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*St. Paul's (Lithgow) Declaration of Trust and Mortgage Ordinance.*

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No. 14, of 1957.

AN ORDINANCE to declare certain trusts and to authorise the mortgaging of certain lands situate in Academy Street and Laurence Street Lithgow Municipality of Lithgow and to provide for the application of the proceeds thereof.

WHEREAS by Certificate of Title Registered Volume 4009 Folio 83 Church of England Property Trust Diocese of Sydney (hereinafter referred to as "the Corporate Trustee") is the proprietor of an estate in fee simple in the land more particularly described in the first part of the Schedule hereto.

AND WHEREAS by Declaration of Trust dated the 12th day of August 1927 the Corporate Trustee declared that it held the said land upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Lithgow.

AND WHEREAS the Parish of St. Paul Lithgow is identical with the Parish of Lithgow referred to in the said Declaration of Trust.

AND WHEREAS by Certificates of Title Registered Volume 2256 Folio 109 and Volume 3286 Folio 166 the Corporate Trustee is the proprietor of an estate in fee simple in the land more particularly described in the second part of the Schedule hereto.

AND WHEREAS the last mentioned land was purchased by the said Parish for a Curate's residence partly out of parochial funds and partly by moneys temporarily advanced by one of the Parishioners for such purpose.

AND WHEREAS it is expedient to declare the trusts upon which the said last mentioned lands are held as hereinafter set out.

AND WHEREAS it is necessary and expedient that the lands comprised in the schedule hereto be mortgaged to provide funds to repay the funds temporarily advanced to and otherwise complete the purchase of the last mentioned lands.

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Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. That the Corporate Trustee shall hold the said land comprised in the second part of the Schedule hereto upon trust to permit the same to be used for a Church Rectory Parish Hall or other Parochial purpose or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Paul Lithgow.

2. By reason of circumstances subsequent to the creation of the said trusts to which the said lands comprised in the Schedule are subject it is expedient that the land comprised in the said Schedule be mortgaged.

3. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said land comprised in the Schedule hereto for the purpose of borrowing—

(a) When the power is first exercised a sum not exceeding Two thousand eight hundred (£2,800).

(b) When the power is subsequently exercised such sum not exceeding Two thousand eight hundred pounds (£2,800) as the Standing Committee shall by Resolution determine provided that such debt shall be reduced at the rate of not less than Seven hundred pounds (£700) per annum as from the date of the first borrowing but no mortgagee advancing moneys in pursuance of this Ordinance shall be concerned or obliged to see that this proviso is complied with.

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

(iii) A document purporting to be certified by the Archbishop or Secretary of the Standing Committee of the said Diocese as a copy of any such Resolution shall 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:—

- (a) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and such Mortgage or Mortgages executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the Parish of St. Paul Lithgow (whose receipt shall be sufficient discharge therefor) and who shall apply such moneys received in or towards payment or satisfaction of the money temporarily advanced for the acquisition thereof.
- (c) 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 or mortgages.

5. The Rector and Churchwardens for the time being of the said Parish 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 Secretary of the Standing Committee giving details of the original amount borrowed the amount paid off and the balance owing.

6. This Ordinance shall be styled and cited as "St. Paul's (Lithgow) Declaration of Trust and Mortgage Ordinance 1957."

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THE SCHEDULE HEREINBEFORE REFERRED TO.  
FIRST PART.

All that piece of land situate in the Municipality of Lithgow Parish of Lett and County of Cook having a frontage of 67 feet to Academy Street by a depth of 132 feet being Lots 552 and 553 in Deposited Plan No. 5255 and the whole of the land comprised in Certificate of Title Volume 4009 Folio 83.

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SECOND PART.

All that piece of land situate as aforesaid having a frontage of about 37½ feet to Laurence Street by a depth of 132 feet being part of Lot 401 and Lot 402 in Deposited Plan No. 5255 and the whole of the land comprised in Certificates of Title Volume 3286 Folio 166 and Volume 2256 Folio 109.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

W. G. HILLIARD, Bishop,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 24th day of June, 1957.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

24/6/1957