

ST. MARK'S BRIGHTON-LE-SANDS DECLARATION  
OF TRUSTS AND MORTGAGE ORDINANCE 1974

No. 25, 1974

AN ORDINANCE to declare the trusts and to authorise the mortgaging or charging of certain land situate at Brighton-Le-Sands and to provide for the application of the proceeds.

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 2425 Folio 179 more particularly described in the first part of the First Schedule hereto and is also the registered proprietor of the land comprised in Certificate of Title Volume 2005 Folio 138 more particularly described in the second part of the First Schedule hereto AND WHEREAS the said lands are church trust property held by the Corporate Trustee for the sole benefit of the Parish of St. Mark Brighton-Le-Sands but no trusts in writing have been declared concerning the same AND WHEREAS it is now expedient that the trusts thereof be declared AND WHEREAS it is intended to erect a parish centre partly upon the land more particularly described in the Second Schedule hereto (being part of the land more particularly described in the second part of the First Schedule hereto) AND WHEREAS for such purpose it is expedient after re-subdivision that the said land be mortgaged or charged to secure the sum of Thirty thousand dollars (\$30,000) to be applied as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:-

1. The lands described in the First and Second Schedules hereto shall be held by the Corporate Trustee upon trust to permit the same to be used for a church parsonage parish hall or parish centre or partly for one and partly for another or others of such purposes in connection with the Church of England in Australia at Brighton-Le-Sands in the Parish of St. Mark Brighton-Le-Sands or any parish provisional parish or provisional district into which it may be subsequently formed.

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

3. (1) The Corporate Trustee is hereby empowered from time to time to mortgage or charge the whole or any part of the said land for the purpose of borrowing the sums following:-

- (a) When the power is first exercised a sum not exceeding Thirty thousand dollars (\$30,000)
- (b) When the power is subsequently exercised such sum not exceeding Thirty thousand dollars (\$30,000) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than One thousand eight hundred and fifteen dollars (\$1,815) each period of six (6) months inclusive of 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.

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

(3) A document purporting to be a certified copy 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.

4. 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 the costs fees and other outgoings of and incidental to the said mortgage or charge executed in pursuance thereof and the balance towards the erection of a Parish Centre on the said lands as described in the First Schedule.
- (b) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any then existing mortgage or charge and the costs and expenses of such further mortgage or charge or for such other purpose or purposes within the trusts in respect of the said land as the Standing Committee shall by resolution determine.
- (c) Any mortgagee advancing moneys pursuant to the provisions hereof is hereby authorised to pay such mortgage moneys to the Churchwardens for the time being of St. Mark's Church Brighton-Le-Sands.

5. The Churchwardens for the time being of St. Mark's Church Brighton-Le-Sands 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 the amount paid off and the balance owing at the end of the last financial period.

6. This Ordinance may be cited as "St. Mark's Brighton-Le-Sands Declaration of Trusts and Mortgage Ordinance 1974".

#### FIRST SCHEDULE

##### FIRST PART

ALL THAT piece of land situate at Brighton-Le-Sands in the Municipality of Rockdale Parish of St. George and County of Cumberland having a frontage of 20.115 metres to Trafalgar Street with a depth of 41.485 metres being Lot 61 of Section 2 in Deposited Plan No. 5190 and being the whole of the land comprised in Certificate of Title Volume 2425 Folio 179.

##### SECOND PART

ALL THAT piece of land situate as aforesaid having a frontage of 20.115 metres to Trafalgar Street with a depth of 41.485 metres being Lot 62 of Section 2 in Deposited Plan No. 5190 and being the whole of the land comprised in Certificate of Title Volume 2005 Folio 138.

#### SECOND SCHEDULE

ALL THAT piece of land situate as aforesaid having a frontage of 20.115 metres to Trafalgar Street with a depth of 41.485 metres on the northern boundary and a rear dimension of 14.455 metres and an irregular southern boundary being Lot 612 in the Certificate dated 12th December, 1973 of Mr. Surveyor John Dudley Bald and being part of the land comprised in Certificate of Title Volume 2005 Folio 138.

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 9th day of September, 1974.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

M.L. LOANE  
Archbishop of Sydney  
9/9/1974.