
*St. John's Sefton and St. Mark's Chester Hill Mortgage
Ordinance 1972*

No. 45, 1972

AN ORDINANCE to declare the trusts upon which certain lands at Proctor Parade Chester Hill are held, to authorise the mortgaging of such lands and to provide for the application of the proceeds.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as the proprietor in fee simple of the lands comprised in the Schedule hereto AND WHEREAS the said lands are church trust property held for the sole benefit of the Parish of Chester Hill with Sefton but no trusts in writing have been declared concerning the said lands AND WHEREAS it is expedient that a church and parish hall should be erected on the said lands AND WHEREAS it will be necessary to borrow a sum not exceeding Twenty-five thousand dollars (\$25,000) to be applied towards payment of the cost of erecting the said church and parish hall AND WHEREAS it is expedient that the said lands described in the Schedule hereto be mortgaged or charged to secure such payment AND WHEREAS the Parish Council of the said Parish has consented to the said lands being mortgaged or charged for the purpose aforesaid AND WHEREAS by reason of circumstances which have arisen subsequent to the acquisition of the said lands it is expedient to declare the trusts on which the lands are held as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such 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 a parsonage or a parish hall or partly for one or partly for another or others of such purposes in connection with the Church of England in Australia in the Parish of Chester Hill with Sefton.

2. 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 that such land be mortgaged.

3. (1) The Corporate Trustee is hereby empowered to mortgage or charge 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:—

*St. John's Sefton and St. Mark's Chester Hill Mortgage
Ordinance 1972*

(a) When the power is first exercised a sum not exceeding Twenty-five thousand dollars (\$25,000).

(b) When the power is subsequently exercised such sum not exceeding Twenty-five thousand dollars (\$25,000) as the Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than One thousand four hundred dollars (\$1,400) inclusive of principal and interest every six months 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 this Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

(2) Any renewal of a mortgage or charge shall be deemed to be a subsequent exercise of the said power.

(3) A document purporting to be certified by the Archbishop or the Secretary of the Standing Committee 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 or charge be conclusive evidence that such resolution was duly passed.

4. The proceeds of any mortgage or charge hereby authorised shall be applied by the Corporate Trustee as follows:—

(a) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage or charge executed in pursuance thereof and subject thereto the balance shall be applied towards the cost of building a church and a parish hall on the said lands described in the Schedule hereto.

(b) When the power is subsequently exercised in payment of the principal interest and costs of any existing mortgage or charge or the renewal thereof or towards the repayment of any then existing mortgage or mortgages over the said lands and the costs of and incidental to the discharge thereof or for such other purposes not inconsistent with the trusts upon which the said lands are held as Standing Committee may by resolution determine.

St. John's Sefton and St. Mark's Chester Hill Mortgage Ordinance 1972

- (c) Any mortgagee advancing money pursuant to the provisions of paragraph (a) of this clause is hereby authorised to pay the same direct to the Churchwardens for the time being of St. John's Sefton and St. Mark's Chester Hill to be applied by them for the purposes aforesaid.
- (d) Any mortgagee advancing money pursuant to the provisions of paragraph (b) of this clause is hereby authorised to pay the same direct to the Churchwardens of the church of St. John Mark Chester Hill with Sefton to be applied by them for the purposes aforesaid.

5. The Churchwardens for the time being of the churches of St. John Sefton and St. Mark Chester Hill or of St. John Mark Chester Hill with Sefton as the case may be 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 Secretary of the Standing Committee giving details of the original amount borrowed the amounts paid off and the balance owing.

6. This Ordinance may be cited as "St. John's Sefton and St. Mark's Chester Hill Mortgage Ordinance 1972".

SCHEDULE

A. ALL THAT piece or parcel of land containing by admeasurement one rood eight and one-quarter perches being part of Lot B on File Plan 158764 and being part of Lot 3 as shown upon a subdivision by H. F. Busby & Company of Lots A and B in File Plan 158764 dated 19th April 1971 situate at Chester Hill in the Municipality of Bankstown Parish of Liberty Plains and County of Cumberland and

B. ALL THAT piece or parcel of land containing by admeasurement one rood twenty-one and one-half perches being part of Lot A on File Plan 158764 and being part of Lot 3 as shown upon a subdivision by H. F. Busby & Company of Lots A & B in File Plan 158764 dated 19th April 1971 situate at Chester Hill in the Municipality of Bankstown Parish of Liberty Plains and County of Cumberland having a frontage of 17' 4 $\frac{1}{2}$ " to Proctor Parade Chester Hill.

Which two pieces or parcels of land comprise the whole of Lot 3 as shown upon the said subdivision by H. F. Busby & Company of Lots A & B in File Plan 158764 dated 19th April 1971.

*St. John's Sefton and St. Mark's Chester Hill Mortgage
Ordinance 1972*

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 20th day of November, 1972.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

20/11/1972.