
*St. Jude's Dural Declaration of Trusts and Mortgaging
Ordinance 1968*

No. 12, 1968.

AN ORDINANCE to authorise the mortgaging of certain land at Pitt Town Road Kenthurst in the Shire of Baulkham Hills and 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 transferee under Memorandum of Transfer dated the twentieth day of May, 1968 from Allen Trevor Wrench as Transferor of part of the land comprised in Certificate of Title Volume 10674 Folio 15 more particularly described in the Schedule hereto AND WHEREAS the land described in the Schedule will upon completion of the said transfer be Church Trust Property held for the sole benefit of the Parish of St. Jude Dural but no trusts in writing have been declared concerning the same AND WHEREAS the said land is now vacant and it is intended to erect a parsonage thereon and for such purpose it will be necessary to borrow a sum not exceeding Eight thousand dollars (\$8,000) to be applied towards the costs thereof 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 be 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 Church of England in Australia in the Parish of St. Jude, Dural.

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 Eight thousand dollars (\$8,000).

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(b) When the power is subsequently exercised such sum not exceeding Eight thousand dollars (\$8,000) as the Standing Committee may by resolution determine. PROVIDED that such debt shall be reduced at the rate of not less than forty-nine dollars twenty-one cents (\$49.21) per month 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 monies under the provision 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 duly 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 cost of erection of a parsonage on 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. Jude Dural.

5. The Churchwardens for the time being of St. Jude's Dural 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 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. Jude's Dural Declaration of Trusts and Mortgaging Ordinance 1968".

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SCHEDULE

Ali that piece or parcel of land at Kenthurst in the Shire of Baulkham Hills Parish of Nelson County of Cumberland having a frontage of 80' to Pitt Town Road by depths of 165' on the eastern and western boundaries with a rear line of 80' containing an area of 1 rood 7 $\frac{1}{2}$ perches (be the said dimensions and area a little more or less) being part of the land comprised in Certificate of Title Volume 10674 Folio 15.

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 27th day of May, 1968.

F. A. JOHNSON,
Acting Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

27/5/68.