
*St. James Berala Variation of Trust and Mortgage
Ordinance, 1962*

No. 6, 1962.

AN ORDINANCE to vary the trusts of certain land in Crawford Street Berala to authorise the mortgaging of such land and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is the registered proprietor of an estate in fee simple of the land comprised in Certificate of Title Registered Volume 666 Folio 216 more particularly described in the Schedule hereto AND WHEREAS by a Declaration of Trust dated 11th January 1929 the Corporate Trustee declared that it held the said land upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Lidcombe at Berala AND WHEREAS the said land is now situated in the Provisional District of St. James Berala AND WHEREAS it is inexpedient to carry out and observe the said trusts to the extent to which they apply to the Parish of Lidcombe and it is expedient that they be varied in favour of the said Provisional District AND WHEREAS the Parish Council of the Parish of Lidcombe has consented and agreed that the Corporate Trustee should hold the said land for the purposes aforesaid for the said Provisional District of St. James Berala and to the mortgaging of the said land as hereinafter set out AND WHEREAS it is proposed to erect a new Church on the said land and for such purpose it is necessary and expedient that the said land be mortgaged to provide part of the cost thereof as hereinafter provided 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 land described in the Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which they are hereby varied and it is expedient that they be varied accordingly.

2. The said land shall henceforth be held by the Corporate Trustee upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England

*St. James Berala Variation of Trust and Mortgage
Ordinance, 1962*

in the Provisional District of St. James Berala or any Provisional Parish or Parish into which it may subsequently be formed or form a part.

3. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient to mortgage the same.

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

(a) When the power is first exercised a sum not exceeding Ten thousand pounds (£10,000:).

(b) When the power is subsequently exercised such sum not exceeding Ten thousand pounds (£10,000:) as the Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Four hundred pounds (£400:) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys under 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 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.

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

(i) (a) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and any mortgage executed in pursuance thereof.

(b) Subject thereto the balance shall be paid to the Churchwardens of St. James Church Berala who shall apply the same towards the cost of erection of a new church on the said land.

St. James Berala Variation of Trust and Mortgage Ordinance, 1962

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

5. The Churchwardens for the time being of the Church of St. James Berala shall within seven days of the holding of the Annual Vestry Meeting of such church during such period 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 "St. James Berala Variation of Trust and Mortgage Ordinance 1962."

SCHEDULE.

ALL THAT piece or parcel of land situated at Berala (formerly known as Brixton) in the Parish of Liberty Plains County of Cumberland having a frontage to Crawford Street of 66 feet by depth on the north of 198 feet 1 inch and on the south of 197 feet 11 inches being Lot 8 Section 3 D.P. 435 and the whole of the land comprised in Certificate of Title Volume 666 Folio 216.

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 26th day of March, 1962.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

26/3/62.

HUGH SYDNEY,
Archbishop of Sydney.