
St. John's Willoughby Declaration of Trust and Mortgage Ordinance 1955.

No. 18, 1955.

AN ORDINANCE to declare the Trusts in respect of certain lands situate in Warrane Road and Corner of Warrane Road and McLelland Street Willoughby in the Municipality and Parish of Willoughby County of Cumberland and State of New South Wales and to authorise the mortgaging thereof and to provide for the application of the proceeds thereof.

WHEREAS by Certificates of Title Volume 3280 Folio 205 and Volume 3150 Folio 239 Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustees") is the registered proprietor of an estate in fee simple of the lands more particularly described respectively in the First and Second Schedules hereto AND WHEREAS the land described in the First Schedule hereto is used as a Parsonage in connection with the Church of England in the Parish of St. John at Willoughby AND WHEREAS the land described in the Second Schedule hereto is being used as a Church and Parish Hall for the said Parish AND WHEREAS all the said lands hereinbefore referred to are Church Trust Property respectively held for the sole benefit of the Parish of St. John Willoughby but no trusts in writing have been declared in respect hereof AND WHEREAS it is expedient to declare the trusts in respect of the said lands as hereinafter contained AND WHEREAS for the purpose of effecting certain alterations extensions and modifications to the existing Church building and Parish Hall and to erect a new Church Building on the land described in the Second Schedule hereto it is necessary and expedient to mortgage the land described in the First and Second Schedules hereto Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. That the Corporate Trustees shall hold the said land comprised in the First and Second Schedules hereto Upon Trust to permit the same to be used as a Church Parsonage and Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. John Willoughby.

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2. (a) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the land comprised in the First and Second Schedules hereto for the purpose of borrowing:—

(i) When the power is first exercised a sum not exceeding Eleven thousand pounds (£11,000) provided that any amount borrowed shall be reduced at the rate of not less than £1,000 per annum but no mortgagee advancing moneys in pursuance of this Ordinance shall be concerned or obliged to see that this proviso is complied with.

(ii) When the power is subsequently exercised such sum not exceeding £11,000 and upon such conditions as the Standing Committee shall by resolution determine.

(b) Any renewal of Mortgage shall be deemed to be a subsequent exercise of the said power.

(c) A 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 of any Mortgage hereby authorised shall be applied by the Corporate Trustees as follows:—

(a) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and such Mortgage or any Mortgages executed in pursuance of this Ordinance.

(b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the Parish of St. John Willoughby (whose receipt shall be a sufficient discharge therefor) who shall apply such moneys received in or towards the payment or

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satisfaction of the costs of and incidental to the carrying out of alterations, extensions and modifications of the existing Church and Parish Hall and the cost of and incidental to the carrying out of alterations, extensions and modifications of and incidental to the erection of a new Church building on the land described in the Second Schedule.

- (c) 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.

4. The Rector and Churchwardens for the time being of the said Parish shall within seven (7) days of the date of holding 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 amounts paid off and the balance owing.

5. This Ordinance may be styled and cited as the "St. John's Willoughby Declaration of Trust and Mortgage Ordinance 1955."

THE FIRST SCHEDULE.

All that piece or parcel of land situate at Willoughby the Municipality and Parish of Willoughby County of Cumberland being Lot 3 on a Plan deposited in the Land Titles Office Sydney Registered No. 10572 and being the whole of the land comprised in Certificate of Title Volume 3280 Folio 205.

THE SECOND SCHEDULE.

All that piece or parcel of land scituate at Willoughby (formerly Middle Harbour) in the Municipality and Parish of Willoughby County of Cumberland containing 39½ perches or thereabouts and being part of Lot 12 on a Plan deposited in the Land Titles Office Sydney Registered No. 5823 and being the whole of the land comprised in Certificate of Title Volume 3150 Folio 239.

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

ARTHUR L. WADE,

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 29th
day of August, 1955.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

1/9/1955.