

*St. Andrew's Sans Souci Declaration of Trust and Mortgage  
Ordinance 1968*

No. 44, 1968

AN ORDINANCE to authorise the mortgaging of certain land in Newcombe Street, Sans Souci in the Municipality of Kogarah to provide for the application of the proceeds thereof and to declare the trusts on which the said land is held.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "The Corporate Trustee") is the purchaser under Contract of Sale dated 11th day of December, 1968 from LESLIE CHARLES HOWE as vendor of the land comprised in Certificate of Title Volume 2370 Folio 114 more particularly described in the Schedule hereto AND WHEREAS the land described in the Schedule will upon completion of the said Contract be church trust property held for the sole benefit of the Parish of St. Andrew Sans Souci but no trusts in writing have been declared concerning the same AND WHEREAS it will be necessary to borrow a sum not exceeding Ten thousand dollars (\$10,000) to be applied towards the purchase price AND WHEREAS it is expedient that the said land be mortgaged or charged to secure such advance 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. The land described in the Schedule hereto shall subject to the completion of the purchase thereof be held by the Corporate Trustee upon trust to permit the same to be used for a parsonage or as a residence for an assistant minister or other parochial worker in connection with the Church of England in Australia in the Parish of St. Andrew Sans Souci.

2. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held, it is expedient that such land be mortgaged.

3. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of 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 Ten thousand dollars (\$10,000).

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- (b) When the power is subsequently exercised such sum not exceeding Ten thousand dollars (\$10,000) as the Standing Committee may by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than One thousand and forty dollars (\$1,040) per annum principal and interest when the power is first exercised and thereafter 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.

- (ii) Any renewal of a 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 fully passed.

4. The proceeds of any mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and such mortgage be applied as follows:—

- (i) When the power is first exercised towards the purchase price required to complete the purchase of the said land.
- (ii) When the power is subsequently exercised (other than by a renewal of the original mortgage) in payment of the principal interest and costs of discharge of any existing mortgage.
- (iii) Any mortgagee advancing moneys pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same direct to the Churchwardens for the time being of the said Church of St. Andrew Sans Souci.

5. The Churchwardens for the time being of St. Andrew's Sans Souci shall within seven (7) 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

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fowarded 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. Andrew's Sans Souci Declaration of Trust and Mortgage Ordinance 1968".

SCHEDULE

All that piece of land situate in the Municipality of Kogarah Parish of St. George and County of Cumberland being Lot 5 of Section 1 in Deposited Plan No. 3896 having a frontage of 40' to Newcombe Street Sans Souci by a depth of 159' and a rear dimension of 40' (all dimensions being more or less) and being the whole of the land comprised in Certificate of Title Volume 2370 Folio 114 upon which is erected the residence No. 1 Newcombe Street, Sans Souci.

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

ATHOL RICHARDSON,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 16th day of December, 1968.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

16/12/1968.