
*St. Matthew's West Pennant Hills Variation and Declaration
of Trust and Mortgage Ordinance 1965*

No. 11, 1965.

AN ORDINANCE to vary the trusts upon which certain land at West Pennant Hills in the Shire of Hornsby is held to declare the trusts of certain adjoining land to authorise the mortgaging of such lands 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 in fee simple of the land comprised in Certificate of Title Volume 6299 Folio 135 more particularly described in the first part of the Schedule hereto AND WHEREAS the Corporate Trustee is also registered as proprietor in fee simple of the land comprised in Certificates of Title Volume 6299 Folio 131 and Volume 9475 Folio 180 more particularly described in the second part of the said Schedule AND WHEREAS the land comprised in Certificate of Title Volume 6299 Folio 135 was formerly situated in and was held for the sole benefit of the Parish of St. Luke Thornleigh and there is erected thereon the Church of St. Matthew West Pennant Hills but no trusts in writing have been declared concerning the same AND WHEREAS the said land is now situated in the Provisional District of St. Matthew West Pennant Hills with St. James' West Beecroft AND WHEREAS the majority of the Parish Council of the Parish of St. Luke Thornleigh have consented in writing to a variation of the trusts upon which the said land is now held to permit the same to be held for the sole benefit of the Provisional District of West Pennant Hills with St. James' West Beecroft or any Provisional Parish or Parish into which it may be subsequently formed AND WHEREAS the land described in the second part of the Schedule was acquired by the said Provisional District for the purpose of a Rectory but no trusts in writing have been declared concerning the same AND WHEREAS it is expedient that the trusts of the said lands be varied and declared as hereinafter set out AND WHEREAS it is expedient that all the land described in the Schedule be mortgaged to provide funds for the repayment of a temporary advance made for the acquisition of the said Rectory land and premises NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES AND DIRECTS as follows:-

1. By reason of circumstances which have arisen since the creation of the trusts upon which the land described in the first part of the Schedule hereto is held it is inexpedient to carry out

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and observe the same and it is expedient that the said trusts be varied.

2. The land described in the first part of the said Schedule together with the land described in the second part thereof shall henceforth be held by the Corporate Trustee upon trust to permit the same to be used as 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 at West Pennant Hills in the Provisional District of St. Matthew West Pennant Hills with St. James' West Beecroft or any Provisional Parish or Parish into which it may subsequently be formed.

3. (i) The Corporate Trustee is hereby empowered to mortgage the land described in the Schedule or any part thereof:-
- (a) When the power is first exercised for a sum not exceeding Eight thousand pounds (£8,000).
 - (b) When the power is subsequently exercised for such sum not exceeding Eight thousand pounds (£8,000) as Standing Committee may by resolution determine.

PROVIDED that the debt shall be reduced when the power is first exercised at the rate of not less than One thousand and eighty pounds (£1,080) principal and interest per annum and thereafter at such rate as Standing Committee may by resolution determine PROVIDED FURTHER that no person or corporation advancing money pursuant to this Ordinance shall be concerned to enquire whether such reductions shall have been made

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) Any 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 the mortgage hereby authorised shall be applied as follows:-

- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage

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executed in pursuance thereof and the balance shall be applied towards the repayment of the temporary advance made by the English Scottish and Australian Bank Limited for the purchase of the land described in the second part of the Schedule.

- (ii) When the power is subsequently exercised towards the repayment of any then existing mortgage or mortgages over the said lands and the costs of and incidental to the discharge thereof and of such new mortgage or mortgages.

5. The Churchwardens of St. Matthew's Church West Pennant Hills 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. Matthew's West Pennant Hills Variation and Declaration of Trust and Mortgage Ordinance 1965."

SCHEDULE

FIRST PART

All that piece or parcel of land situated at West Pennant Hills in the Shire of Hornsby Parish of South Colah County of Cumberland having a frontage of 154' 4" to Castle Hill Road, a splay corner to New Line Road of about 14' and depth along that road of 155' being Lot 2 in Plan annexed to Transfer No. F350449 and being the whole of the land in Certificate of Title Volume 6299 Folio 135.

SECOND PART

All that piece or parcel of land situated as aforesaid having a frontage of 109' to Castle Hill Road a depth on the east of about 145' and on the west of about 115' with rear width of 93' 8" being Lot 3 in the Plan annexed to Transfer No. F350449 and the whole of the land in Certificate of Title Volume 6299 Folio 131 ALSO ALL THAT piece or parcel of land situated as aforesaid containing 1 rood 6¼ perches of irregular shape with a frontage of 10' 4½" to New Line Road being Lot 2 D.P. 503905 (which land abuts on the rear boundary of that above described) and being the whole of the land comprised in Certificate of Title Volume 9475 Folio 180 (both of which parcels form the Rectory site).

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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 31st day of May 1965.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

31/5/1965.

HUGH SYDNEY,
Archbishop of Sydney.