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*St. Anne's Merrylands Declaration of Trust and  
Mortgage Ordinance 1965*

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No. 9, 1965.

AN ORDINANCE to declare the Trust and 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 Certificates 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 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 it is expedient that the trusts be now declared AND WHEREAS it is expedient to mortgage the said land for the purpose of erecting a Parish Hall upon part of 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. The land described in the schedule hereto shall be held in trust to permit the same to be used for a church parsonage and parish hall and partly for one or partly for another of such purposes in connection with the Church of England in Australia at Merrylands.

2. 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 Eight thousand pounds (£8,000).

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- (b) When the power is subsequently exercised such sum not exceeding Eight thousand pounds (£8,000) as the Standing Committee shall by resolution determine.

PROVIDED THAT such debt shall be reduced at the rate of not less than Nine hundred and sixty pounds (£960) Principal and Interest 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 mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such Resolution was duly passed.

3. 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 Ordinance and such mortgage executed in pursuance thereof and the balance towards the erection of a new Parish Hall on part of the land described in the first and second portion of the Schedule hereto in the said parish.
- (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.
- (iii) Any mortgagee advancing moneys to the Corporate Trustee pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same to the churchwardens of St. Anne's Church, Merrylands.

4. The Churchwardens for the time being of the Church of St. Anne Merrylands shall within seven days of the date of holding the

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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.

5. This Ordinance may be cited as "St. Anne's Merrylands Declaration of Trust and Mortgage Ordinance 1965."

**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 27¼ 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.

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

**H. G. S. BEGBIE,**  
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 31st day of May 1965.

**W. L. J. HUTCHISON,**  
Secretary.

I assent to this Ordinance.

**HUGH SYDNEY,**  
Archbishop of Sydney.

31/5/1965.