

The St. George's Church Hurstville Land Sale and Mortgage.

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AN ORDINANCE to authorise the sale and/or Mortgage of certain lands situate at Hurstville in the Municipality of Hurstville Parish of St. George County of Cumberland and to provide for the application of the proceeds thereof.

WHEREAS by virtue of Certificate of Title dated the Twenty-fourth day of March one thousand eight hundred and ninety-seven Registered Volume 1216 Folio 81 the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Property Trust) is registered as the proprietor of an estate in fee simple in ALL THAT piece of land described in the First Schedule hereto AND WHEREAS the said land is held by the Property Trust 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 others of such purposes in connection with the Church of England in the Parish of Hurstville as appears by Declaration of Trust under the Common Seal of the said Property Trust dated the ninth day of October one thousand nine hundred and twenty-five AND WHEREAS the land described in the Second Schedule hereto which is part of the land described in the said First Schedule hereto is now unoccupied and is not required for the purposes of the trusts upon which it is held by the said Property Trust AND WHEREAS a house and land situate at the corner of The Avenue and Queens Road in the said Parish being the land comprised in Certificate of Title Volume 3791 Folio 37 has been recently acquired for the purposes of a Rectory for the said Parish as appears by Declaration of Trust bearing date the twenty-second day of September one thousand nine hundred and twenty-five an attested copy whereof was filed in the Land Titles Office Sydney No. 14907 the fifth day of March one thousand nine hundred and twenty-six AND WHEREAS there is owing in respect of the purchase of the said Rectory premises a sum of approximately one thousand eight hundred pounds (£1800) AND WHEREAS there was owing to the Council of the Municipality of Hurstville a sum of One hundred and sixty-two pounds sixteen shillings and three pence (£162 16s. 3d.) for rates and other municipal charges and costs in respect of lands held upon trust

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for the Church of England in the said Parish and the said sum was advanced by The Home Mission Society at the request of the Standing Committee of the Synod for payment of the said sum AND WHEREAS for the purpose of providing for the re-payment of the said sum AND ALSO for the purpose of providing money for the reduction of the indebtedness of the parish in respect of the purchase of the said Rectory so purchased as aforesaid it is necessary and expedient to mortgage and/or sell the lands described in the Second Schedule hereto NOW THEREFORE the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the Ordinances of Synod passed in the years one thousand nine hundred and eighteen and one thousand nine hundred and twenty-one appointing the Standing Committee for the purpose of exercising during the recess of Synod the powers and functions in the said Ordinances referred to and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England in the State of New South Wales or otherwise in the name and place of such Synod ordains declares and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited Trusts it is expedient to mortgage and/or sell the land described in the Second Schedule hereto.

2. The Property Trust is hereby authorised to borrow from time to time upon the security of the land described in the said Second Schedule hereto or any part or parts thereof any sum or sums of money not exceeding in the aggregate the sum of one thousand eight hundred pounds and such land or any part or parts thereof may be mortgaged from time to time to secure repayment of any sum or sums of money borrowed under the authority hereby conferred together with interest on the same.

3. The land comprised in the said Second Schedule hereto may be sold at any time either before or after being mortgaged under the authority hereinbefore contained and either subject to or freed and discharged from any such mortgage then existing and either by public auction or private contract in one lot or in several lots, at one time or at different times and at such

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price or prices and upon such terms and conditions as the Property Trust with the consent of the Rector and a majority of the Church Wardens for the time being of St. George's Church of England in the Parish of Hurstville may deem expedient freed from the trusts and purposes upon and for which such land is held.

4. The moneys to arise from any such Mortgage or Mortgages and sale or sales shall be received by the Property Trust and be applied in the following manner that is to say:—They shall be paid in the first place in refunding to The Home Mission Society of the Diocese of Sydney the sum of One hundred and sixty-two pounds sixteen shillings and three pence (£162 16s. 3d.) being the amount advanced by the said Society at the request of the Standing Committee of the Synod for the payment of the rates and other municipal charges paid to the Council of the Municipality of Hurstville in respect of lands held upon trust for the Church of England in the said Parish and the payment of Registry Assessment due by the parish and towards the costs and expenses of and incidental to this Ordinance and the costs and expenses of and incidental to any Mortgage or Mortgages sale or sales executed or made in pursuance of the powers hereby conferred and after payment of such costs and expenses and rates and charges and subject thereto the balance shall be paid to the Churchwardens for the time being of the Parish of St. George Hurstville and shall be applied by them in or towards the payment or reduction of any Purchase Money owing by the said Parish or any person or persons on its behalf in respect of the acquisition of the said Rectory Premises or of any moneys owing under any Mortgage or Mortgages charge or charges over or upon such Rectory Premises or under any Mortgage or Mortgages charge or charges executed by any person or persons for the purpose of securing the payment of the Purchase Money paid for such Rectory Premises or any part or parts thereof. Provided however that none of the said moneys shall be paid to the Church Wardens under the provisions hereinbefore contained unless and until a satisfactory security shall have been given to the Property Trust for the amount to be paid to such Church Wardens.

5. The term of any Mortgage or Mortgages given in pursuance of the powers hereby conferred may be extended from

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time to time upon such terms and conditions as the Property Trust shall think fit and the lands described in the said Second Schedule may be mortgaged from time to time for the purpose of raising any sum or sums of money not exceeding in the aggregate the sum of one thousand eight hundred pounds with which to discharge any mortgage executed in pursuance of the powers hereinbefore conferred or any Mortgage or Mortgages executed in substitution therefor or otherwise authorised by this Ordinance.

6. This Ordinance shall be styled and cited as "The St. George's Church Hurstville Land Mortgage and Sale Ordinance 1926."

THE FIRST SCHEDULE.

ALL THAT piece or parcel of land situate in the County of Cumberland Parish of St. George and Municipality of Hurstville having frontages to The Avenue and Forest Road of 437 feet 4 inches and 59 feet 10 inches respectively and being the whole of the land comprised in Certificate of Title Registered Volume 1216 Folio 81.

THE SECOND SCHEDULE.

ALL THAT piece or parcel of land situate at Hurstville Municipality of Hurstville Parish of St. George County of Cumberland State of New South Wales being part of the land comprised in Certificate of Title Registered Volume 1216 Folio 81 COMMENCING, at a point on the North Eastern side of The Avenue being the South Eastern corner of Lot 197 Deposited Plan 1595 and bound thence on the North West by the South Eastern boundary of Lot 197 aforesaid being a line bearing and distant North Easterly 154 feet thence on part of the North East by the North Eastern boundary of Lot 198 of the Deposited Plan aforesaid being a line bearing and distant South Easterly 89 feet 10 inches; thence on part of the South East by part of the South Eastern boundary of Lot 198 aforesaid being a line bearing and distant South Westerly 132 feet 8 inches; thence on the remainder of the North West by part of the North Eastern

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boundary of Lot 199A Deposited Plan 1595 being a line bearing and distant South Easterly 30 feet 2½ inches; thence on the remainder of the South East by a line bearing and distant South Westerly 24 feet 8½ inches to the North Eastern side of The Avenue; thence on the South West by that side aforesaid of The Avenue bearing and distant North Westerly 110 feet to the point of commencement. Be the aforesaid several dimensions all a little more or less and containing by admeasurement an area of 1 rood 9¼ perches or thereabouts.

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

W. J. G. MANN,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-sixth day of July, 1926.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES WRIGHT,
Archbishop of Sydney.

9th August, 1926.