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*Holy Trinity Dulwich Hill Mortgage Ordinance 1963*

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No. 26, 1963.

AN ORDINANCE to authorise the mortgaging of certain property at Dulwich Hill in the Municipality of Marrickville and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is the purchaser under a certain Contract of sale made between Robert Victor Redhead as vendor of the one part and the Corporate Trustee of the other part of the land comprised in Certificate of Title Volume 7259 Folio 83 more particularly described in the Schedule hereto for the sum of Four thousand two hundred and fifty pounds (£4,250) AND WHEREAS the said property is being acquired for and on behalf of the Parish of Holy Trinity Dulwich Hill and is church trust property held for the sole benefit of such Parish AND WHEREAS it is necessary and expedient to borrow the sum of Three thousand five hundred pounds (£3,500) to provide part of the said purchase money and for such purpose that the said land be mortgaged AND WHEREAS it is intended to use the said land and premises to provide accommodation for such Anglican British Migrants as the said Parish may from time to time approve and when not so required for such parochial purposes as the Parish Council of the said Parish might determine 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 the terms and conditions upon which the land described in the schedule hereto is being purchased it is expedient that the same be mortgaged.

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the land described in the Schedule hereto for the purpose of borrowing the sums following:-
  - (a) When the power is first exercised a sum not exceeding Three thousand five hundred pounds (£3,500).
  - (b) When the power is subsequently exercised such sum not exceeding Three thousand five hundred pounds (£3,500) as the Standing Committee shall by resolution determine. PROVIDED that such debt shall when the power is first exercised be repaid at the rate of not less than Four hundred and eighty pounds (£480)

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per annum including interest 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 pursuant to this Ordinance shall be concerned to enquire whether such reduction shall have been made.

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

2. The proceeds of any money hereby authorised shall be applied by the Corporate Trustee as follows:-

- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage executed in pursuance thereof and the balance towards the purchase money payable in respect of the acquisition of the said land.
- (ii) When the power is subsequently exercised in discharge or renewal of any existing mortgage or mortgages on the said land and the costs of and incidental to any such renewal or further mortgage.

3. The Churchwardens for the time being of Holy Trinity Church Dulwich Hill shall within seven days of the holding of the Annual Vestry Meeting of such church during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account thereof to be forwarded to the Diocesan Secretary giving details of the original amount borrowed, the amounts paid off and the balance owing.

4. This Ordinance may be cited as "Holy Trinity Dulwich Hill Mortgage Ordinance 1963."

### SCHEDULE

All that piece or parcel of land situated at Dulwich Hill in the Municipality of Marrickville Parish of Petersham County of Cumberland having a frontage of 40 feet to Herbert Street by depth of

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200 feet being the whole of the land in Certificate of Title Volume 7259 Folio 83 upon which is erected the dwelling known as No. 15 Herbert Street Dulwich Hill.

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

H. G. S. BEGBIE,  
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of September, 1963.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

30/9/1963.

HUGH SYDNEY,  
Archbishop of Sydney.