
*St. Thomas Enfield Land Sale and Mortgage
Ordinance, 1962.*

No. 41, 1962.

AN ORDINANCE to authorise the sale and mortgaging of certain land at Enfield in the Municipality of Strathfield and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 9146 Folio 192 more particularly described in the first Schedule hereto and is also registered as proprietor of the land comprised in Certificate of Title Volume 9146 Folio 193 which has been subdivided into two allotments Nos. 3 and 4 more particularly described in the second and third Schedules hereto respectively AND WHEREAS in pursuance of the provisions of a Declaration of Trust dated 16th April, 1896 all the said lands are held upon trust to permit and allow the same to be held used and enjoyed free of rent as a parsonage or residence by the Incumbent or Senior Minister for the time being of and officiating at the Church of England at Enfield known as St. Thomas AND WHEREAS the present Rectory of the Parish of St. Thomas Enfield is erected on the land described in the first schedule and the land described in the second and third schedules is vacant and is more than sufficient for the use and enjoyment of the Incumbent of the said Parish AND WHEREAS it is proposed to erect a new Rectory on the land described in the third schedule and to sell the present Rectory and the land described in the second schedule AND WHEREAS it is inexpedient to carry out and observe the trusts upon which the lands described in the first and second schedules are held and it is expedient that such lands be sold and the proceeds applied in and towards the erection of the said proposed new Rectory or the repayment of any money temporarily borrowed for such purpose and any surplus as hereinafter set out AND WHEREAS pending the sale of the said land it may be necessary to mortgage the same together with the land described in the third schedule for a sum not exceeding Nine thousand pounds (£9,000:) for the purpose of erecting such new Rectory. NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND RULES as follows:-

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1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the first and second schedules are held it is inexpedient to carry out and observe the same and it is expedient that the said lands be sold.

2. The Corporate Trustee is hereby authorised to sell the lands described in the first and second schedules together or in parcels by public auction or private contract at such time or times and at such price or prices as the Corporate Trustee may determine freed from the said trusts.

3. The proceeds arising from the said sale or sales shall after paying thereout all outgoing to which the said land may be subject and the costs of and incidental to this Ordinance of the sale or sales in pursuance thereof be paid to the Churchwardens for the time being of St. Thomas' Church Enfield who shall apply the same towards the erection of a new Rectory on the land described in the third schedule hereto and any necessary furnishings thereof as required by any Ordinance in that behalf or in repayment of any moneys temporarily borrowed for such purposes and any surplus not so required shall be applied in reduction of the moneys borrowed for the building of a kitchen with fittings and appurtenances in connection with the Parish Hall in the said Parish.

4. By reason of circumstances which have arisen since the creation of the trusts upon which the land described in the schedules hereto is held it is expedient to mortgage the same:-

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the three schedules hereto for the purpose of borrowing the sums following:-
 - (a) When the power is first exercised a sum not exceeding Nine thousand pounds (£9,000:).
 - (b) When the power is subsequently exercised such sum not exceeding Nine thousand pounds (£9,000:) as the Standing Committee shall by resolution determine.

PROVIDED that the debt shall be repaid out of the proceeds of the sale of the lands described in the first and second schedules hereto.

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- (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 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.
5. 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 and any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens for the time being of St. Thomas' Church Enfield who shall apply the same towards the cost of erection of the said new Rectory.
- (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.

6. The Churchwardens for the time being of St. Thomas' Church Enfield shall within seven days of the holding of 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, the amounts paid off and the balance owing.

7. This Ordinance may be cited as "St. Thomas' Enfield Land Sale Mortgage Ordinance, 1962."

FIRST SCHEDULE

All that piece or parcel of land situated at Enfield in the Municipality of Strathfield Parish of Concord County of Cumberland having a frontage of 60 feet to Coronation Parade by depth of 147 feet 7½ inches being Lot 1 D.P. 209441S and the whole of the land in Certificate of Title Registered Volume 9146 Folio 192.

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SECOND SCHEDULE

All that piece or parcel of land situated as aforesaid having a frontage of 53 feet 7½ inches to Hill Street by depth of 198 feet 6 inches on the western side and 198 feet 11 inches on the eastern side being Lot 3 D.P. 215165S and being part of the land in Certificate of Title Registered Volume 9146 Folio 193.

THIRD SCHEDULE.

All that piece or parcel of land situated as aforesaid having a frontage of 140 feet to Coronation Parade and of 142 feet 7½ inches to Hill Street being Lot 4 D.P. 215165S and being part of the land in Certificate of Title Registered Volume 9146 Folio 193.

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 29th day of October, 1962.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

29/10/1962.

HUGH SYDNEY,
Archbishop of Sydney.