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*St. Columba's Flemington Mortgage Ordinance, 1961*

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No. 51, 1961.

AN ORDINANCE to vary the trust of certain land in Hornsey and Exeter Roads Homebush West and to authorise the mortgaging of such land 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 of an estate in fee simple in the land comprised in Certificate of Title Registered Volume 750 Folio 121 more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of St. Anne's, Strathfield upon trust to permit the same to be used for a Church Parish Hall or School or for a Church and School or any building of a similar nature in connection therewith AND WHEREAS the said land is now situated in the Provisional Parish of St. Columba Flemington AND WHEREAS it is expedient that the said trusts be varied accordingly AND WHEREAS there is erected on the said land a Church AND WHEREAS it is proposed to erect on the said land a Church Hall and for such purpose it is necessary and expedient to mortgage the land comprised in the Schedule hereto to borrow the sum of Four thousand pounds (£4,000) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held, it is inexpedient to carry out and observe the same to the extent to which they are hereby varied.

2. The said land shall be held upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in the provisional parish of St. Columba Flemington or any parish into which it may subsequently be formed.

3. By reason of circumstances which have arisen subsequent to the creation of the trust upon which the said land is held it is expedient that the said land be mortgaged.

4. (i) The Corporate Trustee is hereby empowered to mortgage the said land from time to time for the purpose of borrowing the sums following:—

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- (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 not exceeding Four thousand pounds (£4,000) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Two hundred pounds (£200) each six (6) months to include principal and interest when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine. PROVIDED further that no person or corporation advancing money under the provisions of this Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

- (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 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.

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 charges and expenses of and incidental to this Ordinance and of any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. Columba's Church Flemington who shall apply the same in and towards the erection of a Church Hall on the said land.
- (ii) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any existing mortgage or mortgages and the costs and expenses of such further mortgage or mortgages.

6. The Churchwardens for the time being of St. Columba's Church Flemington shall within seven days of the holding of the Annual Vestry Meeting during such time as any money is owing

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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. Columba's Flemington Mortgage Ordinance 1961"

**SCHEDULE.**

All that piece or parcel of land situated at Homebush West in the Parish of Liberty Plains County of Cumberland having a frontage of 50' to Hornsey Road by a depth of 206' along Exeter Road being Lot 13 Section 11 in deposited Plan 827 and being the whole of the land comprised in Certificate of Title Volume 750 Folio 121.

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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 11th day of December, 1961.

**W. L. J. HUTCHISON,**  
Secretary.

I assent to this Ordinance.

11/12/1961.

**R. C. KERLE,**  
Bishop Commissary.