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*St. Philip's Eastwood Declaration of Trusts and  
Mortgage Ordinance 1955.*

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No. 9, 1955.

AN ORDINANCE to declare the trusts in respect of certain land situate in Rutledge Street and Clanalpine Street Eastwood Municipality of Ryde and to authorise the Mortgaging of certain land in the said streets and to provide for the application of the proceeds thereof.

WHEREAS by Certificates of Title Registered Volume 6934 Folios 81 and 82 and Volume 2354 Folio 30 Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustees") is the proprietor of an estate in fee simple in the lands more particularly described in the First Schedule hereto.

AND WHEREAS the Corporate Trustees by Declaration of Trust dated the twenty-first day of November 1930 declared that it should stand seized of the lands in Certificate of Title Volume 2370 Folio 146 and Certificate of Title Volume 2959 Folio 222 (being part of the land now comprised in Certificate of Title Volume 6934 Folio 82) 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 Eastwood.

AND WHEREAS by Certificate of Title Registered Volume 1745 Folio 47 Andrew Colvin Arthur John Burnell Edward Croft and Eric William Robertson are registered as the proprietors of an estate in fee simple as joint tenants in the lands more particularly described in the Second Schedule hereto.

AND WHEREAS the said Andrew Colvin died on the 18th day of August 1945 the said Arthur John Burnell on the 20th day of January 1936 and the said Edward Croft on the 14th day of July 1951.

AND WHEREAS the said Eric William Robertson by Memorandum of Consent dated the 10th day of November 1954 did thereby consent to the said land comprised in the Second Schedule hereto being vested in the said Corporate Trustees.

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AND WHEREAS all the said lands hereinbefore referred to are Church Trust Property respectively held for the sole benefit of the Parish of St. Philip Eastwood but no trusts in writing have been declared in respect thereof except as hereinbefore recited.

AND WHEREAS it is expedient to declare the trusts in respect of the said lands as hereinafter contained.

AND WHEREAS the land more particularly described in the Third Schedule hereto forms part of the land comprised in the First and Second Schedule hereto.

AND WHEREAS it is expedient to erect a new Parish Hall upon the land comprised in the Third Schedule hereto.

AND WHEREAS it is necessary and expedient that the land comprised in the Third Schedule hereto be mortgaged to provide the funds to complete the erection of the said new Parish Hall.

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. The Standing Committee hereby consents to the said land comprised in the Second Schedule hereto being vested and the same is vested accordingly in the Corporate Trustees.

2. That the Corporate Trustees shall hold the said land comprised in the First and Second Schedules hereto upon trust to permit the same to be used for a Church Rectory and 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 St. Philip Eastwood.

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

4. (1) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the said land comprised in the Third Schedule hereto for the purpose of borrowing:—

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(a) When the power is first exercised a sum not exceeding sixteen thousand pounds (£16,000).

(b) When the power is subsequently exercised such sum not exceeding fifteen thousand pounds (£15,000) as the Standing Committee shall by Resolution determine provided that such debt shall be reduced at the rate of not less than Five hundred pounds (£500) per annum as from the date of the first borrowing but no mortgage advancing moneys in pursuance of this Ordinance shall be concerned or obliged to see that this proviso is complied with.

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

(3) A 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.

5. The proceeds of any Mortgage hereby authorised shall be applied by the Corporate Trustees 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. Philip Eastwood (whose receipt shall be sufficient discharge therefor) and who shall apply such moneys received in or towards payment or satisfaction of the costs of and incidental to the erection on the said land comprised in the Third Schedule hereto of a new Parish Hall.

(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.

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6. 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 Diocesan Secretary giving details of the original amount borrowed the amounts paid off and the balance owing.

7. This Ordinance shall be styled and cited as the "St. Philip's Eastwood Declaration of Trust and Mortgage Ordinance 1955."

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FIRST SCHEDULE.

All that piece or parcel of land situate at Eastwood in the Municipality of Ryde Parish Hunter's Hill County of Cumberland having a frontage of 221 feet 1 $\frac{3}{4}$  inches to Rutledge Street by a depth along Shaftesbury Road of 165 feet being the whole of the land in Certificates of Title Volume 6934 Folios 81 and 82 And also all that piece of land situate as aforesaid having a frontage of 66 feet 1 $\frac{3}{4}$  inches to Clanalpine Street by a depth along Shaftesbury Road of 165 feet being Lot 43 on Deposited Plan No. 4231 and the whole of the land in Certificate of Title Volume 2354 Folio 30.

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SECOND SCHEDULE.

All that piece of land situate as aforesaid having a frontage of about 132 feet to Clanalpine Street by a depth of 165 feet being Lots 44 and 45 on Deposited Plan No. 4231 and the whole of the land in Certificate of Title Volume 1745 Folio 47.

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THIRD SCHEDULE.

All that piece of land situate as aforesaid being Lot B in plan lodged with Ordinance No. G.235356 in the Land Titles Office Sydney commencing at the most northerly point of Lot A

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being a point on the South West side of Rutledge Street distant 124 feet 1½ inches north easterly from the intersection of Rutledge Street and Shaftesbury Road and bounded thence on the North West by Rutledge Street bearing north easterly 97 feet thence on the North East by a line bearing south easterly 165 feet on the south east by a line bearing south westerly 821 feet 1½ inches to Shaftesbury Road on the south west by Shaftesbury Road bearing north westerly 80 feet to Lot A again on the north west and south west by Lot A bearing north easterly 124 feet 1½ inches and north westerly 85 feet to the point of commencement and being the whole of the land and Certificate of Title Volume 6934 Folio 82 Also all that piece of land situate as aforesaid having a frontage to Clanalpine Street of 198 feet 1½" by a depth along Shaftesbury Road of 165 feet being Lots 43 44 and 45 on a plan deposited in the Land Titles Office Sydney No. 4231 and being the whole of the land in Certificates of Title Volume 2354 Folio 30 and Volume 1745 Folio 47.

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

ARTHUR L. WADE,

Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 30th day of May, 1955.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

1/6/1955.