
*Toongabbie-Seven Hills-Girraween Sale and Mortgage
Ordinance 1957*

No. 8, 1957.

AN ORDINANCE to authorise the sale of certain land at the corner of Best Road and Alice Street Seven Hills to authorise the mortgaging of certain other land in Best Road Seven Hills and to provide for the application of the proceeds of such sale and mortgage.

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 3616 Folio 158 more particularly described in the First Schedule hereto AND WHEREAS by Declaration of Trust dated 9th July 1926 it was declared that the said land should be held upon trust to permit the said land 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 Seven Hills AND WHEREAS the said land is now situated in the Provisional District of Toongabbie-Seven Hills-Girraween AND WHEREAS by circumstances which have arisen since the creation of the said trusts it is inexpedient to carry out and observe the same and it is expedient that the said land be sold and the proceeds applied as hereinafter set out AND WHEREAS the Corporate Trustee is the purchaser under Contract of Sale dated the 29th day of March 1957 made between Adèle Mary Shead as vendor of the one part and the Corporate Trustee as purchaser of the other part for the sale and purchase of the land and premises described in the Second Schedule hereto together with certain furniture and effects therein for the sum of Six thousand one hundred pounds (£6 100) AND WHEREAS the equitable interest in the said land and premises is church trust property held upon trust for the Church of England in the Provisional District of Toongabbie-Seven Hills-Girraween AND WHEREAS the said premises are being purchased for use as a Parsonage and a site for a new Church Hall in connection with such Provisional District AND WHEREAS for the purpose of completing the said contract it is necessary to mortgage the land and premises described in the said Second Schedule to borrow the sum of Four thousand pounds (£4,000) by way of first mortgage and to secure the sum of Five hundred pounds (£500) by way of second mortgage to the vendor pending the application of part of the proceeds of the sale of the land described in the First

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Schedule towards the said purchase money Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains and directs as follows:

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

2. The Corporate Trustee is hereby empowered to sell the land described in the said First Schedule by public auction or private contract at such time and upon such terms and conditions and at such price as the Corporate Trustee may determine freed from the trusts upon which the same is now held.

3. The proceeds of the sale of the land described in the said First Schedule shall after paying thereout all outgoing properly chargeable against the said land and all charges and expenses of and incidental to this Ordinance and of the sale of the said land and transfer executed in pursuance thereof be paid to the Churchwardens of St. Peter's Church, Seven Hills; to be applied by them as to Five hundred pounds (£500) in repayment of the second mortgage referred to in the said recited Contract of Sale and the balance in and towards the erection on the land described in the Schedule hereto of a new Church Hall.

4. The land described in the Second Schedule hereto shall be held upon trust to permit the same to be used as 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 Provisional District of Toongabbie-Seven Hills-Girraween or any Parish or Parochial District into which it may subsequently be formed.

5. By reason of circumstances which have arisen since the creation of the trusts upon which the land described in the Second Schedule hereto are held it is expedient that the said land be mortgaged as hereinafter provided:—

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land described in the Second Schedule hereto for the purpose of borrowing the sums following:—

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- (a) When the power is first exercised a sum not exceeding Four thousand five hundred pounds (£4,500).
- (b) When the power is subsequently exercised such sum not exceeding Four thousand five hundred (£4,500) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than One hundred and sixty pounds (£160) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine provided further that no person 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 said power.
- (iii) A document purporting to be certified by the Archbishop or Secretary of Standing Committee 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.

6. 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 (so far as the same may not have first been paid under the provisions of Clause three hereof) and of such mortgage or mortgages executed in pursuance thereof.
- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of St. Peter's Church Seven Hills who shall apply such moneys in or towards the completion of the said recited contract of sale of the land described in the said Second Schedule.

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- (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 or mortgages or the renewal thereof and the costs and expenses of such further mortgage or mortgages.

7. The Churchwardens for the time being of St. Peter's Church Seven Hills shall within seven days of the holding of the Annual Vestry Meeting of such Church 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 Standing Committee giving details of the original amount borrowed the amounts paid off and the balance owing.

8. This Ordinance may be cited as "Toongabbie-Seven Hills-Girraween Sale and Mortgage Ordinance, 1957."

FIRST SCHEDULE.

All that piece or parcel of land situated at Seven Hills Shire of Blacktown Parish of Prospect County of Cumberland having a frontage of 79' 6" to Best Road containing 1 rood 13 $\frac{1}{2}$ perches being part of Lot 1, D.P. 3284 and being the whole of the land comprised in Certificate of Title Volume 3616 Folio 158.

SECOND SCHEDULE.

All that piece or parcel of land situated as aforesaid containing 1 acre 3 roods 4 $\frac{1}{2}$ perches being the whole of the land comprised in Certificate of Title Volume 6899 Folio 138 together with the building thereon known as "Fairholme." Also All that piece or parcel of land situated as aforesaid containing 33 $\frac{1}{2}$ perches being the whole of the land comprised in Certificate of Title Volume 6693 Folio 175.

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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 this 1st day of April 1957.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

1/4/1957