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*St. Luke's Mascot Mortgaging Ordinance 1950.*

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No. 5, 1950.

AN ORDINANCE to declare the trusts and to authorise the Mortgaging of certain land situated in Walker Avenue with a depth through to Botany Road and to provide for the application of the proceeds thereof.

WHEREAS by Certificates of Title Registered Volume 5466 Folios 159, 160 and 161 Church of England Property Trust Diocese of Sydney (herein referred to as the "Corporate Trustees") is registered under the provisions of the Real Property Act 1900 as the proprietor of an Estate in fee simple in the land described in the Schedule hereto. AND WHEREAS the said land is Church Trust Property but no trusts have been declared in respect of the said land. AND WHEREAS it is expedient to declare the trusts in respect of the said land as hereinafter mentioned. AND WHEREAS the said land is at present vacant. AND WHEREAS it is expedient to erect on part of the said land a Parsonage for the Provisional District of St. Luke's Mascot and to mortgage the whole or part of the said land for that purpose. Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. That the Corporate Trustees shall hold the said land upon Trust to permit the same to be used for a Church Parsonage and Parish Hall or partly for one or partly for another or others of such purposes in connection with the Church of England at Mascot.

2. By reason of circumstances subsequent to the creation of the said Trusts it is expedient to mortgage the said land comprised in the Schedule hereto:

- (1) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the land comprised in the Schedule hereto for the purpose of borrowing;

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(a) When the power is first exercised a sum not exceeding Three thousand pounds.

(b) When the power is subsequently exercised such sum as the Standing Committee shall by Resolution determine provided that such debt shall be reduced at the rate of not less than fifty pounds per annum as from the date of the first borrowing.

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

(3) 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.

3. The proceeds of any Mortgage hereby authorised shall be applied by the Corporate Trustees as follows:—

(a) In payment of the costs charges and expenses of and incidental to this Ordinance and such Mortgage or any Mortgages executed in pursuance of this Ordinance.

(b) Subject thereto the balance shall be paid to the Curate in Charge and Churchwardens for the time being of the said Provisional District of Mascot (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards payment or satisfaction of the cost of and incidental to the erection on the said land of a Parsonage.

4. The Curate in Charge and Churchwardens for the time being of the said Provisional District shall within seven 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 amounts paid off and the balance owing.

5. This Ordinance shall be styled and cited as the "St. Luke's Mascot Mortgaging Ordinance 1950."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate in the Municipality of Mascot Parish of Botany and County of Cumberland being the whole of the land comprised in lots 3 and 4 Deposited Plan No. 18877 having a total frontage of 81 feet 9 $\frac{1}{4}$  inches to Walker Avenue, a total rear width of 80 feet 0 $\frac{1}{2}$  inch, with depths of 103 feet 8 $\frac{3}{4}$  inches and 109 feet 5 $\frac{1}{2}$  inches along the northern and southern boundaries respectively and being the whole of the land comprised in Certificates of Title Volume 5466 Folios 159 and 160 and also the land adjoining on the West, such land having a frontage of 78 feet 4 $\frac{1}{4}$  inches to Botany Road a rear width of 77 feet 4 $\frac{1}{4}$  inches and a depth along the Northern boundary of 99 feet 1 inch and 99 feet 7 $\frac{1}{2}$  inches along the southern boundary being the whole of the land comprised in Certificate of Title Volume 5466 Folio 161. The said two parcels of land form one whole and undivided block.

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

(Sgd.) W. G. HILLIARD, Bishop.  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 23rd day of April, 1950.

(Sgd.) H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

(Sgd.) HOWARD SYDNEY.

28/4/1950.