
*St. Clement's Mosman Declaration of Trust and
Mortgage Ordinance 1965*

No. 21, 1965.

AN ORDINANCE to declare the Trust of certain land at Mosman in the Municipality of Mosman and to authorise the mortgaging thereof and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is entitled under Contract of Sale dated 25th May, 1965 between the Corporate Trustee and Gordon John Burgess to become registered as proprietor of an estate in fee simple in the land comprised in Certificate of Title Volume 3979 folio 89 more particularly described in the Schedule hereto AND WHEREAS the said land is situated in the Parish of St. Clement's Mosman AND WHEREAS the equitable interest is Church Trust Property held for the sole benefit of the said Parish and no Trusts in writing have been declared AND WHEREAS it is expedient to declare the Trusts upon which the said land is held AND WHEREAS for the purposes of completing the said purchase it is necessary to borrow a sum not exceeding Six thousand five hundred pounds (£6,500) to be applied to the payment of the purchase price in accordance with the said Contract and it is expedient that the said land be mortgaged NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DIRECTS ORDAINS AND RULES as follows:-

1. The land described in the Schedule hereto shall upon being vested in the Corporate Trustee be held upon trust to permit the same to be used as a Church parsonage, parish hall or residence for assistant minister and vergers or partly for one or partly for another of such purposes in connection with the Church of England in Australia in the Parish of St. Clement's Mosman.

2. (i) The Corporate Trustee is hereby authorised to mortgage the land described in the Schedule hereto.

(a) When the power is first exercised for a sum not exceeding Six thousand five hundred pounds (£6,500)

(b) When the power is subsequently exercised for such sum as Standing Committee may by resolution determine

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PROVIDED THAT the said debt shall be reduced by payment of Five hundred pounds (£500) on or before 31st October, 1965 and thereafter at the rate of not less than One thousand pounds (£1,000) 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 pursuant to the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the power.
- (iii) Any 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 arising from the said mortgage shall after paying thereout the costs of and incidental to this Ordinance and any mortgage executed in pursuance thereof be applied as follows:-

- (i) When the power is first exercised to pay the same to the Churchwardens of St. Clement's Church Mosman towards the cost of and incidental to the purchase of the said land
- (ii) When the power is subsequently exercised towards the repayment of any existing mortgage or mortgages and the costs of and incidental to the discharge thereof and of such new mortgage or mortgages.

4. The Churchwardens of St. Clement's Mosman 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.

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

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SCHEDULE

All that piece or parcel of land situate at Mosman in the Municipality of Mosman Parish of Willoughby and County of Cumberland containing an area of 24½ perches being Lot 27 of Mosman's Bay Township's 2nd Subdivision and being the whole of the land in Certificate of Title Volume 3979 Folio 89 having a frontage of about 44 feet by a depth of 156 feet upon which is erected the dwelling known as No. 73 Shadforth Street, Mosman.

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 26th day of July 1965.

W. L. J. HUTCHISON, Secretary.

I assent to this Ordinance.

F. O. HULME-MOIR, Bishop,
Commissary.

27/7/1965.