
*St. Mary's Guildford Mortgage Land Sale and Declaration
of Trust Ordinance 1966*

No. 2, 1966.

AN ORDINANCE to authorise the mortgaging of certain land at West Guildford in the Municipality of Holroyd, to authorise the sale of part of the same land and certain other land at Robertson Road West Guildford and to provide for the application of the proceeds of such mortgage and sale and to declare certain Trust thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is the purchaser under a certain Contract of Sale dated 10th November, 1965 made with one George Hannan for the purchase of the land comprised in Certificate of Title Volume 1100 Folio 187 more particularly described in the first Schedule hereto for the sum of Twelve thousand dollars (\$12,000) AND WHEREAS the Corporate Trustee is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 1888 Folio 74 more particularly described in the Second Schedule hereto AND WHEREAS pending the sale of the lands hereinafter referred to it is necessary and expedient that the lands described in the said schedules be mortgaged for a sum of Twelve thousand dollars (\$12,000) to provide the purchase money under the said recited contract AND WHEREAS it is proposed to re-sell part of the land being so purchased namely Lot 6 and also the land described in the second schedule to repay the same mortgage advance and any balance to be applied towards the erection of a new church on the residue of the land now being acquired AND WHEREAS all the said lands are Church Trust Property held for the sole benefit of the Parish of St. Mary Guildford but no trusts in writing have been declared concerning the same AND WHEREAS it is expedient that the trusts of that part of the land now being purchased and to be retained be declared 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. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land described in the first and second Schedules hereto,
 - (a) When the power is first exercised for a sum not exceeding Twelve thousand dollars (\$12,000).
 - (b) When the power is subsequently exercised for such sum not exceeding Twelve thousand dollars (\$12,000) as the Standing Committee may by resolution determine.

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PROVIDED that such debt shall be repaid out of the moneys arising from the sales hereinafter authorised.

- (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 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.

2. The proceeds of any Mortgage hereby authorised shall be applied firstly towards the costs of and incidental to this Ordinance and of any Mortgage executed pursuant thereto and the balance towards the completion of the purchase of the land referred to in the said Contract of Sale and the costs of and incidental thereto.

3. The Churchwardens of St. Mary's Church Guildford shall within seven 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 the provisions of this Ordinance cause an account to be forwarded to the Diocesan Secretary giving particulars of the amount originally borrowed the amounts paid off and the balance owing.

4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the second schedule hereto and of that part of the land described in the first schedule namely Lot 6 Sec. 17 D.P. 1458 are held it is inexpedient to carry out and observe the same and it is expedient that such land be now sold.

5. The Corporate Trustee is hereby empowered to sell the land referred to in the preceding clause by public auction or private contract together or in parcels at such time or times at such price or prices and upon such terms and conditions as the Corporate Trustee may determine.

6. The proceeds arising from the said sale or sales shall be applied as follows:-

First in payment of the costs of and incidental to such sale or sales and the transfer or transfers Secondly towards repayment of the moneys advanced pursuant to the mortgage hereby authorised Thirdly any balance towards the erection of a new church on part of the land comprised in the said contract.

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7. That part of the land comprised in the first Schedule which is to be retained namely Lot 11 Sec. 17 D.P. 1458 shall upon completion of the Transfer thereof but subject to any mortgage hereby authorised 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 in the Parish of St. Mary Guildford.

8. This Ordinance may be cited as "St. Mary's Guildford Mortgage Land Sale and Declaration of Trust Ordinance 1966."

FIRST SCHEDULE

All that piece or parcel of land situated at West Guildford in Municipality of Holroyd Parish of St. John County of Cumberland having a frontage of 100 feet to Fowler Road (formerly Parramatta Road) by depth of 231 feet being Lot 11 Sec. 17 D.P. 1458.

Also all that piece or parcel of land situated as aforesaid having a frontage of 100 feet to Bowden Street (formely Young Street) by depth of 231 feet being Lot 6 Sec. 17 D.P. 1458 both of which lots now comprise the whole of the land in Certificate of Title Volume 1100 Folio 187.

SECOND SCHEDULE

All that piece or parcel of land situated as aforesaid having a frontage of 132 feet to Robertson Street by depth of 125 feet 4 inches being Lots 55 to 60 inclusive Sec. 4 D.P. 1210 and the whole of the land in Certificate of Title Volume 1888 Folio 74.

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 28th day of February, 1966.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

MARCUS L. LOANE,

Bishop Commissary.

28/2/1966.