

ST. PETER'S BURWOOD EAST MORTGAGE ORDINANCE 1979

No. 20 1979

AN ORDINANCE to vary the trusts and authorise the mortgaging or charging of certain lands at Croydon in the Municipality of Burwood.

WHEREAS:

(A) Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of the whole of the lands described in the Schedule hereto.

(B) Pursuant to the St. Peter's Burwood East Mortgage Ordinance, 1956 the said lands are church trust property held upon trust to permit the same to be used for a church parsonage or parish hall and residence for the benefit of the said parish 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. Peter Burwood East.

(C) By reasons of circumstances which have arisen subsequent to the creation of the trusts upon which the said lands are held it is expedient to vary the same and it is expedient that the said lands be mortgaged or charged.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. This ordinance may be cited as "St. Peter's Burwood East Mortgage Ordinance 1979".

2. By reason of circumstances which have arisen subsequent to the creation of trusts upon which the said lands are held it is expedient to vary the same to the extent hereinafter provided and it is expedient that the said lands be mortgaged or charged.

3. The lands described in this schedule hereto shall henceforth be held upon trust for:-

- (a) church;
- (b) residence for a minister, assistant to the minister or person employed by the churchwardens;
- (c) hall or halls;
- (d) school or other place of assembly;

or partly for one or another of those purposes in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district of Burwood East or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

4. (1) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing such sum as may from time to time be approved by the Standing Committee by resolution thereof.

(2) The amount borrowed on the security of any mortgage granted pursuant to this Ordinance shall be paid to the churchwardens of the church building known as St. Peter's Burwood East and, after the costs of and incidental to this Ordinance and to every such mortgage have been met therefrom, shall be applied in or towards meeting the costs of erecting a new rectory and repositioning the church hall in the Parish of Burwood East or for such other purposes in the said parish (being not inconsistent with the trusts on which the said land is held) as the Standing Committee may have last approved by resolution thereof.

(3) Any document purporting to be certified by the Archbishop or the Diocesan Secretary of the said Diocese as a copy of any resolution of the Standing Committee passed pursuant to this clause shall, in favour of a mortgagee or any person claiming under a mortgage granted pursuant to this Ordinance, be conclusive evidence that such resolution was duly passed and, except where a subsequent certificate pursuant to this clause has been delivered to such mortgagee or person, be conclusive evidence that such resolution was the last resolution passed by the Standing Committee pursuant to this clause.

5. Whilst any money is secured by any mortgage granted pursuant to this Ordinance, the said churchwardens, in every statement of assets prepared pursuant to clause 41 of the Sydney Church Ordinance 1912 (as amended) shall disclose the amount so secured on the last day of the financial year to which the statement of assets relates.

SCHEDULE °

FIRST PART

All that piece or parcel of land containing 14 3/4 perches having a frontage of 40 feet to Wellington Street in the Municipality of Burwood being lot 3 of section 3 of Miss C.J. Hardie's sub-division of The Meadows and being the whole of the land comprised in Certificate of Title Registered Volume 4452 Folio 175.

SECOND PART

All that piece or parcel of land situated aforesaid having a frontage to Acton Street of 60 and 96/100ths links containing 4 and 4/10ths perches being the whole of the land comprised in Crown Grant Registered Volume 4378 Folio 243.

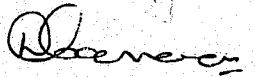
THIRD PART

All that piece or parcel of land situated at Croydon in the Parish of Concord and County of Cumberland commencing on the western side of Wellington Street at the north eastern corner of lot three and bounded on the south by that lot bearing westerly 102 feet to land of Mr. Grogan on the west by that land bearing northerly forty feet six inches to lot 5 on the north by that lot bearing easterly 104 feet to Wellington Street aforesaid and on the east by that street bearing southerly 40 feet to the point of commencement being lot four of section three of Miss Hardie's sub-division be the said dimensions all a little more or less being the land in Conveyance Number 63 Book 2009.

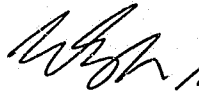
FOURTH PART

All that piece or parcel of land situated as aforesaid having a frontage of 6 and 29/100ths links to Acton Street aforesaid containing 4 and 1/10th perches and being the whole of the land comprised in Crown Grant Registered Volume 4424 Folio 142.

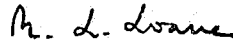
I CERTIFY that the Ordinance as reported is in accordance with the Ordinance as printed.


Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 25th day of June 1979.


Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
25/6/1979.