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*The Home Mission Society (Summer Hill) Declaration of  
Trusts and Mortgaging Ordinance, 1968*

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No. 17, 1968.

AN ORDINANCE to declare the trusts and to authorise the mortgaging of certain lands situated in Carlton Crescent Summer Hill and to provide for the application of the proceeds and matters incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the Purchaser under the Contract of Sale dated the third day of June, 1968 from Amalgamated Wireless (Australasia) Limited of the land described in the Schedule hereto AND WHEREAS the said land is being purchased for and on behalf of the Home Mission Society Diocese of Sydney as constituted by The Home Mission Society Ordinance of 1911 for the operation of the Home Mission Society opportunity shops AND WHEREAS for the purpose of completing the said Contract and carrying out certain alterations to the said property it will be necessary to borrow the sum of Seventy thousand dollars (\$70,000) and for such purchase it is expedient that the said land be mortgaged NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS AND DIRECTS 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 store room and offices for the operation of the Home Mission Society opportunity shop.

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

3. The Corporate Trustee is hereby empowered from time to time to mortgage the land described in the Schedule hereto for the purpose of borrowing the sums following:—

- (i) (a) When the power is first exercised a sum not exceeding Seventy thousand dollars (\$70,000).
- (b) When the power is subsequently exercised such sum not exceeding Seventy thousand dollars (\$70,000) as 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 and thirty-eight dollars ninety-five cents (\$1,538.95) per quarter principal and interest and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine PRO-

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VIDED 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 the Diocesan Secretary as a copy of any such resolution shall in favour of a mortgagee or any such person or 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:—

- (i) When the power is first exercised:—
  - (a) In payment of the costs and expenses of and incidental to this Ordinance the purchase of the said land and the mortgage executed in pursuance hereof.
  - (b) Subject thereto the balance shall be paid by the mortgagee to the Home Mission Society which shall apply such money in the terms of The Home Mission Society Ordinance of 1911.
- (ii) When the power is subsequently exercised in payment of any then existing mortgage and the costs of and incidental to such discharge and of any new mortgage or mortgages or of any renewal of any existing mortgage.

5. This Ordinance may be styled and cited as "The Home Mission Society (Summer Hill) Declaration of Trusts and Mortgaging Ordinance, 1968".

#### THE SCHEDULE

All that piece or parcel of land having an entrance from Carlton Crescent Summer Hill with varying depths and rear line containing an area of approximately 2 roods 12½ perches being the whole of the land comprised in Certificate of Title Volume 5883 Folio 7 situated in the Municipality of Ashfield Parish of Petersham and County of Cumberland.

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

H. G. S. BEGBIE,

Deputy Chairman of Committees.

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I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 17th day of June, 1968.

F. A. JOHNSON,  
Acting Secretary.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

17/6/1968.