
*Narellan (St. Marks Elderslie) Vesting and Mortgage
Ordinance 1967*

No. 48, 1967.

AN ORDINANCE to vest certain land at Elderslie in the Municipality of Camden Parish of Narellan in Church of England Property Trust Diocese of Sydney to authorise the mortgaging of such land and other land so situated and for such purposes to vary the trusts of part of the land and to provide for the application of the proceeds and for purposes incidental thereto.

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 Certificates of Title Volume 10315 Folio 9 Volume 8114 Folio 128 and Volume 9738 Folio 94 more particularly described in the First Schedule thereto AND WHEREAS the Most Reverend William Saumarez Smith formerly Archbishop of Sydney is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 1413 Folio 147 more particularly described in the Second Schedule hereto AND WHEREAS all the said lands are situated in and are held for the sole benefit of the Parish of Narellan but no trusts in writing have been declared concerning the same, except in respect of the land comprised in Certificate of Title Volume 9738 Folio 94 described in the First Schedule which is held pursuant to the trusts contained in Indenture of Conveyance dated 3rd August 1874 from Charles Campbell to the Bishop of Sydney namely to permit the said land to be used as a Glebe in connection with St. Paul's Church Narellan as and for the benefit of the clergyman for the time being licensed to officiate in such church but subject to the provisions of the Act 8 William IV No. 5 AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands comprised in the schedules hereto are held it is now inexpedient to carry out and observe the same to the extent to which such trusts are herein modified and it is expedient that the said lands be mortgaged as hereinafter provided AND WHEREAS it is expedient that the land described in the Second Schedule be now vested in the Corporate Trustee AND WHEREAS it is proposed to erect on part of the said land a new Church hall and for such purpose and in order to repay money borrowed for the acquisition of part of such land it will be necessary to borrow upon the security of the said lands the sum of Thirteen thousand seven hundred dollars (\$13,700) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS AND RULES as follows:—

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Ordinance 1967*

1. That the land described in the second schedule hereto be and the same is hereby vested in the Corporate Trustee.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands comprised in the schedules hereto are held it is now inexpedient to carry out and observe the same to the extent to which such trusts are herein modified.

3. (a) The Corporate Trustee is hereby authorised and empowered to mortgage the whole or any part of the lands described in the first and second schedules hereto for the purposes of borrowing:—

(i) When the power is first exercised a sum not exceeding Thirteen thousand seven hundred dollars (\$13,700)

(ii) When the power is subsequently exercised such sum not exceeding Thirteen thousand seven hundred dollars (\$13,700) as Standing Committee shall by resolution determine

Provided that such debt shall be reduced when the power is first exercised at the rate of not less than One thousand Four hundred dollars (\$1,400) principal and interest per annum and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing money under this Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

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

(c) 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:—

(a) When the power is first exercised in payment of the costs of and incidental to this Ordinance and of any mortgage or charge in pursuance thereof and the re-

Narellan (St. Marks Elderslie) Vesting and Mortgage Ordinance 1967

mainder in repayment of all money owing to the Sydney Church of England Finance and Loans Board advanced for the acquisition of part of the said land and the balance towards the erection on part of the said land of a church hall.

- (b) When the power is subsequently exercised in payment of the principal interest and costs of any then existing mortgage or charge or of the renewal or extension thereof.
- (c) Any mortgagee advancing moneys to the Corporate Trustee pursuant to the provisions of sub-clause (a) of this clause is hereby authorised to pay the same to the Churchwardens for the time being of St. Mark's Church Elderslie.

5. The Churchwardens for the time being of St. Mark's Church Elderslie shall within seven days of the date of holding the annual vestry meeting of such church 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.

6. This Ordinance may be cited as "Narellan (St. Mark's Elderslie) Vesting and Mortgage Ordinance 1967".

FIRST SCHEDULE

FIRSTLY: All that piece or parcel of land situated at Elderslie in the Municipality of Camden Parish of Narellan County of Cumberland having a frontage of 60' to Luker Street by a depth of 147' 11½" being Lot 1 D.P. 518929 and the whole of the land comprised in Certificate of Title Volume 10315 Folio 9.

SECONDLY: All that piece or parcel of land situated as aforesaid having a frontage of 48' to Luker Street by a depth of 147' 10" being Lot-A in plan lodged with Transfer No. H641298 and being the whole of the land comprised in Certificate of Title Volume 8114 Folio 128.

THIRDLY: All that piece or parcel of land situated as aforesaid containing 44 acres 1 rood 30 perches part of the Elderslie Estate shown on Plan No. 1 of Primary Application No. 31226 and being the whole of the land comprised in Certificate of Title Volume 9738 Folio 94.

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Ordinance 1967*

SECOND SCHEDULE

All that piece or parcel of land situated at Elderslie in the Municipality of Camden Parish of Narellan County of Cumberland having a frontage of about 30' 0½" (45½ links) to Luker Street by a depth of about 147' 10" (224 links) being part of Lot 24 D.P. 2950 and the whole of the land comprised in Certificate of Title Volume 1413 Folio 147.

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

ATHOL RICHARDSON,
Chairman of Committees.

I certify that the Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 18th day of December, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

18/12/1967.