

No. 37, 1964.

AN ORDINANCE to authorise the mortgaging of land in Hawkesbury Road, Westmead and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the whole of the land comprised in Certificate of Title Volume 4822 Folio 207 more particularly described in the Schedule hereto AND WHEREAS by a Declaration of Trust dated 9th day of April 1937 the Corporate Trustee declared that it held the said land upon trust to permit the same to be used as a site for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England at Westmead in the Parish of Saint John Parramatta AND WHEREAS the Consent of the Majority of the Parish Council of St. John's Parramatta has been obtained to the passing of this Ordinance AND WHEREAS the land is now situate within the Provisional District of St. Barnabas Westmead AND WHEREAS it is proposed to build a Rectory and associated works and to complete the purchase of an Organ for the Church and for such purpose it is necessary and expedient to borrow Nine thousand pounds (£9,000) upon the security of the land described in the Second Schedule hereto 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 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 Second Schedule for the purpose of borrowing the sums following:-
 - (a) When the power is first exercised a sum not exceeding Nine thousand pounds (£9,000).
 - (b) When the power is subsequently exercised such sum not exceeding Nine thousand pounds (£9,000) as the Standing Committee may by resolution determine.

PROVIDED that such debt shall when the power is first exercised be repaid at the rate of not less than One thousand one hundred and fifty pounds (£1,150) including

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interest per annum for the first four (4) years and thereafter at a rate of not less than Nine hundred pounds (£900) including interest per annum and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine.

- (ii) A document purporting to be certified by the Archbishop or Diocesan Secretary 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.

2. 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 of and incidental to this Ordinance and any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. Barnabas' Westmead who shall apply the same towards the erection of a Rectory and associated works and the completion of the purchase of an Organ as aforesaid.
- (ii) When the power is subsequently exercised in payment of principal and interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage or renewal of an existing mortgage.

3. The Churchwardens for the time being of St. Barnabas' Church Westmead 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 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. Barnabas' Westmead Mortgaging Ordinance 1964."

FIRST SCHEDULE

ALL THAT piece or parcel of land situate in the Municipality of Holroyd Parish of St. John and County of Cumberland containing an area of 1 acre 3 roods and 27 perches or thereabouts being an irregularly shaped block with a frontage of 184' 9 $\frac{1}{2}$ " to Hawkesbury Road by an irregular depth of 493' 0 $\frac{1}{2}$ " on the northern side and

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by an irregular depth of 604' 8½" on the southern side and having a rear boundary of 163' 3¼" all the several dimensions being a little more or less being Lot B shown in Plan annexed to Instrument of Transfer No. C501305 being the whole of the land in Certificate of Title Volume 4822 Folio 207.

SECOND SCHEDULE

ALL THAT piece or parcel of land situated at Westmead in the Municipality of Holroyd, Parish of St. John, County of Cumberland and State of New South Wales being Lot 2 of a subdivision of land comprised in Certificate of Title registered Volume 4822 Folio 207 and containing by admeasurement an area of one acre 0 roods thirteen perches COMMENCING AT A POINT being the south western corner of land in Transfer No. B 209906 and bounded thence on the north east and north by the south western and southern boundaries of lands in Transfers Nos. B 209906 aforesaid, B 306529, B 347110 and B 779926 bearing 110 degrees 31 min. 00 sec. — 99 feet 4¼ inches; 89 degrees 58 min. 00 sec. — 200 feet 0 inches and 89 degrees 43 min. 00sec. — 29 feet 5¼ inches; thence on the east by the western boundaries of lands in Transfers Nos. B 698537 and B 660888 respectively bearing 179 degrees 43 min. 00 sec. — 163 feet 3¼ inches; thence on the south by a line bearing 269 degrees 43 min. 30 sec. — 338 feet 8½ inches; thence on the north west, south and again north west by lines bearing 14 degrees 42 min. 00 sec. — 66 feet 0 inches; 269 degrees 43 min. 30 sec. — 32 feet 0 inches and 12 degrees 41 min. 10 sec. — 139 feet 0 inches to the point of commencement be the said area and several mentioned dimensions all a little more or less.

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

ATHOL RICHARDSON,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of November, 1964.

R. K. JONES,
Acting Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

30/11/1964.