

No. 4, 1953

AN ORDINANCE to authorise the mortgaging of certain land at Enfield in the Municipality of Burwood 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 in fee simple of the land comprised in Certificate of Title Registered Volume 3586 Folio 89 more particularly described in the First Schedule hereto AND WHEREAS the said land is Church Trust property held upon trust to permit the same to be used for a Church parsonage or parish hall or partly for one or partly for another or others of such purposes in the Parish of St. Thomas' Enfield AND WHEREAS there is erected upon the said land a Church Hall known as St. Nicholas' Enfield in the said Parish AND WHEREAS the Corporate Trustee is the holder of an equitable estate in fee simple of the land described in the Second Schedule hereto by virtue of the Contract of Purchase dated the Tenth day of March, 1953, AND WHEREAS the said estate in the said land is held for the sole benefit of the Parish of St. Thomas Enfield aforesaid and is Church Trust Property AND WHEREAS there is erected upon the said land a residence to be used as a Rectory AND WHEREAS it is necessary and expedient to mortgage the lands referred to in the First and Second Schedules to complete the payment of the purchase money under the said contract Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:

1. By reason of circumstances subsequent to the execution of the said trust it is expedient to mortgage the land contained in the First and Second Schedules hereto.

2. (a) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the Schedules hereto for the purpose of borrowing:—

(i) When the power is first exercised the sum not exceeding £2,250.

St. Thomas' Enfield Mortgaging Ordinance 1953

- (ii) When the power is subsequently exercised such sum as the Standing Committee shall by resolution determine.

Provided that repayments shall be made as from the day of the first borrowing totalling not less than One hundred and Ninety Two Pounds per annum including interest.

- (b) Any renewal of Mortgage shall be deemed to be a subsequent exercise of the said power.
- (c) 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.

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

- (a) In payment of the costs charges and expenses incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be applied in or towards the completion of the purchase of the said property together with any charges costs and expenses incidental thereto.

4. The Rector and Parish Council for the time being of the said Parish shall within seven days of 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 giving details of the original amount borrowed, the amounts paid off, and the balance owing, to be forwarded to the Diocesan Secretary.

5. This Ordinance may be cited as "St. Thomas' Enfield Mortgaging Ordinance, 1953."

FIRST SCHEDULE.

All that piece or parcel of land having a frontage of 80 feet to Daisy Street Enfield in the Municipality of Burwood Parish of Concord County of Cumberland by a depth of 132 feet 6 inches being Lots 25 and 26 on Deposited Plan No. 9297 comprised in Certificate of title Volume 3586, Folio 89.

SECOND SCHEDULE.

All that piece or parcel of land having a frontage of 40 feet to Waratah Street Enfield in the Municipality of Burwood Parish of Concord by depth of about 136 ft. 6 ins. being the whole of the land comprised in Certificate of Title Volume 2334, Folio 218.

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

W. G. HILLIARD, Bishop.
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 13th day of March, 1953.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

17/3/1953