
*St. John's Girraween Declaration of Trusts and
Mortgaging Ordinance 1963*

No. 15, 1963

AN ORDINANCE to declare the trusts of certain land at Girraween in the Municipality of Holroyd, to authorise the mortgaging thereof and 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 of the land comprised in Certificate of Title Volume 7702 Folio 143 more particularly described in the Schedule hereto AND WHEREAS part of the said land (namely Lots 264 and 265) was by a Declaration of Trust dated 4th September 1921 declared by the Corporate Trustee to be held for use as a Church, Parsonage or Parish Hall or partly for one or partly for another of such purposes in connection with the Church of England in the Parish of Prospect and Seven Hills at Girraween AND WHEREAS no trusts in writing have been declared in respect of the remaining part of the said land (namely part of Lot 267) which was subsequently acquired by St. John's Girraween AND WHEREAS the said land is now situated in the Provisional District of Girraween with Toongabbie and there is erected thereon the Church of St. John's Girraween, a Rectory and Hall AND WHEREAS it is expedient to declare the trusts upon which all the said land is now held AND WHEREAS it is proposed to extend the said Church and for such purpose it is necessary and expedient to borrow the sum of Two thousand two hundred and fifty pounds (£2,250) upon the security of the land described in the said Schedule NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY RULES AND DIRECTS as follows:-

1. The land described in the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used as 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 at Girraween in the Provisional District of Girraween with Toongabbie.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule is held it is expedient to mortgage the same:-

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- (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 Two thousand two hundred and fifty pounds (£2,250)
- (b) When the power is subsequently exercised such sum not exceeding Two thousand two hundred and fifty pounds (£2,250) as Standing Committee shall by resolution determine
- Provided that such debt shall when the power is first exercised be repaid at the rate of not less than Three hundred and ninety pounds (£390) per annum and when the power is subsequently exercised at such rate as the Standing Committee shall determine
- (ii) Any renewal of the 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

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 of and incidental to this Ordinance and any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. John's Church Gिरraween who shall apply the same towards the cost of the extension of St. John's Church upon the land described in the Schedule and the furnishings of such Church and the improvements of said land
- (ii) When the power is subsequently exercised in payment of principle interest and costs of and incidental to the discharge of any existing mortgage and the costs of and expenses of such further mortgage

4. The Churchwardens for the time being of St. John's Church Gिरraween shall within seven (7) days of the holding of the annual

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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. John's Girraween Declaration of Trusts and Mortgaging Ordinance, 1963."

SCHEDULE

All that piece or parcel of land situated at Girraween in the Municipality of Holroyd Parish of Prospect County of Cumberland having a frontage of about 139' 6" to Tungarra Road by a depth of 200' or thereabouts and being Lots 264 and 265 and part of Lot 267 in Deposited Plan No. 8768 and being the whole of the land in Certificate of Title Volume 7702 Folio 143.

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

RICHARD H. BOYT,
Acting 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 27th day of May 1963.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

27/5/1963.

HUGH SYDNEY,
Archbishop of Sydney.