
St. Mark's Ermington (St. Luke's Rydalmere)
Mortgaging Ordinance 1967

No. 12, 1967.

AN ORDINANCE to authorise the mortgaging of certain land situate at Ermington and to 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 10506 Folio 234 and more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust Property and is 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. Mark Ermington and St. Luke Rydalmere or any Parish into which such Provisional Parish shall be formed, (being the trusts declared in "Provisional Parish of St. Mark Ermington (St. Luke Rydalmere) Declaration of Trust and Land Sale Ordinance 1967") AND WHEREAS the said land is now vacant but it is intended to erect thereon a Rectory and for such purpose it is necessary to authorise the mortgaging of the said land to borrow a sum not exceeding Eighteen thousand dollars (\$18,000) to be applied towards the costs of erection of such building NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:-

1. By reason of the 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.

2. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land described in the Schedule hereto for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding Eighteen thousand dollars (\$18,000)

PROVIDED that such debt shall be repaid when the power is first exercised as to the sum of Thirteen thousand dollars (\$13,000) from the proceeds of the sale of land authorised by the Sale Ordinance hereinbefore recited and also at the rate of not less than One thousand and eighty dollars (\$1,080) per annum principal and interest and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER

*St. Mark's Ermington (St. Luke's Rydalmere)
Mortgaging Ordinance 1967*

that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions have been made.

(b) When the Power is subsequently exercised such sum not exceeding Five thousand dollars (\$5,000) as the Standing Committee may by resolution determine.

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

(iii) Any 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 after paying the costs of and incidental to this Ordinance and such mortgage be applied as follows:-

(i) When the power is first exercised towards the cost of erection of a Rectory.

(ii) When the power is subsequently exercised (other than by a renewal of the original mortgage) in payment of the principal interest and costs of discharge of any existing mortgage.

4. The proceeds of the mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and any mortgage executed in pursuance thereof be paid to the Churchwardens for the time being of St. Mark's Ermington to be applied by them towards the cost of erection of the Rectory on the said land.

5. During such time as any money is owing to any mortgagee pursuant to this Ordinance the Churchwardens of St. Mark's Ermington shall within seven days of the holding of the Annual Vestry Meeting 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.

6. This Ordinance may be cited as "St. Mark's, Ermington (St. Luke's, Rydalmere) Mortgaging Ordinance 1967."

SCHEDULE

All that piece or parcel of land in the Parish of Field of Mars City of Parramatta and County of Cumberland containing an area

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Mortgaging Ordinance 1967

of 1 rood 27½ perches being Lot 2 in Deposited Plan No. 523071 being the whole of the land comprised in Certificate of Title Volume 10506 Folio 234 being of irregular shape with dimensions on the south of 165 feet 0 inches and on the north of 187 feet 0 inches which said land has a common boundary of 165 feet 0 inches with the land upon which is erected the Church of St. Mark at Ermington being the land comprised in Deed of Conveyance dated 18th July, 1881 Registered Number 979 Book 230 and Deed of Conveyance dated 20th September, 1881 Registered Number 980 Book 230.

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

H. G. S. BEGBIE,
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 1st day of May, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

1/5/1967.

MARCUS LOANE,
Archbishop of Sydney.