
St. Mark's West Wollongong (St. Matthew's Mt. St. Thomas)
Declaration of Trusts and Mortgage Ordinance 1970

No. 17, 1970

AN ORDINANCE to authorise the mortgaging of certain land in Phillips Crescent Mt. St. Thomas in the City of Greater Wollongong and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of an estate in fee simple in the land comprised in Certificate of Title Volume 6589 Folio 213 more particularly described in the Schedule hereto AND WHEREAS the said land is church trust property held for the benefit of the Parish of St. Mark West Wollongong in connection with St. Matthew's Mt. St. Thomas but no trusts in writing have been declared concerning the same AND WHEREAS it is now expedient to declare the trusts of the said land AND WHEREAS it is expedient that a church hall should be erected on the said land AND WHEREAS it will be necessary to borrow a sum not exceeding Sixteen thousand dollars (\$16,000) to be applied towards payment of the cost of erecting the said hall AND WHEREAS it is expedient that the land described in the Schedule hereto be mortgaged or charged to secure such advance AND WHEREAS the Parish Council of the Parish of St. Mark West Wollongong has consented to the said land being mortgaged or charged for the purpose aforesaid NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. The land comprised 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 or partly for another of such purposes in connection with the Parish of St. Mark West Wollongong at St. Matthew's Mt. St. Thomas or any parish provisional parish or provisional district into which it may subsequently be formed.

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 or charged.

3. (i) The Corporate Trustee is hereby authorised and empowered to mortgage or charge from time to time the

*St. Mark's West Wollongong (St. Matthew's Mt. St. Thomas)
Declaration of Trusts and Mortgage Ordinance 1970*

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 Sixteen thousand dollars (\$16,000).

(b) When the power is subsequently exercised such sum not exceeding Sixteen thousand dollars (\$16,000) as the Standing Committee may by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Eight hundred and eighty-four dollars (\$884) per annum principal and interest when the power is first exercised and when the power is subsequently exercised at such rate as the Standing Committee may 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 as aforesaid shall have been made.

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

(iii) A document purporting to be certified by the Archbishop or 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 or charge hereby authorised shall be applied by the Corporate Trustee as follows:—

(i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage or charge executed in pursuance thereof and thereafter in payment of the cost of erection of the said hall.

(ii) When the power is subsequently exercised in payment of the principal interest and costs of any existing mortgage or charge or the renewal thereof or towards the repayment of any then existing mortgage or mortgages over the said land and the costs of and incidental to the discharge thereof or for such other purposes not inconsistent with the trusts upon which the said land is held as Standing Committee may by resolution determine.

(iii) Any mortgagee advancing money pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay

*St. Mark's West Wollongong (St. Matthew's Mt. St. Thomas)
Declaration of Trusts and Mortgage Ordinance 1970*

the same direct to the Churchwardens for the time being of St. Mark's Church West Wollongong to be applied by them for the purposes aforesaid.

5. The Churchwardens for the time being of St. Mark's Church West Wollongong shall within seven (7) days of the holding of the Annual Vestry Meeting of such Church during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account thereof to be forwarded to the Diocesan Secretary giving particulars of the amount borrowed the amount paid off and the balance owing.

6. This Ordinance may be cited as "St. Mark's West Wollongong (St. Matthew's Mt. St. Thomas) Declaration of Trusts and Mortgage Ordinance, 1970".

SCHEDULE

ALL THAT piece or parcel of land situate in the City of Greater Wollongong Parish of Wollongong County of Camden having a frontage of 95' to Phillips Crescent with depths 125 7 $\frac{1}{2}$ "/136' 4" with a rear dimension of 135' 10 $\frac{1}{2}$ " being Lots 6 and 7 in Deposited Plan No. 24087 and being the whole of the land comprised in Certificate of Title Volume 6589 Folio 213.

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 29th day of June, 1970.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

29/6/1970.