
*St. Mark's West Wollongong Vesting, Declaration of Trust
and Mortgage Ordinance 1963*

No. 5, 1963.

AN ORDINANCE to vest certain land in the City of Greater Wollongong in Church of England Property Trust, Diocese of Sydney to declare the trusts of the same and other land adjacent thereto to authorise the mortgaging of such lands and to provide for the application of the mortgage money.

WHEREAS Church of England Property Trust, Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 5658 Folio 176 being part of the land more particularly described in the Schedule hereto AND WHEREAS Charles Hedgett Knowles Percy Edward Farthing and Henry George McCann (hereinafter called the Trustees) are registered as proprietors as joint tenants in fee simple of the whole of the land comprised in Certificates of Title Volume 1858 Folio 248, Volume 7741 Folio 113 and the residue of the land comprised in Certificate of Title Volume 5061 Folio 38 all of which also form part of the land described in the said Schedule AND WHEREAS the Trustees by a certain Declaration of Trust dated 5th November 1956 declared that they held the land comprised in the said Certificate of Title Volume 1858 Folio 248 upon trust to permit the same to be used for such purposes as the Parish Council of Saint Mark's Church of England West Wollongong should from time to time direct AND WHEREAS the said Trustees by a Declaration of Trust dated 15th December 1950 also declared that they should hold the land then comprised in Certificate of Title Volume 5061 Folio 38 upon similar trusts to those hereinbefore recited AND WHEREAS no trusts in writing have been declared by the Trustees or the Corporate Trustee in respect of the lands respectively comprised in Certificate of Title Volume 7741 Folio 113 and Volume 5658 Folio 176 but such lands are also church trust property held for the sole benefit of the Parish of St. Mark, West Wollongong AND WHEREAS it is expedient that the trusts of all the said land be now declared as hereinafter set out AND WHEREAS the said Henry George McCann is now deceased and the surviving Trustees are desirous and have consented to the land now held in their names and that of the said Henry George McCann being vested in the name of the Corporate Trustee AND WHEREAS it is proposed to erect a new church on part of the land described in the Schedule

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hereto and for such purpose it is necessary and expedient to mortgage such land for the purpose of borrowing the sum of Forty five thousand pounds (£45,000) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod hereby ORDAINS AND DIRECTS as follows:-

1. That the lands comprised in Certificates of Title Volume 1858 Folio 248 Volume 7741 Folio 113 and the residue of that in Certificate of Title Volume 5061 Folio 38 be and the same are hereby vested in the Corporate Trustee.

2. That the land described in the Schedule hereto 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 the Parish of St. Mark, West Wollongong.

3. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule is held it is expedient to mortgage the same:-

- (i) The Corporate Trustee is 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 the sums following:-
 - (a) When the power is first exercised a sum not exceeding Forty five thousand pounds (£45,000).
 - (b) When the power is subsequently exercised such sum not exceeding Forty five thousand pounds (£45,000) as the Standing Committee may by resolution determine.

Provided that such debt shall when the power is first exercised be repaid as to principal and interest at the rate of not less than Four thousand and ninety five pounds (£4,095) per annum and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine.

- (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 the Diocesan Secretary as a copy of any such resolution shall be in favour of a mortgagee or any person or

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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:-

- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. Mark's Church West Wollongong who shall apply the same towards the cost of erection of a new Church upon part of the land described in the said Schedule and the furnishing thereof.
- (ii) When the power is subsequently exercised in payment of principal interest and costs of and incidental to the discharge of any then existing mortgage and the cost and expenses of such further mortgage.

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 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. Mark's West Wollongong Vesting, Declaration of Trust and Mortgage Ordinance 1963."

SCHEDULE

All that piece or parcel of land situated at West Wollongong in the City of Greater Wollongong Parish of Wollongong and County of Camden having a frontage of 100' to Crown Street containing 2 acres 0 roods 11½ perches or thereabouts being Lot 4 D.P. 4985 comprised in Certificate of Title Volume 1858 Folio 248 and Lot B in Miscellaneous Plan of Subdivision (R.P.) No. 97517 comprising the whole of the land in Certificates of Title Volume 5658 Folio 176 Volume 7741 Folio 113 and the residue of the land in Certificate of Title Volume 5061 Folio 38.

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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 25th
day of February 1963.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

Archbishop of Sydney.

25/2/1963.