

---

*St. Paul's Chatswood Declaration of Trusts and  
Mortgaging Ordinance 1968*

---

No. 6, 1968.

AN ORDINANCE to authorise the mortgaging of certain land at Chatswood in the Municipality of Willoughby and to provide for the application of the proceeds thereof and to declare the Trusts on which the said land is held.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of the land comprised in Certificate of Title Volume 4455 Folio 7 more particularly described in the First Part of the Schedule hereto AND WHEREAS the Corporate Trustee is registered as proprietor of the land comprised in Certificates of Title Volume 1537 Folio 154 and Volume 1684 Folio 139 more particularly described in the Second Part of the Schedule hereto AND WHEREAS the Corporate Trustee is the purchaser under Contract of Sale dated the twenty first day of March, 1968 from The Executor of the Estate of Neily O'Rourke of the land comprised in Certificate of Title Volume 6238 Folio 78 more particularly described in the Third Part of the Schedule hereto AND WHEREAS the land described in the First Part of the Schedule is Church Trust Property held for the benefit of the Parish of St. Paul Chatswood but no trusts in writing have been declared concerning the same AND WHEREAS the land described in the Second Part of the Schedule is Church Trust Property and is held 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. Paul Chatswood AND WHEREAS the land described in the Third Part of the Schedule will upon completion of the said Contract be Church Trust Property held for the sole benefit of the Parish of St. Paul Chatswood but no trusts in writing have been declared concerning the same AND WHEREAS the land described in the First Part of the Schedule is at present subject to a charge in favour of the Commercial Banking Company of Sydney Limited under which the sum of approximately Fourteen thousand dollars (\$14,000) is now owing AND WHEREAS it will be necessary to borrow a sum not exceeding Twenty eight thousand dollars (\$28,000) to provide part of the purchase money and expenses associated with the purchase of the land described in the Third Part of the Schedule hereto AND WHEREAS for the purposes of providing funds for the purchase as aforesaid it is necessary and expedient that the land described in the First, Second and Third Parts of the Schedule be now mortgaged or charged to secure the sum of Twenty eight

---

*St. Paul's Chatswood Declaration of Trusts and  
Mortgaging Ordinance 1968*

---

thousand dollars (\$28,000) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. The land described in the First and Third Parts of 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. Paul Chatswood.

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.

3. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the 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 Twenty eight thousand dollars (\$28,000).

(b) When the power is subsequently exercised such sum not exceeding Twenty eight thousand dollars (\$28,000) as the Standing Committee may by resolution determine. PROVIDED that such debts shall be reduced at the rate of not less than Two thousand nine hundred dollars (\$2,900) per annum 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 monies under the provision of 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 said power.

(iii) Any 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.

---

*St. Paul's Chatswood Declaration of Trusts and  
Mortgaging Ordinance 1968*

---

4. The proceeds of any mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and such mortgage be applied as follows:—

- (i) When the power is first exercised in settlement of the said recited Contract and costs and expenses incidental thereto.
- (ii) When the power is subsequently exercised (other than by a renewal of the original mortgage) in payment of the principal interest and costs of discharge of any existing mortgage.

5. During such time as any money is owing to any mortgagee pursuant to this Ordinance the Churchwardens of St. Paul's Chatswood shall within seven days of the holding of the Annual Vestry Meeting 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. Paul's Chatswood Declaration of Trusts and Mortgage Ordinance 1968".

### THE SCHEDULE

#### FIRST PART

All that piece or parcel of land situate in the Municipality of Willoughby Parish of Willoughby County of Cumberland having a frontage of 57' 7" to Fullers Road, Chatswood by depths of 165' 8 $\frac{1}{2}$ " on the one side and 141' 0 $\frac{1}{2}$ " on the other side (rear line 55') being part Lot 6 in Deposited Plan No. 8964 (be the said dimensions a little more or less) being the whole of the land comprised in Certificate of Title Volume 4455 Folio 7 UPON WHICH is erected improvements known as 45 Fullers Road, Chatswood.

#### SECOND PART

All that piece or parcel of land situate in the Municipality of Willoughby Parish of Willoughby County of Cumberland being Lot 11 and part Lot 12 containing an area of approximately 1 rood 10 $\frac{1}{2}$  perches being the whole of the land comprised in Certificates of Title Volume 1537 Folio 154 Volume 1684 Folio 139 UPON WHICH is erected improvements known as 5 View Street, Chatswood.

---

*St. Paul's Chatswood Declaration of Trusts and  
Mortgaging Ordinance 1968*

---

THIRD PART

All that piece or parcel of land situate in the Municipality of Willoughby Parish of Willoughby County of Cumberland having a frontage of 53' 3" to View Street by a depth of 146' 2 $\frac{1}{4}$ " to a lane 20' wide at the rear and having other irregular dimensions being Lot A in Plan annexed to Transfer Regd. No. F217806 (be the said dimensions a little more or less) being the whole of the land comprised in Certificate of Title Volume 6238 Folio 78 UPON WHICH is erected improvements known as 7 View Street, Chatswood.

---

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 March, 1968.

F. A. JOHNSON,  
Acting Secretary.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

25/3/1968.