
*St. Thomas Kingsgrove Declaration of Trusts and
Mortgaging Ordinance, 1962.*

No. 48, 1962.

AN ORDINANCE to declare trusts and to authorise the mortgaging of certain lands at Kingsgrove in the Municipality of Hurstville 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 land comprised in Certificates of Title Registered Volume 5177 Folio 34 and Volume 9052 Folio 177 more particularly described in the first and second schedules hereto AND WHEREAS the said land is Church trust property held for the sole benefit of the Parish of St. Thomas Kingsgrove but no trusts in writing have been declared concerning the same and it is desired that such trusts be now declared AND WHEREAS the said land comprised in the second schedule hereto has now been subdivided into two lots by Deposited Plan Numbered 216288 AND WHEREAS there is erected upon the land comprised in the first schedule a rectory AND WHEREAS there is erected upon Lot 1 of the land comprised in the second schedule a Church known as St. Thomas Kingsgrove and on Lot 2 of the said land in the Second Schedule certain brick and weatherboard hall buildings AND WHEREAS it is proposed to erect on the land comprised in Lot 2 of the said Deposited Plan (more particularly described in the second schedule hereto) a new Church Hall and for such purpose it is necessary and expedient to mortgage the said land comprised in the first schedule hereto and Lot 2 of the said Deposited Plan in the second schedule hereto to borrow the sum of Thirty thousand pounds (£30,000) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:-

1. The land described in the first and second schedules hereto shall be held by the Corporate Trustee UPON TRUST to permit the same to be used for a Church Parsonage and Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St. Thomas Kingsgrove.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said lands are held it is expedient that the said land comprised in the first schedule as well as the land comprised in Lot 2 of Deposited Plan Number 216288 in the second schedule be mortgaged.

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3. (i) The Corporate Trustee is hereby empowered to mortgage the said land described in Clause 2 hereof from time to time for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding Thirty thousand pounds (£30,000).

(b) When the power is subsequently exercised such sum not exceeding Thirty thousand pounds (£30,000) as Standing Committee shall by resolution determine.

PROVIDED THAT such debt shall be reduced at the rate of not less than Three thousand and forty pounds (£3,040) per annum to include 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 money 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 said power.

(iii) A document purporting to be certified by the Archbishop or the Secretary of the Standing Committee 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 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 of any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. Thomas Kingsgrove who shall apply the same in and towards the erection and furnishing of a Church Hall on the said land.

(ii) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any existing mortgage or mortgages and the costs and expenses of such further mortgage or mortgages.

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5. The Churchwardens for the time being of St. Thomas Kingsgrove shall within seven days of the holding of 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 Secretary of the Standing Committee giving details of the original amount borrowed, the amounts paid off and the balance owing.

6. This Ordinance may be cited as "St. Thomas Kingsgrove Declaration of Trusts and Mortgaging Ordinance 1962."

FIRST SCHEDULE

All that piece or parcel of land in the Municipality of Hurstville Parish of St. George and County of Cumberland being Lot 62 in Deposited Plan Number 19078 containing an area of 21 perches having a frontage of 47 feet 0½ inches to Paterson Avenue and being the whole of the land comprised in Certificate of Title Volume 5177 Folio 34.

SECOND SCHEDULE

All that piece or parcel of land in the Municipality of Hurstville Parish of St. George and County of Cumberland being Lots 1 and 2 in Deposited Plan Number 216288 being a resubdivision of Lots 33 and 34 in Deposited Plan Number 18824 and Lot 2 in Deposited Plan 201740 containing an area of 1 rood 1½ perches and being the whole of the land comprised in Certificate of Title Volume 9052 Folio 177.

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 26th day of November, 1962.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

26/11/1962.

HUGH SYDNEY,
Archbishop of Sydney.