

---

*St. Paul's Oatley and Oatley West Mortgage Ordinance 1954.*

No. 10, 1954.

AN ORDINANCE to authorise the mortgaging of certain land situated at the corner of Neville Street and Rosa Street and also in Rosa Street Oatley and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (herein referred to as the "Corporate Trustee") is the registered proprietor of the land comprised in Conveyance Number 886 Book 1297 more particularly described in the First Schedule hereto.

AND WHEREAS the said land is Church Trust property formerly held for the sole benefit of the parish of St. George Hurstville but no trusts have been declared in respect of the said land.

AND WHEREAS there is erected on the said land now situated in the parish of Oatley and Oatley West subsequently formed out of the parish of St. George Hurstville a Church known as St. Paul's Oatley and a Kindergarten Hall.

AND WHEREAS it is expedient to declare the trusts of the said land.

AND WHEREAS the Corporate Trustee is the purchaser under a certain contract dated the 22nd April 1954 from Harold Athelstane Judd of the land and premises known as Number 65 Rosa Street Oatley more particularly described in the Second Schedule hereto for the sum of Three thousand seven hundred and fifty pounds (£3750).

AND WHEREAS the equitable interest in the said land and premises is Church Trust Property held for sole benefit of the Parish of Oatley and Oatley West but no express trusts in writing have been declared concerning the same.

AND WHEREAS it is expedient to declare the trusts in respect of the said land as hereinafter declared.

*St. Paul's Oatley and Oatley West Mortgage Ordinance 1954.*

---

AND WHEREAS it is necessary and expedient that the lands described in the Schedules hereto be mortgaged to provide for the balance of purchase money required to complete the said recited Contract for the acquisition of the land described in the Second Schedule Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains and declares as follows:—

1. That by reason of circumstances subsequent to the creation of the trusts of the land described in the First Schedule hereto it is expedient to vary the same and the trusts are varied accordingly. The said land is henceforth 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 the Parish of Oatley and Oatley West.

2. The Corporate Trustee shall hold the said lands more particularly described in the first and second schedules hereto upon trust to permit 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 connection with the Church of England in the parish of Oatley and Oatley West.

3. By reason of circumstances subsequent to the creation of the trusts to which the land described in the schedules hereto are subject it is expedient to mortgage the said lands and the Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said lands for the purpose of borrowing the sums following:

- (i) (a) When the power is first exercised a sum not exceeding three thousand three hundred pounds (£3,300).
- (b) When the power is subsequently exercised such sum not exceeding the sum of three thousand three hundred pounds (£3,300) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than One hundred and thirty two pounds per annum but no mortgagee advancing moneys in pursuance of this Ordinance shall be concerned or obliged to see that this proviso is complied with.

---

*St. Paul's Oatley and Oatley West Mortgage Ordinance 1954.*

---

- (ii) Any renewal of 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 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 such mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance and of such mortgage or any mortgages executed in pursuance thereof.
- (b) Subject thereto the balance shall be paid in and towards the payment of the balance of purchase money payable under the Contract of Sale for the completion of the purchase of the land described in the Second Schedule hereto and of the costs charges and expenses of and incidental to such purchase.

5. The Churchwardens for the time being of St. Paul's Oatley in the Parish of Oatley and Oatley West 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 forwarded to the Diocesan Secretary giving details of the original amount borrowed, the amounts paid off and the balance owing.

6. This Ordinance shall be styled and cited as "St. Paul's Oatley and Oatley West Mortgage Ordinance 1954."

---

FIRST SCHEDULE.

All that piece or parcel of land situate in the Parish of Saint George County of Cumberland State of New South Wales being Lots thirty one and thirty two Section forty-five of a subdivision of Oatley's Grant Georges River Commencing at point on the Northern side of Neville Street being its intersection with the western side of Rosa Street and bounded thence on the South

---

*St. Paul's Oatley and Oatley West Mortgage Ordinance 1954.*

---

by Neville Street bearing westerly one hundred and sixty five feet thence on the west by Lots One and Two bearing Northerly One hundred and thirty two feet thence on the North by Lot Thirty bearing easterly one hundred and sixty five feet to Rosa Street and thence on the East by that street bearing Southerly One hundred and thirty two feet to the point of commencement and being the whole of the land in Conveyance Number 886 Book 1297.

---

SECOND SCHEDULE.

All that piece or parcel of land situate in the Municipality of Kogarah Parish of St. George and County of Cumberland containing  $23\frac{1}{2}$  perches or thereabouts and having a frontage of 40 feet to Rosa Street by a depth of 160 feet all measurements being more or less being Lot A in Plan annexed to Instrument of Transfer No. C742108 and being part of the land in Certificate of Title Volume 5012 Folio 58.

---

I certify that the Ordinance as typed is in accordance with the Ordinance as passed.

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 on the 29th day of April, 1954.

H. V. ARCHINAL,  
Diocesan Secretary

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

28/5/54.