
*St. John's Camden Variation of Trusts and Mortgaging
Ordinance 1972*

No. 29, 1972

AN ORDINANCE to vary the trusts and to authorise the mortgaging or charging of certain lands at Camden and to provide for the application of the proceeds thereof and all matters incidental thereto.

WHEREAS by Deed of Feoffment dated the 8th day of May 1841 Registered No. 938 all that piece or parcel of land more particularly described in the First Schedule hereto was given granted enfeoffed and confirmed unto the Bishop of Australia and his successors to have and to hold the said land and hereditaments unto the said Bishop of Australia and his successors for ever upon trust for the erection thereon of a Church or Chapel for the performance of Divine Worship according to the rights of the United Church of England and Ireland as it was then established by law and also for the erection of a residence for a clergyman in Holy Orders and for a burial ground according to the use of the said United Church or for all or any of the said objects as the said Bishop of Australia shall from time to time determine and upon trust for all or any of the purposes provided for in and by the act of the Governor of New South Wales thereinbefore mentioned and under and subject to the enactments clauses and provisions thereof AND WHEREAS the land comprised in the Second Schedule is the residue of the land comprised in the First Schedule following sale of portion thereof and the setting aside of certain land for development purposes pursuant to St. John's Camden Development and Variation of Trusts Ordinance 1971 (No. 49 of 1971) AND WHEREAS St. John's Church Camden a consecrated church stands upon land comprised in the Second Schedule hereto AND WHEREAS a burial ground is situated within the said land AND WHEREAS by the said Ordinance No. 49 of 1971 the land described in the Second Schedule was vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") AND WHEREAS it is intended to erect a parish hall and kindergarten upon the land described in the Second Schedule and within the land described in the Third Schedule hereto AND WHEREAS St. John's Church Camden does not stand upon the land described in the Third Schedule hereto nor is the said burial ground within the said land AND WHEREAS it is expedient that the trusts upon which the land described in the Second Schedule hereto is now held be varied to permit the erection of a parish hall and kindergarten thereon AND WHEREAS it is expedient that the land described in the Third Schedule hereto be mortgaged or charged to secure the sum of Fifty-five thousand dollars (\$55,000) to be applied in manner as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of

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Sydney in the name and place of the said Synod HEREBY DECLARES RULES 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 Second 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 to erect thereon a parish hall and kindergarten.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Third Schedule hereto is held it is expedient that such land be mortgaged or charged.

3. (1) The Corporate Trustee is hereby empowered from time to time to mortgage the land described in the Third Schedule hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Fifty-five thousand dollars (\$55,000).

(b) When the power is subsequently exercised such sum not exceeding Fifty-five thousand dollars (\$55,000) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Five thousand dollars (\$5,000) per annum inclusive of 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 moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.

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

(3) 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.

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

(a) When the power is first exercised in payment of the costs of and incidental to this Ordinance the costs fees and other outgoings of and incidental to the said mortgage or charge executed in pursuance thereof and the balance towards the erection of a parish hall and/or kindergarten on the land described in the Third Schedule hereto.

(b) 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

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expenses of such further mortgage or for such other purpose or purposes within the trusts of the said land as the Standing Committee shall by resolution determine.

- (c) Any mortgagee advancing moneys pursuant to paragraph (a) of this clause is hereby authorised to pay the same to the Churchwardens for the time being of St. John's Church Camden.

5. The Churchwardens for the time being of St. John's Church Camden shall within seven (7) days of the date of holding the Annual Vestry Meeting during such time as any money is owing to any mortgagee or chargee pursuant to the preceding provisions of this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed the amount paid off and the balance owing.

6. This Ordinance may be cited as "St. John's Camden Variation of Trusts and Mortgaging Ordinance 1972".

FIRST SCHEDULE

ALL THAT parcel of land containing by admeasurement 5 acres 3 roods 24 perches situate in the village of Camden in the County of Camden aforesaid bounded on the North-west by Broughton Street bearing North 54 degrees East 7 chains 50 links to its intersection with the Eastern side of Hill Street thence by Hill Street bearing North 36 degrees West 1 chain and thence by a line bearing North 54 degrees East 4 chains to its intersection with Elizabeth Street; on the East and South by a road leading from Elizabeth Street, to Camden House; and on the West side by a road leading from Broughton Street aforesaid to Camden House which said parcel of land is delineated on the plan annexed to the Deed of Feoffment hereinbefore referred to.

SECOND SCHEDULE

ALL THAT piece or parcel of land in the Municipality of Camden Parish of Camden County of Camden State of New South Wales commencing at the North-western corner of Lot 55 in Deposited Plan No. 239467 situate on the Eastern alignment of Menangle Road bounded thence by the aforesaid road bearing 351 degrees 06 minutes 00 seconds distant 0' 10" to an angle thereon bounded again by the aforesaid road bearing 0 degrees 32 minutes 15 seconds distant 205' 8" to a further angle thereon bounded again by the aforesaid road bearing 338 degrees 04 minutes 00 seconds distant 246' 3¾" to an angle thereon bounded again by the aforesaid road bearing 345 degrees 29 minutes 00 seconds distant 121' 9¾" to the South-eastern intersection of Menangle Road and Broughton Street bounded thence by the Southern alignment of Broughton Street

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bearing 54 degrees 47 minutes 20 seconds distant 428' 6" bounded thence on the East by a line being the Western boundary of the proposed home unit site distant 144 degrees 47 minutes 20 seconds distant 132' 0" bounded thence on the North by a line as previously described bearing 54 degrees 47 minutes 20 seconds distant 30' 0" bounded again on the East by a line as previously described bearing 144 degrees 47 minutes 20 seconds distant 143' 0" bounded thence on the South by lines bearing 214 degrees 40 minutes 00 seconds distant 136' 1 $\frac{3}{4}$ ", 217 degrees 02 minutes 00 seconds 90' 0", 218 degrees 40 minutes 00 seconds distant 346' 2", 211 degrees 12 minutes 00 seconds distant 154' 3 $\frac{3}{4}$ " and bounded finally on the South by a line bearing 277 degrees 08 minutes 00 seconds distant 8' 3" to the point of commencement a little more or less.

THIRD SCHEDULE

ALL THAT piece or parcel of land containing by admeasurement 1 acre 1 rood 9 perches a little more or less, being part of the land in Deed of Feoffment No. 938 situated at Camden in the Municipality, Parish and County of Camden, commencing at a point on the South-eastern alignment of Broughton Street distant 137 feet 6 inches from the intersection of that alignment and the North-eastern side of Hill Street and bounded on the North-east by a line bearing 144 degrees 47 minutes 20 seconds distant 108 feet 0 inches, on the South-east by a line bearing 229 degrees 17 minutes distant 467 feet 4 $\frac{1}{2}$ inches to the North-eastern side of Menangle Road, on the South-west by the North-eastern side of Menangle Road bearing 338 degrees 4 minutes distant 40 feet 0 inches and bearing 349 degrees 29 minutes distant 121 feet 9 $\frac{1}{4}$ inches to the intersection of the North-eastern side of Menangle Road and the South-eastern alignment of Broughton Street, on the North-west by the South-eastern alignment of Broughton Street, on the North-west by the South-eastern alignment of Broughton Street bearing 54 degrees 47 minutes 20 seconds distant 413 feet 0 inches to the point of commencement.

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 4th day of September, 1972.

W. L. J. HUTCHISON,

Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,

Archbishop of Sydney.

4/9/1972.