
*St. Andrew's Sans Souci Exchange Declaration of Trust
Mortgage and Sale of Land Ordinance 1963*

No. 25, 1963.

AN ORDINANCE to authorise the exchange of certain lands in Rocky Point Road, Sans Souci in the Parish of St. George County of Cumberland and the mortgaging and sale of certain lands situate as aforesaid and purposes incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (herein called "the Corporate Trustee") is registered as proprietor of Lot 21 in Deposited Plan No. 219067 being the whole of the land comprised in Certificate of Title Volume 1092 Folio 13 and part of the land comprised in Certificate of Title Volume 1344 Folio 70 both of which parcels are more particularly described in the First Schedule hereto AND WHEREAS the said lands are Church Trust property held for the benefit of the Parish of St. Andrew Sans Souci 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 said Parish AND WHEREAS negotiations have been made with the Commonwealth of Australia for an exchange of the said lands described in the First Schedule hereto for lands now vested in the Commonwealth of Australia and more particularly described in the Second Schedule hereto upon the terms and conditions hereinafter mentioned AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the said trusts upon which the lands described in the First Schedule hereto are held it is inexpedient to carry out and observe the same and it is expedient that the said recited exchange take place AND WHEREAS the lands referred to in the Second Schedule are being acquired by the Corporate Trustee for the sole benefit of the Parish of St. Andrew Sans Souci upon the trusts hereinafter mentioned AND WHEREAS the Corporate Trustee is registered as proprietor of Lot 1 in Deposited Plan No. 2008 being the land comprised in Certificate of Title Volume 1344 Folio 71 Lot 2 in the last mentioned Deposited Plan and Lot 22 in Deposited Plan No. 219067 being the residue of the lands comprised in Certificate of Title Volume 1344 Folio 70 all of which lands are more particularly described in the Third Schedule hereto AND WHEREAS the Corporate Trustee is registered as proprietor of Lot 50 in Deposited Plan No. 4277 being the land comprised in Certificate of Title Volume 5974 Folio 77 and Lot 47 in Deposited Plan No. 4277 and being part of the land comprised in Certificate

*St. Andrew's Sans Souci Exchange Declaration of Trust
Mortgage and Sale of Land Ordinance 1963*

of Title Volume 5974 Folio 78 which lands are more particularly described in the Fourth Schedule hereto AND WHEREAS in order to implement and carry into effect the terms of the said Agreement with the Commonwealth of Australia and for other purposes it is necessary and expedient to mortgage the lands comprised in the Second Third and Fourth Schedules hereto to borrow the sum of Ten thousand Pounds (£10,000) AND WHEREAS following upon the acquisition of the lands referred to in the Second Schedule it will be inexpedient to continue to carry on the purposes for which the lands referred to in the Third Schedule have been acquired and have heretofore been devoted and it is expedient that with the consent of the mortgagee the same be sold and the net proceeds applied towards the erection of a new Church Hall or other Parochial building on the lands comprised in the Second or Fourth Schedules or partly on one and partly on the other of such lands or in reduction or discharge of the mortgage hereinbefore recited NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS RULES AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the trusts upon which the lands described in the First Schedule hereto are held it is inexpedient to carry out and observe the same and it is expedient that the said lands be transferred to the Commonwealth of Australia free from the said trusts in exchange for a transfer by the Commonwealth of Australia to the Corporate Trustee of the lands described in the Second Schedule hereto.

2. At the time of completion of transfers by way of exchange as aforesaid the Corporate Trustee will pay to the Commonwealth of Australia the sum of Eight thousand three hundred and Sixty Pounds (£8,360) in cash.

3. The land described in the Second Schedule hereto shall upon a transfer thereof to the Corporate Trustee be held by it 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 Parish of St. Andrew Sans Souci.

4. (i) The Corporate Trustee is hereby empowered to mortgage the said lands comprised in the Second Third and Fourth

*St. Andrew's Sans Souci Exchange Declaration of Trust
Mortgage and Sale of Land Ordinance 1963*

Schedules respectively from time to time for the purpose of borrowing the sums following :-

- (a) When the power is first exercised a sum not exceeding Ten Thousand Pounds (£10,000).
- (b) When the power is subsequently exercised a sum not exceeding £10,000 as Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced at the rate of not less than Five Hundred Pounds (£500) each six (6) months in addition to the interest payments thereon 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 money under the provisions of this Ordinance shall be concerned to enquire whether such reductions as aforesaid 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 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.

5. 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 costs charges and expenses of and incidental to this Ordinance and of any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. Andrew's Church Sans Souci who shall apply the same in satisfaction of the sum of £8,360 referred to in Clause 2 hereof and the balance in liquidation of the amount now owing in respect of the mortgage on the part of the land comprised in Schedule 4.
- (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.

*St. Andrew's Sans Souci Exchange Declaration of Trust
Mortgage and Sale of Land Ordinance 1963*

6. By reason of circumstances which have arisen subsequent to the creation of the said trusts upon which the lands described in the Third Schedule hereto are held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

7. The Corporate Trustee is hereby authorised and empowered subject to the consent of the Mortgagee to sell the said last mentioned land by public auction or private contract at such time and at such price as it may think fit freed from the trusts upon which it is now held.

8. The proceeds arising from the said sale shall after paying thereout all outgoing to which the land is subject and the costs of and incidental to the sale and conveyance of the land in pursuance thereof be paid to the Churchwardens of St. Andrew Sans Souci who shall apply the same towards the erection of a new Parochial building or buildings in the manner and on the lands as hereinbefore mentioned and any balance not so required to be applied by them in reduction or discharge of the mortgage hereinbefore mentioned.

9. The Churchwardens for the time being of St. Andrew's Church Sans Souci 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.

10. This Ordinance may be cited as "St. Andrew's Sans Souci Exchange Declaration of Trust Mortgage and Sale of Land Ordinance 1963."

THE FIRST SCHEDULE

All that piece or parcel of land situate at Sans Souci in the Parish of Saint George County of Cumberland being Lot 21 in Deposited Plan No. 219067 having a frontage of about 50' to Rocky Point Road with a depth of about 159' 11" and being the whole of the land comprised in Certificate of Title Volume 1092 Folio 13 and part of the land comprised in Certificate of Title Volume 1344 Folio 70.

*St. Andrew's Sans Souci Exchange Declaration of Trust
Mortgage and Sale of Land Ordinance 1963*

THE SECOND SCHEDULE

All that piece or parcel of land situate as aforesaid having a frontage of about 41' 3 $\frac{1}{2}$ " to Rocky Point Road with depths of about 192' 4 $\frac{1}{2}$ "/203' 5 $\frac{1}{2}$ " with a rear dimension of 39' 8" being Lot 1 Section 1 in Deposited Plan No. 3896 and being the whole of the land comprised in Certificate of Title Volume 2343 Folio 52 And All That Piece or parcel of land situate as aforesaid having a frontage of about 28' 10 $\frac{1}{2}$ " with depths of about 181' 3 $\frac{1}{2}$ "/192' 4 $\frac{1}{2}$ " with a rear dimension of about 39' 9" being Lot 2 Section 1 in Deposited Plan 3896 and being the whole of the land comprised in Certificate of Title Volume 3919 Folio 193.

THE THIRD SCHEDULE

All that piece or parcel of land situate as aforesaid having a frontage of about 108' 9 $\frac{1}{2}$ " to Rocky Point Road with depths of about 159' 9 $\frac{1}{2}$ "/159' 11 $\frac{1}{2}$ " being Lot 1 and Lot 2 in Deposited Plan No. 2008 and Lot 22 in Deposited Plan No. 219067 being respectively the whole of the land comprised in Certificate of Title Volume 1344 Folio 71 and the residue of the land in Certificate of Title Volume 1344 Folio 70.

THE FOURTH SCHEDULE

All that piece of land situate as aforesaid having a frontage of about 54' 9 $\frac{1}{2}$ " to Rocky Point Road with depths of about 122' 2 $\frac{1}{2}$ "/138' 4 $\frac{1}{2}$ " being Lot 50 in Deposited Plan No. 4277 and being the whole of the land in Certificate of Title Volume 5974 Folio 77 And All that piece or parcel of land situate as aforesaid having a frontage of about 50' 0 $\frac{1}{2}$ " to Rawson Street with a depth of 147' 4" being Lot 47 in Deposited Plan No. 4277 and being part of the land comprised in Certificate of Title Volume 5974 Folio 78.

*St. Andrew's Sans Souci Exchange Declaration of Trust
Mortgage and Sale of Land Ordinance 1963*

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

G. M. WEBB,

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 26th day of August, 1963.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

R. C. KERLE,

26/8/1963.

Bishop Commissary.