
*St. Luke's Liverpool Declaration of Trusts and Mortgaging
Ordinance 1968*

No. 25, 1968

AN ORDINANCE to authorise the mortgaging of certain land at 78 Northumberland Road Liverpool in the City of Liverpool and to provide for the application of the proceeds thereof and to declare the trusts on which the said land is held.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the purchaser under Contract of Sale dated the 22nd day of May 1968 from William Stader and Maria Stader as vendors of the land comprised in Deed of Conveyance Registered No. 527 Book 2640 more particularly described in the Schedule hereto AND WHEREAS the land described in the Schedule will upon completion of the said Contract be church trust property held for the sole benefit of the Parish of St. Luke Liverpool but no trusts in writing have been declared concerning the same AND WHEREAS it will be necessary to borrow a sum not exceeding Fourteen thousand dollars (\$14,000) to be applied towards the purchase price AND WHEREAS it is expedient that the said land 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 the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. The land described in the Schedule hereto shall subject to the completion of the purchase thereof 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 of such purposes in connection with the Church of England in Australia in the Parish of St. Luke, Liverpool.

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

3. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land described in the Schedule hereto for the purpose of borrowing the sums following—

- (a) When the power is first exercised a sum not exceeding Fourteen thousand dollars (\$14,000).
- (b) When the power is subsequently exercised such sum not exceeding Fourteen thousand dollars (\$14,000) as the Standing Committee may by resolution determine.

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PROVIDED that such debt shall be reduced at the rate of not less than One hundred and sixty-two dollars (\$162) per month 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.

- (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 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.

4. The proceeds of any mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and such mortgage be applied as follows:—

- (i) When the power is first exercised towards the purchase price required to complete the purchase of the said land.
- (ii) When the power is subsequently exercised (other than by a renewal of the original mortgage) in payment of the principal interest and costs of discharge of any existing mortgage.
- (iii) Any mortgagee advancing moneys pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same direct to the Churchwardens for the time being of the said Church of St. Luke Liverpool.

5. The Churchwardens for the time being of St. Luke's Liverpool 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 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. Luke's Liverpool Declaration of Trusts and Mortgaging Ordinance 1968".

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SCHEDULE

ALL THAT piece or parcel of land situated in the Parish of St. Luke County of Cumberland and State of New South Wales being Lot 5 Wheelers Estate Liverpool commencing at the east side of Northumberland Road and bounded on the north by St. Luke's Church property bearing easterly one hundred and thirty-seven feet thence on the east by lane twenty feet wide bearing southerly thirty-two feet thence on the south by Lot 4 bearing westerly one hundred and thirty-seven feet to Northumberland Street thence on the west by that street bearing northerly thirty-two feet to the point of commencement be the said several dimensions a little more or less.

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

H. G. S. BEGBIE,
Deputy 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 August, 1968.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

A. J. DAIN,
Bishop, Commissary.

28/8/1968.