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*St. Paul's Belfield Mortgage Ordinance 1971*

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No. 10, 1971

AN ORDINANCE to authorise the mortgaging or charging of certain land in Burwood Road, Belfield in the Municipality of Canterbury and to provide for the application of proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 2806 Folio 38 more particularly described in the 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 and partly for another or others of such purposes in connection with the Church of England in Australia in the Provisional Parish of Belfield or any parish into which it may subsequently be formed AND WHEREAS it is proposed to erect upon part of the said land a new church hall adjacent to the church already erected on the said land AND WHEREAS by Ordinance No. 21 of 1964 authority was given for the mortgaging of the said land for the purpose of erecting a new church on part of the said land AND WHEREAS pursuant to the said Ordinance the sum of approximately Twenty thousand two hundred and forty-three dollars (\$20,243) is owed to the Bank of New South Wales Savings Bank Limited AND WHEREAS for the purpose of erecting such church hall as aforesaid it is necessary and expedient to mortgage or charge the said land to borrow a sum not exceeding Thirty-one thousand dollars (\$31,000) part of which will be applied in payment of the said debt owing to the said Bank 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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land it held it is expedient that the said land be mortgaged or charged.

2. (i) The Corporate Trustee is hereby empowered to mortgage or charge the said land from time to time for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Thirty-one thousand dollars (\$31,000);

(b) When the power is subsequently exercised such sum not exceeding Thirty-one thousand dollars (\$31,000) as Standing Committee shall by resolution determine

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PROVIDED that such debt shall be reduced at the rate of not less than Three thousand two hundred and forty dollars (\$3,240) per annum inclusive of 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 or charge 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 or charge be conclusive evidence that such resolution was duly passed.

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

- (i) When the power is first exercised in the manner following:—
  - (a) First in discharge of the mortgage or charge now existing in favour of the Bank of New South Wales Savings Bank Limited granted pursuant to the provisions of Ordinance No. 21 of 1964;
  - (b) Secondly in payment of the costs charges and expenses of and incidental to this Ordinance, the discharge of the lastmentioned mortgage or charge and of any mortgage or charge executed in pursuance hereof;
  - (c) Thirdly the balance to be paid to the Churchwardens of St. Paul's Church Belfield to be applied by them in and towards the erection of a new church hall on part of 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 charge mortgages or charges or the renewal thereof or of any new mortgage or charge or for such other purpose or purposes not inconsistent with the trusts of the said land as Standing Committee may by resolution determine.

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4. The Churchwardens for the time being of St. Paul's Church Belfield 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 Diocesan Secretary giving particulars of the amount borrowed the amounts paid off and the balance owing.

5. This Ordinance may be cited as "St. Paul's Belfield Mortgage Ordinance 1971".

**SCHEDULE**

ALL THAT piece or parcel of land situated in the Municipality of Canterbury Parish of St. George County of Cumberland having a frontage of 200' to Burwood Road, Belfield by a depth of 150' containing 2 roods 30 perches being Lots 5 to 8 inclusive of Section G D.P. 8832 and the whole of the land in Certificate of Title Volume 2806 Folio 38.

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 31st day of May, 1971.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

F. O. HULME-MOIR,  
Commissary.

31/5/1971.