
St. James Berala Land Sale and Mortgage Ordinance 1963

No. 20, 1963.

AN ORDINANCE to authorise the sale of certain land at Berala in the Municipality of Auburn to authorise the mortgaging of certain other land situated as aforesaid and to provide for the application of the proceeds.

WHEREAS Charles Maurice Allan, Eric John Dewar and John Herman Lea (hereinafter called the Trustees) are registered as proprietors as joint tenants in fee simple of the land comprised in Certificate of Title Volume 2486 Folio 50 more particularly described in the first schedule hereto AND WHEREAS by a Declaration of Trust dated 1st February 1960 recorded in the Land Titles Office as No 18801 the said Trustees declared that they held the said land upon trust to permit the same to be used 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 in the Provisional District of St. James Berala or any Provisional Parish or Parish into which it may subsequently be formed or form a part AND WHEREAS there is erected upon the said land a dwelling used as the Rectory in connection with the Provisional District of Berala AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it has become inexpedient to continue to observe the same and it is expedient that the land be sold and the net proceeds applied towards the purchase of another Rectory for the said Provisional District AND WHEREAS it is proposed to purchase the land and premises described in the second schedule hereto for use as such Rectory and a contract dated 11th July 1963 has been entered into by Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) with John Stanley Steel for such purchase AND WHEREAS it will be necessary to borrow a sum not exceeding One thousand five hundred pounds (£1,500) on the security of such property to provide the balance of purchase money and for such purpose it is expedient that the land described in the second schedule be mortgaged NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY ORDAINS RULES 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 inexpedient to carry out and observe the same and it is expedient that the said land be sold.

St. James Berala Land Sale and Mortgage Ordinance 1963

2. The said Trustees are hereby authorised to sell the said land at such time and price and upon such terms and conditions as they shall think fit freed from the said trusts.

3. The said Trustees are hereby authorised to execute any documents for the sale and transfer of the said land in pursuance of this Ordinance.

4. The proceeds arising from the said sale shall after paying thereout all outgoing to which the land may be subject and the costs of and incidental to this Ordinance and the sale and transfer of the land in pursuance thereof be paid to the Churchwardens for the time being of St. James Berala to be applied by them towards the acquisition of the land described in the second schedule hereto for use as a Rectory in the Provisional District of Berala.

5. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the land described in the second schedule for the purpose of borrowing the sums following :-

(a) When the power is first exercised a sum not exceeding One thousand five hundred pounds (£1,500).

(b) When the power is subsequently exercised such sum not exceeding One thousand five hundred pounds (£1,500) as the Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced at the rate of not less than One hundred and sixty pounds (£160) per annum principal and interest 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 power.

(iii) A document purporting to be certified by the Archbishop or the 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.

St. James Berala Land Sale and Mortgage Ordinance 1963

6. 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 such mortgage and the balance shall be applied towards the purchase of the land described in the second schedule.
- (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 or of the renewal of any existing mortgage.

7. The Churchwardens for the time being of St. James Church Berala shall within seven days of the holding of the Annual Vestry Meeting of such church during such period 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.

8. This Ordinance may be cited as "St. James Berala Land Sale and Mortgage Ordinance 1963."

FIRST SCHEDULE

All that piece or parcel of land situated at Berala in the Municipality of Auburn Parish of Liberty Plains County of Cumberland having a frontage of 64' 3 $\frac{1}{4}$ " to Crawford Street being Lot 4 D. P. 7283 and the whole of the land in Certificate of Title Volume 2486 Folio 50 upon which is erected the dwelling known as No. 14 Crawford Street, Berala.

SECOND SCHEDULE

All that piece or parcel of land situated in the Municipality of Auburn Parish of Liberty Plains County of Cumberland having a frontage of 66' to Crawford Street Berala being Lot 9 Section 3 D.P. 435 and the whole of the land in Certificate of Title Volume 5557 Folio 174 upon which is erected the residence known as No. 17 Crawford Street Berala.

St. James Berala Land Sale and Mortgage Ordinance 1963

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

RICHARD H. BOYT,
Acting 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 August, 1963.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

26/8/1963.

R. C. KERLE,
Bishop (Commissary).