
St. John's Sylvania Heights
Declaration of Trusts and Mortgage Ordinance 1971

No. 6, 1971

AN ORDINANCE to declare the trusts upon which certain lands at Sylvania Heights in the Shire and Parish of Sutherland are held and to authorise the mortgaging of such lands and to 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 an estate in fee simple in the lands comprised in Certificates of Title Volume 5523 Folio 171 and Volume 9157 Folio 179 more particularly described respectively in the First and Second Parts of the Schedule hereto AND WHEREAS the said lands are church trust property held for the benefit of the Provisional Parish of St. John Sylvania Heights but no trusts in writing have been declared concerning the same AND WHEREAS it is now expedient to declare the trusts of the said lands AND WHEREAS it is proposed to erect on the land described in the First Part of the said Schedule a new church building AND WHEREAS a parsonage is already erected on the land described in the Second Part of the said Schedule hereto AND WHEREAS it will be necessary to borrow a sum not exceeding Fifty thousand dollars (\$50,000) to be applied towards payment of the cost of erecting the said church building and for other purposes incidental thereto AND WHEREAS it is expedient that the lands described in the First and Second Parts of the Schedule hereto be mortgaged or charged to secure such advance NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS RULES AND DIRECTS as follows:—

1. The land comprised in the First Part of the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used for a church or parish hall or partly for one or partly for another of such purposes in connection with the Provisional Parish of St. John Sylvania Heights or any parish provisional parish or provisional district into which it may subsequently be formed.

2. The land comprised in the Second Part of the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used for a parsonage or for such other purposes of the Provisional Parish as Standing Committee may from time to time by resolution determine.

3. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the

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First and Second Parts of the Schedule hereto are held it is expedient that such lands be mortgaged or charged.

4. (i) The Corporate Trustee is hereby authorised and empowered to mortgage or charge from time to time the whole or any part of the lands described in the First and Second Parts of the Schedule hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Fifty thousand dollars (\$50,000).

(b) When the power is subsequently exercised such sum not exceeding Fifty thousand dollars (\$50,000) as the Standing Committee may by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Five thousand four hundred and thirty-eight dollars (\$5,438) per annum principal and interest when the power is first exercised for a period of ten (10) years after the date of any mortgage or charge executed in pursuance of this Ordinance and any balance of principal and interest then outstanding shall be paid in full forthwith by the Corporate Trustee to the mortgagee and when the power is subsequently exercised at such rate as the Standing Committee may 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 as aforesaid shall have been made.

(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 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 or charge hereby authorised shall be applied as follows:—

(i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage or charge executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. John's Church Sylvania Heights to be applied by them in and towards the erection of a new church building on the

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land described in the First Part of the Schedule hereto the furnishing and equipping of such new church building and the cost of work incidental thereto.

- (ii) When the power is subsequently exercised in payment of the principal interest and costs of any existing mortgage or charge or the renewal thereof or towards the repayment of any then existing mortgage or mortgages over the said lands and the costs of and incidental to the discharge thereof or for such other purposes not inconsistent with the trusts upon which the said lands are held as Standing Committee may by resolution determine.

6. The Churchwardens for the time being of St. John's, Sylvania Heights shall within seven (7) days of the holding of the Annual Vestry Meeting of such Church during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account thereof to be forwarded to the Diocesan Secretary giving particulars of the amount borrowed the amount paid off and the balance owing.

7. This Ordinance may be cited as "St. John's Sylvania Heights Declaration of Trusts and Mortgage Ordinance 1971".

SCHEDULE

FIRST PART

ALL THAT piece or parcel of land situated at corner of Sylvan Street and Holt Road, Sylvania Heights having a frontage of 99' by a depth of 125' being the whole of the land comprised in Certificate of Title Volume 5523 Folio 171.

SECOND PART

ALL THAT piece or parcel of land situated in Craigholm Street, Sylvania Heights having a frontage of 57' by a depth of 110' being the whole of the land comprised in Certificate of Title Volume 9157 Folio 179.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,
Chairman of Committees.

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I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 3rd day of May, 1971.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

A. JACK DAIN,
Commissary.

3/5/1971.