
St. Alban's Epping Sale and Mortgaging Ordinance.

No. 20, 1952.

AN ORDINANCE to authorise the sale of certain land situate at the corner of Carlingford and Midson Roads Epping and to provide for the application of the proceeds thereof and the mortgaging of certain lands situate in Pembroke Street and Downing Street and to provide for the application of the proceeds thereof.

WHEREAS by Certificate of Title Registered Volume 5329 Folio 200 Church of England Property Trust Diocese of Sydney (herein referred to as "the Corporate Trustees") is registered under the provisions of the Real Property Act 1900 as the proprietor in fee simple of the land described in the first Schedule hereto AND WHEREAS the said land is Church Trust Property and is held for the sole benefit of the Parish of St. Alban's Epping AND WHEREAS the said land is at present vacant and was acquired by the said Parish for the erection thereon of parochial buildings but is not the most suitable site for such buildings AND WHEREAS by Certificate of Title under the provisions of the Real Property Act 1900 Registered Volume 3433 Folio 219 the said Corporate Trustee is the Registered Proprietor of an estate in fee simple of the land described in the second Schedule hereto subject to the Declaration of Trust hereinafter recited AND WHEREAS by Declaration of Trust bearing date the 13th day of October 1900 the then Trustees declared that they held the said land (and certain other land therein referred to) and the school church so erected thereon for church purposes in connection with the St. Alban's Church Epping and upon further trust to permit a Church to be erected on the said land to be called St. Alban's Church and which land and buildings should be subject to the Regulations so far as they might be applicable contained in "the Sydney Church Ordinance" or in any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the first mentioned Ordinance Subject also to be indemnified in respect of a Mortgage therein recited AND WHEREAS by Certificate of Title Registered Volume 5832 Folio 166 the said Corporate Trustee is registered under the provisions of the Real Property Act as the proprietor of an estate in fee simple of the land described in the third Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the said Parish but no trusts have been declared in respect thereof

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AND WHEREAS it is expedient to declare the trusts in respect of the said land as hereinafter set out AND WHEREAS the said land is at present vacant and was acquired by the said Parish for the erection thereon of parochial buildings AND WHEREAS it is expedient to erect upon the last mentioned land a Parish Hall or Halls and to sell the land comprised in the first Schedule and to mortgage the whole or part of the land comprised in the second and third schedules and to apply the proceeds of such sale and mortgage for that purpose Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. That the Corporate Trustee shall hold the land comprised in the third schedule upon trust to permit the same to be used for a Church Parsonage and Parish Hall or partly for one or partly for another or others of such purposes in connection with the Church of St. Alban's Epping.

2. By reason of circumstances subsequent to the creation of the said trusts upon which the lands comprised in the first schedule are held it has become expedient to sell the said land.

3. The Corporate Trustee may from time to time sell the said land or any portion or portions thereof by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the Corporate Trustee may deem expedient free from such trusts as aforesaid.

4. The proceeds of any such sale or sales shall stand charged with the payment of all outgoings properly chargeable against the said lands and all costs charges or expenses of and incidental to this Ordinance and the said sale or sales and subject thereto the balance shall be paid by the Corporate Trustee to the Churchwardens for the time being of St. Alban's Epping and shall be applied by them in or towards the payment or satisfaction of the cost of and incidental to the erection of the Parish Hall upon the lands described in the third schedule hereto.

5. By reason of circumstances subsequent to the creation of the said trusts upon which the land comprised in the second and third schedules hereto are held it has become expedient to mortgage the whole or any part of the said lands.

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- (1) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said land comprised in the second and third Schedules hereto for the purpose of borrowing:
 - (a) When the power is first exercised a sum not exceeding four thousand pounds (£4,000).
 - (b) When the power is subsequently exercised such sum as the Standing Committee shall by resolution determine provided that such debt shall be reduced at the rate of not less than one hundred pounds (£100) per annum as from the date of the first borrowing.
- (2) Any renewal of Mortgage shall be deemed to be a subsequent exercise of the said power..
- (3) 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.

6. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows: —

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance so far as the same have not been paid or satisfied and such mortgage or any mortgage executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the Parish of St. Alban's Epping (whose receipt shall be a sufficient discharge therefor) and shall be applied by them in or towards payment or satisfaction of the cost of and incidental to the erection of the Parish Hall or Halls upon the lands described in the third schedule hereto.

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7. The Rector and Churchwardens for the time being of the said Parish shall within seven days of the date of holding 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 amounts paid off and the balance owing.

8. The said Corporate Trustee is hereby authorised and empowered to execute the deed or deeds or other instrument or instruments and do all acts measures and things necessary for the purpose of carrying into effect any sale or mortgage or other dealing matter or thing authorised by this Ordinance.

9. This Ordinance shall be styled and cited as the "St. Alban's Epping Sale and Mortgaging Ordinance 1952."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situated at Epping in the Shire of Hornsby Parish of Field of Mars County of Cumberland containing thirty four perches or thereabouts being the whole of the land comprised in Certificate of Title dated the 25th day of June 1942 Registered Volume 5329 Folio 200 having a frontage of 55 feet to Carlingford Road with a splay corner to Carlingford and Midson Roads of 11 feet 4 $\frac{1}{2}$ inches and a depth along Midson Road of 140 feet.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate at Epping aforesaid containing two roods five perches being part of allotments 10 and 11 of Section 4 Delineated in the Public Map of the said Parish of Field of Mars in the Department of Lands being the whole of the land comprised in Certificate of Title dated the 26th day of March 1923 Registered Volume 3433 Folio 219 having a frontage of 154' 0 $\frac{1}{2}$ " to Pembroke Street by a depth along the eastern side of 132' 9".

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THE THIRD SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate at Epping aforesaid containing twenty-eight and three quarter perches being Lot 41 on Deposited Plan No. 19831 and the whole of the land comprised in Certificate of Title dated the 26th day of May 1948 Registered Volume 5832 Folio 166 having a frontage of 59' to Downing Street by a depth of about 133'.

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

W. G. HILLIARD, Bishop,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 22nd day of December, 1952.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

C. VENN PILCHER,
Commissary,
ARCHBISHOP OF SYDNEY.

22/12/1952.