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*St. Mark's South Hurstville Declaration of Trust and  
Mortgaging Ordinance 1967*

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No. 47, 1967.

AN ORDINANCE to declare the trusts and to authorise the mortgaging of certain land situate in The Mall, South Hurstville in the Municipality of Kogarah Parish of St. George County of Cumberland and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter referred to as "The Corporate Trustee") is the registered proprietor of the land comprised in Certificate of Title Volume 3093 Folio 216 (hereinafter called "the said land") AND WHEREAS the said lands are held upon trust for the Parish of St. Mark, South Hurstville, no specific trusts having been declared AND WHEREAS it is expedient to declare the trusts affecting the said land AND WHEREAS it is desired to erect a Parish Hall on part of the said land and to defray the cost thereof AND WHEREAS for such purpose it is expedient to borrow the sum of Fifty thousand dollars upon the security of the said land AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it is expedient to mortgage the said land being the land described in the Schedule hereto NOW the Standing Committee of the Synod of the Diocese of Sydney ORDAINS and DECLARES as follows:—

1. By reason of circumstances subsequent to the creation of the said trusts it is expedient to more fully declare the same.

2. The said land shall henceforth 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 or other such purposes in connection with the Church of England in Australia in the Parish of St. Mark at South Hurstville.

3. By reason of circumstances subsequent to the creation of the trusts of the said land it is expedient to mortgage the said land described in the Schedule hereto.

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

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

(b) When the power is subsequently exercised such sum

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not exceeding \$50,000 as the Standing Committee shall by resolution determine PROVIDED THAT such debt shall when the power is first exercised be reduced at the rate of not less than \$4,500 in principal and interest per annum and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing monies 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.
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 such mortgage or any mortgage executed in pursuance of this Ordinance and the payment thereof of all outgoings properly chargeable against the said land and
  - (ii) In payment of the balance to the Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefor) and who shall apply such monies in or towards payment of the cost of and incidental to the erection of the said Parish Hall and
  - (iii) When the power is subsequently exercised in payment of principal and interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage or renewal of an existing mortgage.
6. The Churchwardens for the time being of St. Mark's Church South Hurstville shall within seven 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 for-

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warded to the Diocesan Secretary giving details of the original amount borrowed amounts paid off and the balance owing.

7. This Ordinance may be cited as "St. Mark's South Hurstville Declaration of Trust and Mortgaging Ordinance 1967".

THE SCHEDULE REFERRED TO

All that piece or parcel of land in the Municipality of Kogarah, Parish of St. George, County of Cumberland being Lot 156 in Deposited Plan No. 6202 and being the whole of the land comprised in Certificate of Title Volume 3093 Folio 216.

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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 27th day of November, 1967.

W. L. J. HUTCHISON  
Secretary.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

8/12/67