
*St. Philip's Berkeley — Declaration of Trusts and
Mortgaging Ordinance 1968*

No. 10, 1968.

AN ORDINANCE to authorise the mortgaging of certain land at Berkeley in the City of Greater Wollongong and to provide for the application of the proceeds and matters incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the purchaser in a certain Contract for the purchase of the fee simple in part of the land comprised in Certificate of Title Volume 7820 Folio 90 more particularly described in the Schedule hereto AND WHEREAS such land will upon completion of the said purchase and transfer be Church Trust property held for the sole benefit of the Church of England in Australia at Berkeley, in the Parish of St. Stephen, Port Kembla but no trusts in writing have been declared concerning the same AND WHEREAS it is intended after completion as aforesaid to use the property for a parsonage AND WHEREAS for such purpose it is expedient that on completion as aforesaid the said land be mortgaged or charged to secure the sum of Seven thousand seven hundred dollars (\$7,700) to be applied in payment of the purchase money and otherwise as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod hereby DECLARES ORDAINS AND DIRECTS as follows:—

1. Upon completion of the said purchase and transfer the land described in the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one or partly for another of such purposes in connection with the Church of England in Australia at Berkeley in the Parish of St. Stephen, Port Kembla.

2. 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.

3. (i) Upon the completion of the said purchase and transfer the Corporate Trustee is hereby empowered from time to time to mortgage 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 Seven thousand seven hundred dollars (\$7,700).

*St. Philip's Berkeley — Declaration of Trusts and
Mortgaging Ordinance 1968*

- (b) When the power is subsequently exercised such sum not exceeding Seven thousand seven hundred dollars (\$7,700) as Standing Committee shall by resolution determine. PROVIDED that such debt shall be reduced at the rate of not less than Six hundred dollars (\$600) per annum principal and interest 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 the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.
- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be certified by the Archbishop or the 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.
4. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—
- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance the costs fees and other outgoings of and incidental to the said purchase and completion of transfer and the costs of and incidental to any mortgage or charge executed in pursuance of the said Ordinance.
- (ii) 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 for such other purpose or purposes as the Standing Committee shall by resolution determine.
- (iii) Any mortgagee advancing moneys pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same direct to the Churchwardens for the time being of the Church of St. Philip, Berkeley.
5. The Churchwardens for the time being of St. Philip's Berkeley shall within seven (7) days of the date of holding the Annual Vestry Meeting during such time as any money is owing to

*St. Philip's Berkeley — Declaration of Trusts and
Mortgaging Ordinance 1968*

any mortgagee pursuant to this Ordinance 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. Philip's Berkeley Declaration of Trust and Mortgaging Ordinance 1968".

SCHEDULE

All that piece or parcel of land situate at Berkeley in the City of Greater Wollongong Parish of Kembla County of Camden being Lot 564 in Deposited Plan No. 36794 having a frontage of 52 feet to Kelly Street, Berkeley, with depths of 121 feet 4½ inches and 121 feet 9½ inches be the said several dimensions all a little more or less being part of the land in Certificate of Title Volume 7820 Folio 90 upon which is erected a fibro cottage known as No. 19 Kelly Street, Berkeley.

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

H. G. S. BEGBIE,

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 27th day of May, 1968.

F. A. JOHNSON,
Acting Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

27/5/68.