

ST. ALBAN'S ROOTY HILL VARIATION OF TRUSTS AND
MORTGAGE ORDINANCE 1974

No. 6, 1974

AN ORDINANCE to vary the trusts of certain lands situate in Plumpton and Rooty Hill in the Municipality of Blacktown to authorise the mortgage of such lands and to provide for the application of the proceeds thereof and all matters incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the land comprised in Certificate of Title Volume 8495 Folio 160 more particularly described in the First Schedule hereto and is also the registered proprietor of the land comprised in Certificate of Title Volume 10709 Folio 231 more particularly described in the Second Schedule hereto AND WHEREAS the said land in the First Schedule hereto is church trust property 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 Provisional Parish of Rooty Hill AND WHEREAS the said land in the Second Schedule hereto is church trust property but no trusts have been declared in writing concerning the same AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that such land be mortgaged and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the said trusts upon which the lands described in the Schedules hereto is held it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied and that the said lands be mortgaged as hereinafter set out.

2. (1) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the lands described in the First and Second Schedules hereto for the purpose of borrowing the sums following:-

- (a) When the power is first exercised a sum not exceeding Seventeen thousand dollars (\$17,000).
- (b) When the power is subsequently exercised such sum as the Standing Committee may by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Two thousand and sixty dollars (\$2,060) per annum principal and interest when the power is first exercised and when the power is subsequently exercised at such rate as the Standing Committee may by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys pursuant to this Ordinance shall be concerned to enquire whether this condition has been complied with.

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

(3) A document purporting to be signed by the Archbishop or Diocesan Secretary as a copy of any such resolution shall in favour of mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

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

- (a) When the power is first exercised in payment of the costs of and incidental to this Ordinance and of any mortgage executed in pursuance thereof and the balance shall be applied towards:-
 - (i) the discharge of a debt incurred by the said Parish to the Sydney Church of England Finance and Loans Board

together with interest on such debt being incurred in purchasing the land described in the First Schedule.

(ii) the costs of alterations and additions to the existing Parish Hall.

(b) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any existing mortgages over the said land and the costs of a and incidental to the discharge or renewal thereof and of such new mortgages or for such other purpose or purposes not inconsistent with the trusts of the said land as Standing Committee may by resolution determine.

(c) Any mortgagee advancing moneys to the Corporate Trustee pursuant to the provisions of sub-clause (a) of this clause is hereby authorised to pay the same to the Churchwardens for the time being of St. Alban's Church Rooty Hill.

4. The Churchwardens of St. Alban's Church Rooty Hill shall within seven (7) 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 amount paid off and the balance owing, at the end of the last financial year.

5. This Ordinance may be cited as "St. Alban's Rooty Hill Variation of Trusts and Mortgage Ordinance 1974".

FIRST SCHEDULE

ALL THAT piece or parcel of land situated at Rooty Hill in the Municipality of Blacktown Parish of Rooty Hill County of Cumberland being part of Lot 9 in Deposited Plan No. 3115 and the whole of Lot 1 of Section 2 in Deposited Plan No. 5172 and comprising the whole of the land in Certificate of Title Volume 8495 Folio 160 subject to the notification thereon reserving Lots 4 and 12 in Deposited Plan No. 224034 to the Commissioner for Main Roads and situated at the Corner of Rooty Hill Road North and Lamb Street, Plumpton.

SECOND SCHEDULE

ALL THAT piece or parcel of land comprising of 2 acres 1 rood 5 perches situated in the Municipality of Blacktown Parish of Rooty Hill County of Cumberland being Lot 1 in Deposited Plan No. 235216 and comprising of the whole of the land in Certificate of Title Volume 10709 Folio 231 situated at the Corner of Rooty Hill Road and Westminster Road excepting therout that parcel of land representing the curtilage of the Church having frontages of 146' 6 $\frac{1}{2}$ " to Rooty Hill Road North, 213' to Westminster Road and 240' to Sherbrook Street and a rear line of 162' 6".

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

D. Cameron
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 25th day of March, 1974.

W.G.S. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane
Archbishop of Sydney
25/3/1974