
*St. Mary's Guildford Vesting Declaration of Trust and
Mortgage Ordinance 1968*

No. 22, 1968

AN ORDINANCE to vest certain land at Guildford in the City of Parramatta in Church of England Property Trust, Diocese of Sydney to declare the Trusts of such land and land adjacent thereto to authorise the mortgaging of such land and to provide for the application of the money advanced and for purposes incidental thereto.

WHEREAS Alfred Ernest Jones Ross, Crosbie Blake Brownrigg, William Stanley Forbes, Jacob Knaus, John Peckham and Frank Davids (hereinafter called "the Trustees") are registered as proprietors as joint tenants in fee simple of the land comprised in Certificate of Title Volume 1464 Folio 87 more particularly described in the first part of the Schedule hereto AND WHEREAS the Trustees held the said land for and on behalf of the Parish of St. Mary Guildford but no trusts in writing have been declared concerning the same AND WHEREAS the Church of St. Mary Guildford is erected partly on the said land and partly on the adjoining land as is also the Rectory of the said Parish AND WHEREAS all the said Trustees are now dead and it is expedient that the said land be vested in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") AND WHEREAS the Corporate Trustee is registered as proprietor in fee simple of the land comprised in Certificates of Title Volume 2313 Folio 5 Volume 2436 Folio 78 and Volume 4093 Folio 138 more particularly described in the second part of the Schedule hereto AND WHEREAS by two several Declarations of Trust each dated the 21st day of July 1924 the Corporate Trustee declared that it held the land comprised in Certificates of Title Volume 2313 Folio 5 and Volume 2436 Folio 78 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 District of Guildford AND WHEREAS no trusts in writing have been declared in respect of the land comprised in Certificate of Title Volume 4093 Folio 138 AND WHEREAS all the land described in the Schedule hereto is Church Trust Property now held for the sole benefit of the Parish of St. Mary Guildford and it is expedient that the Trusts concerning the same be now fully declared AND WHEREAS it is proposed to complete the said Church and erect halls and other buildings upon the said land and for such purpose it will be necessary to mortgage the said land for the purpose of borrowing a sum of Forty thousand dollars (\$40,000) to be applied towards the cost of the said buildings NOW the Standing Committee of the

*St. Mary's Guildford Vesting Declaration of Trust and
Mortgage Ordinance 1968*

Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. That the land described in the first part of the Schedule hereto be and the same is hereby vested in the Corporate Trustee.

2. That all the land described in the Schedule hereto be held by the Corporate Trustee upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Parish of St. Mary Guildford.

3. (i) That by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient that the land be mortgaged.

(ii) The Corporate Trustee is hereby authorised and empowered to mortgage the said land or any part thereof from time to time for the purpose of borrowing the sums following—

(a) When the power is first exercised a sum not exceeding Forty thousand dollars (\$40,000).

(b) When the power is subsequently exercised such sum not exceeding Forty thousand dollars (\$40,000) as Standing Committee may by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Two thousand dollars (\$2,000) per annum principal plus interest until the 31st day of December, 1974 and thereafter at such rate as will repay the balance then owing during the remaining unexpired term of the loan when the power is first exercised and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.

(iii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.

(iv) A document purporting to be certified by the Archbishop or the Diocesan Secretary 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.

*St. Mary's Guildford Vesting Declaration of Trust and
Mortgage Ordinance 1968*

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 the balance shall be applied towards the completion of St. Mary's Church Guildford and auxiliary buildings.
- (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.
- (iii) Any mortgagee advancing moneys to the Corporate Trustee pursuant to the provisions of Sub-clause (i) of this clause is hereby authorised to pay the same to the Churchwardens of St. Mary's Church of England Guildford.

5. The Churchwardens for the time being of St. Mary's Church Guildford 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 details of the original amount borrowed the amounts paid off and the balance owing.

6. This Ordinance may be cited as "St. Mary's Guildford Vesting, Declaration of Trust and Mortgage Ordinance 1968".

SCHEDULE

First Part

All that piece or parcel of land situated at Guildford in the City of Parramatta Parish of St. John County of Cumberland having a frontage of 45' to Guildford Road by depth of 192' along Bolton (formerly High) Street being Lot 1 Section 1 D.P. 4047 and the whole of the land comprised in Certificate of Title Volume 1464 Folio 87.

Second Part

All that piece or parcel of land situated as aforesaid having a frontage of 135' to Guildford Road by depth of 192' being Lots 2, 3 and 4 Section 1 D.P. 4047 and the whole of the land comprised in Certificates of Title Volume 2313 Folio 5 Volume 2436 Folio 78 and Volume 4093 Folio 138.

*St. Mary's Guildford Vesting Declaration of Trust and
Mortgage Ordinance 1968*

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

H. G. S. BEGBIE,

Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 22nd day of July, 1968.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

JACK DAIN,

Bishop, Commissary.

22/7/1968.