
*St. Mary's Concord North Declaration of Trust and
Mortgage Ordinance 1968*

No. 45, 1968

AN ORDINANCE to declare the trusts and to authorise the mortgaging of certain land at Concord North in the Municipality of Concord and to provide for the application of the sum borrowed.

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 Certificates of Title Volume 2578 Folio 17, Volume 1221 Folio 245 and Volume 826 Folio 12 more particularly described in the Schedule hereto AND WHEREAS by Declaration of Trust dated 25th September, 1914 the Corporate Trustee declared that it should hold the land now comprised in Certificate of Title Volume 2578 Folio 17 upon trust as a site for church parsonage parish hall or other parochial building or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St. Luke Burwood AND WHEREAS the Parish of St. Luke Burwood does not now exist having been divided into other ecclesiastical districts one of which was known as St. Mary's Mortlake and is now St. Mary's Concord North AND WHEREAS the said land is now situated in the Parish of St. Mary Concord North AND WHEREAS no trusts in writing have been declared concerning the land comprised in the other recited Certificates of Title but all the said land is church trust property held for the sole benefit of the said Parish of St. Mary Concord North and it is expedient that the trusts thereof be now declared AND WHEREAS it is proposed to carry out certain additions and improvements to the Church erected on part of the said land and for such purpose it will be necessary to mortgage the land for a sum not exceeding Twelve thousand dollars (\$12,000) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod hereby DECLARES, DIRECTS AND ORDAINS 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. Mary Concord North.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient that the land be now mortgaged.

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(i) The Corporate Trustee is hereby empowered to mortgage 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 Twelve thousand dollars (\$12,000);

(b) When the power is subsequently exercised such sum not exceeding Twelve thousand dollars (\$12,000) as the Standing Committee may by resolution determine;

PROVIDED that such debt shall when the power is first exercised be repaid at the rate of not less than One thousand five hundred dollars (\$1,500) per annum principal and interest and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine.

PROVIDED further that no persons or corporation advancing moneys under 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 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.

3. 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 or charge executed in pursuance thereof and the balance thereof shall be paid to the Churchwardens of St. Mary's Church Concord North who shall apply the same towards the cost of additions and improvements to such Church;

(ii) 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 and the costs and expenses of such further mortgage;

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

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to pay the same direct to the Churchwardens for the time being of the said Church.

4. The Churchwardens for the time being of St. Mary's Church Concord North shall within seven 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.

5. This Ordinance may be cited as "St. Mary's Concord North Declaration of Trust and Mortgage Ordinance, 1968".

SCHEDULE

All that piece or parcel of land situated at Mortlake in the Municipality of Concord Parish of Concord and County of Cumberland having a frontage of 30' to Brays Road by a depth along Anderson Road of 100' being Lot 1 D.P. 1964 and the whole of the land in Certificate of Title Volume 2578 Folio 17.

Also all that parcel of land situated as aforesaid having a frontage of 32' to Brays Road by depth of 100' being Lot 2 D.P. 1964 and the whole of the land in Certificate of Title Volume 1221 Folio 245.

Also all that parcel of land situated as aforesaid having a frontage to Brays Road of 50' by depth of 100' being the whole of the land in Certificate of Title Volume 826 Folio 12.

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 16th day of December, 1968.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

16/12/1968.