

No. 2, 1953

AN ORDINANCE to authorise the sale and mortgaging of certain lands situated at Stanmore in the Municipality of Petersham and to provide for the application of the proceeds thereof and for purposes incidental thereto.

WHEREAS Neil Alexander McLeod, Alexander Graff and Harold Edwin McLeod are the registered proprietors of the land comprised in Certificate of Title dated 15th September, 1922, Volume 3364, Folio 80, more particularly described in the First Schedule hereto AND WHEREAS the said land is Church Trust Property held by the said Registered Proprietors as Trustees for sole benefit of the Parish of St. Augustine's Stanmore AND WHEREAS the said Trustees have consented to the vesting of the said land in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) to be held by it for the benefit of the said Parish AND WHEREAS there is erected on the said land a building known as No. 107 Corunna Road Stanmore used as a Rectory in connection with the said Parish AND WHEREAS the said Corporate Trustee is the registered proprietor of the land comprised in Certificate of Title dated 8th March, 1911, Registered Volume 2130, Folio 60, and more particularly described in the Second Schedule hereto AND WHEREAS the land referred to in the said second schedule is church trust property held for the sole benefit of the said parish and there is now erected thereon a church and parish hall AND WHEREAS it is expedient to remove the said Parish Hall from its present position to the western side of the land referred to in the said second schedule for the purpose of subsequently erecting a new Rectory in the position now occupied by such parish hall AND WHEREAS it is also expedient for effecting such purpose firstly to mortgage the land comprised in the first schedule to provide moneys required to remove and re-erect the said Parish Hall and secondly to sell the said land and to apply the proceeds in the discharge of such mortgage and the balance in and towards the erection of a new Rectory on the land comprised in the said second schedule AND WHEREAS it is also expedient to provide for the mortgaging of the land in the said second schedule and the application of the proceeds further in and towards the erection of the said new Rectory Now the Standing Committee of the Synod of the Diocese of

St. Augustine's Stanmore Mortgaging and Sale Ordinance 1953

Sydney in the name and place of the said Synod Ordains and Declares as follows:—

1. The land described in the first schedule hereto is hereby vested in the said Corporate Trustee upon trust to permit the same to be used as a Parsonage in connection with the Church of England in the Parish of St. Augustine's Stanmore.

2. By reason of circumstances subsequent to the creation of the said trusts it is expedient to mortgage the land comprised in the first and second schedules hereto.

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the lands comprised in the first and second schedules hereto for the purpose of borrowing the sums following:—
 - (a) Upon the land in the first schedule when the power is first exercised a sum not exceeding £2,500.
 - (b) Upon the land in the second schedule when the power is first exercised a sum not exceeding £3,500.
 - (c) 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 £100 per annum after the power is subsequently exercised.

- (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 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.

3. 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 in incidental to this Ordinance and such mortgage or mortgages effected in pursuance thereof.

(b) Subject thereto the balance of any proceeds of mortgage of the land comprised in the First Schedule hereto shall be applied in discharging any mortgage or mortgages now existing thereon and the remainder shall be paid to the Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys in or towards the demolition and removal of the Parish Hall now erected on part of the land comprised in the Second Schedule hereto from its present position and the re-erection and/or re-building of another Parish Hall on the western side of the said land.

(c) Subject as aforesaid the balance of any proceeds of mortgage of the land comprised in the second schedule hereto shall be paid to the said Rector and Churchwardens (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys in and towards the building and erection of a new Rectory on the land described in such second schedule.

4. By reason of circumstances subject to the creation of the said trusts it is expedient to sell the land described in the said first schedule.

5. The said land may be sold by Public Auction or Private Contract at such time or times at such price or prices and upon such terms and conditions as the said Corporate Trustee may deem expedient free from the Trusts aforesaid.

6. The moneys arising from the said sale or sales shall, after deducting thereout all rates and other outgoings properly chargeable against the said land and all costs charges and expenses of the said sale and transfer of the land in pursuance thereof and in the discharge of any mortgage or mortgages thereon at the time of sale including the costs and expenses of and incidental to such discharge, be paid to the said Rector and Churchwardens to be applied and used in and towards the erection on the land described in the said second schedule of a new Rectory in connection with the said Parish.

7. This Ordinance may be cited as "St. Augustine's Stanmore Mortgaging and Sale Ordinance 1953."

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FIRST SCHEDULE.

All that piece or parcel of land having a frontage of 35' 10½" to Colonna Road Stanmore in the Municipality of Petersham by depth of 120' being Lot 10 Section C on Deposited Plan No. 3567 and being the whole of the land comprised in Certificate of Title Volume 3364, Folio 80

SECOND SCHEDULE.

All that piece or parcel of land having a frontage of 100' to Albany Road Stanmore in the Municipality of Petersham by a depth of 120' being Lots 55 to 59 inclusive Section Y on Deposited Plan 4705 and being the whole of the land in Certificate of Title Volume 2130, Folio 60.

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 23rd day of February, 1953.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance,

HOWARD SYDNEY,

Archbishop of Sydney.

27/2/1953.