
*St. Alban's Lindfield Declaration of Trusts and Mortgaging
Ordinance, 1962.*

No. 42, 1962.

AN ORDINANCE to declare the trusts of certain land at Lindfield in the Municipality of Ku-ring-gai, to authorise the mortgaging of part thereof and provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor of the land comprised in Certificate of Title Volume 4621 Folio 137 more particularly described in the First Schedule hereto and of the land comprised in Certificate of Title Volume 1416 Folio 41 of which the land described in the Second Schedule forms part AND WHEREAS the said lands are church trust property held for the sole benefit of the Parish of St. Alban Lindfield but no trusts in writing have been declared concerning the same AND WHEREAS St. Alban's Rectory is erected on the land described in the First Schedule AND WHEREAS the land comprised in Certificate of Title Volume 1416 Folio 41 has been subdivided into two allotments namely Lot 1 (described in the second Schedule hereto) and Lot 2 upon which the church of St. Alban Lindfield is erected AND WHEREAS it is expedient to declare the trusts upon which the said lands are held AND WHEREAS it is proposed to erect upon the said Lot 1 a new Parish Hall and for such purpose it is necessary and expedient to borrow the sum of TWENTY FIVE THOUSAND POUNDS (£25,000:) upon the security of the lands described in both the said Schedules NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY RULES AND DIRECTS as follows:-

1. The land comprised in Certificates of Title Volume 4621 Folio 137 and Volume 1416 Folio 41 shall be held by the Corporate Trustee upon trust to permit the same to be used as a Church, Parsonage and Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Parish of St. Alban Lindfield.

2. 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 is held it is expedient to mortgage the same:-

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(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the first and second Schedules hereto for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding TWENTY FIVE THOUSAND POUNDS (£25,000:)

(b) When the power is subsequently exercised such sum not exceeding Twenty five thousand pounds (£25,000:) as the Standing Committee, may by resolution determine.

Provided that such debt shall when the power is first exercised be repaid at the rate of not less than Eleven hundred pounds (£1,100:) per annum and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine.

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

(iii) A document purporting to be certified by the Archbishop or the Diocesan Secretary 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.

3. 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 of St. Alban's Church Lindfield who shall apply the same towards the cost of erection of a Parish Hall upon the land described in the second Schedule.

(ii) When the power is subsequently exercised in payment of principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage.

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4. The Churchwardens for the time being of St. Alban's Church Lindfield shall within seven (7) 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.

5. This Ordinance may be cited as "St. Alban's Lindfield Declaration of Trusts and Mortgaging Ordinance, 1962."

FIRST SCHEDULE

All that piece or parcel of land situated at Lindfield in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland having a frontage of 57' 6" to Tryon Road by depth of 180' and being Lot A in plan annexed to Transfer No. C 45574 and the whole of the land in Certificate of Title Volume 4621 Folio 137.

SECOND SCHEDULE

All that piece or parcel of land situated as aforesaid having a frontage of about 72' to Lindfield Avenue by depth of 130' 11" along Tryon Lane and rear width of about 53' 10" containing 25½ perches being Lot 1 in plan of subdivision of the land in Certificate of Title Volume 1416 Folio 41, Plan of subdivision dated 17th September, 1962 prepared by Surveyor R. S. Toft.

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.