROVIDED FURTHER that no person or corporation 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 Diocesan Secretary of the said Diocese as a copy of any such Resolution shall in favour of a mortgage 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 authorized shall be applied by the Corporate Trustees as follows:—

- (i) (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. Anne's Church Merrylands who shall apply the same in or towards the erection of a church on the land described in the first and second parts of the Schedule hereto and the furnishings thereof.
- (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 and the costs and expenses of such further mortgage or mortgages.

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3. The Churchwardens for the time being of the Church of St. Anne Merrylands shall within seven days of the date of holding the Annual Vestry Meeting of such Church 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.

4. This Ordinance may be cited as "St. Anne's Merrylands Mortgage Ordinance 1956."

SCHEDULE REFERRED TO.

FIRST PART.

All that piece or parcel of land situated at Merrylands in the Municipality of Holroyd Parish of St. John County of Cumberland containing 1 rood 15½ perches having a frontage of 100' to St. Ann's Street (formerly St. Ann's Hill Street) by depth of 151' 6" being part of Lot 20 D.P. 4652 and the whole of the land comprised in Certificate of Title Registered Volume 2994 Folio 126.

SECOND PART.

All that piece or parcel of land situated as aforesaid containing 27½ perches having a frontage of 50' to St. Ann's Street (formerly St. Ann's Hill Street) by depth along Denmark Street of 151' 6" being part of Lot 20 D.P. 4652 and the whole of the land comprised in Certificate of Title Registered Volume 2634 Folio 241.

THIRD PART.

All that piece or parcel of land situated as aforesaid 33½ perches having a frontage of 63' 10" to Chetwynd Road by depth of 145' being Lot A.D.P. 24412 and the whole of the land comprised in Certificate of Title Volume 6909 Folio 241.

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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 26th day of March, 1956.

W. L. J. HUTCHISON.

Acting Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

Archbishop of Sydney.

27/3/1956