
St. John's Asquith with Mt. Colah
Declaration of Trusts and Mortgaging Ordinance 1968

No. 21, 1968

AN ORDINANCE to authorise the mortgaging of certain land at Royston Parade Asquith in the Shire of Hornsby and to provide for the application of the proceeds thereof and to declare the trusts on which the said land is held.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of the lands comprised in Certificates of Title Volume 10553 Folio 15 and Volume 3226 Folio 69 more particularly described in the Schedule hereto AND WHEREAS the said lands are held 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 in Australia in the Provisional Parish of St. John Asquith with Mt. Colah but no trusts in writing have been declared concerning the same AND WHEREAS it is expedient that the trusts of such lands be now declared AND WHEREAS part of the said land comprised in Certificate of Title Volume 10553 Folio 15 is now vacant and it is intended to erect thereon a new church and parish hall and furnishings therefor AND WHEREAS there is at present a debt of approximately Five thousand five hundred and forty-six dollars (\$5,546) owing to the Sydney Church of England Finance and Loans Board secured upon the said land comprised in Certificate of Title Volume 3226 Folio 69 upon which is built a rectory AND WHEREAS it will be necessary to borrow a sum not exceeding Thirty-eight thousand five hundred dollars (\$38,500) to be applied first in repayment of the said debt and secondly towards the costs of such buildings and furnishings or some one or more of them AND WHEREAS it is expedient that the said lands be mortgaged or charged to secure such advance NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. The lands described in the Schedule hereto shall be held by the Corporate Trustee 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 in Australia in the Provisional Parish of St. John Asquith with Mt. Colah.

2. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the lands described

St. John's Asquith with Mt. Colah
Declaration of Trusts and Mortgaging Ordinance 1968

in the Schedule hereto are held, it is expedient that such lands be mortgaged.

3. The Corporate Trustee is hereby empowered to mortgage, from time to time the whole or any part of the lands described in the Schedule hereto for the purpose of borrowing the sums following:—

- (a) When the power is first exercised a sum not exceeding Thirty-eight thousand five hundred dollars (\$38,500).
- (b) When the power is subsequently exercised such sum not exceeding Thirty-eight thousand five hundred dollars (\$38,500) as the Standing Committee may by resolution determine.

PROVIDED that such debts shall be reduced at the rate of not less than Three thousand two hundred dollars (\$3,200) per annum principal and interest when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine PROVIDED further that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.

4. The proceeds of any mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and such mortgage be applied as follows:—

- (i) When the power is first exercised in repayment of the existing debt on the rectory and the balance then remaining towards the costs of erection on the said land of a church and parish hall and furnishings therefor or such one or more of them in such priority as the Parish Council of the Provisional Parish of St. John Asquith with Mt. Colah shall determine.
- (ii) When the power is subsequently exercised towards the repayment of any then existing mortgage or mortgages over the said lands and the costs of and incidental to the discharge thereof.
- (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 direct to the Churchwardens for the time being of St. John's Asquith with Mt. Colah.

St. John's Asquith with Mt. Colah
Declaration of Trusts and Mortgaging Ordinance 1968

5. The Churchwardens of St. John's Asquith with Mt. Colah shall within seven (7) days of the holding of 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 amount paid off and the balance owing.

6. This Ordinance may be cited as "St. John's Asquith with Mt. Colah Declaration of Trusts and Mortgaging Ordinance 1968".

SCHEDULE

All that piece or parcel of land in the Shire of Hornsby Parish of South Colah and County of Cumberland being Lot 1 in Deposited Plan No. 523829 having a frontage to Royston Parade of 128' 10" and a depth on the northern side of 291' 4 $\frac{3}{4}$ " and on the southern side of 278' 9 $\frac{3}{4}$ " with a rear line of 133' 10" containing an area of 3 roods 5 perches (be the said dimensions and area a little more or less) being the whole of the land comprised in Certificate of Title Volume 10553 Folio 15.

And all that piece or parcel of land in the Shire of Hornsby Parish of South Colah and County of Cumberland being Lot 9 in Deposited Plan No. 9913 having a frontage to Royston Parade of 66' 11" with depths on either side of 198' and a rear line of 66' 11" containing an area of 1 rood 9 perches (be the said dimensions and area a little more or less) being the whole of the land comprised in Certificate of Title Volume 3226 Folio 69 together with the improvements erected thereon known as 4 Royston Parade, Asquith.

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 22nd day of July, 1968.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

JACK DAIN,
Bishop, Commissary.

22/7/1968.