
*St. Mary's Church Mortlake Sale and Mortgage
Ordinance 1931.*

No. 4. 1931.

AN ORDINANCE to authorise the sale and mortgage respectively of certain lands situated at Mortlake near Sydney and more particularly described in the schedules hereto and to provide for the application of the proceeds thereof and for other purposes incidental thereto.

WHEREAS by Certificate of Title under the provisions of the Real Property Act 1900 dated the twenty-second day of January One thousand nine hundred and fourteen Registered Volume 2440 Folio 98 The Church of England Property Trust Diocese of Sydney (hereinafter called "the Trustee") is the registered proprietor of the land therein and in the first schedule hereto described AND WHEREAS the said land is held upon trust to permit the same to be used for a Parish Hall and for other purposes in connection with the Church of England in the Parish of St. Luke's Burwood AND WHEREAS the land comprised in the said Certificate of Title has been subdivided and a miscellaneous plan of subdivision under the Real Property Act 1900 lodged with the Registrar General and registered as No. 26112 AND WHEREAS by Certificate of Title under the provisions of the Real Property Act 1900 dated the fifth day of December One thousand nine hundred and twenty-two Registered Volume 3395 Folio 171 William Frederick Pyke, Frederick Taylor, Harry Finnigan and Thomas Richard Finnigan are the registered proprietors as joint tenants of an estate in fee simple of the land comprised therein and in the second schedule hereto described AND WHEREAS by Declaration of Trust dated the twentieth day of December One thousand nine hundred and twenty-seven it was declared that the said land was held upon trust inter alia to erect or build upon the said land or upon some part thereof a Church Parsonage or Parish Hall by and for the Church of England or any one or more of them respectively AND WHEREAS the said William Frederick Pyke, Frederick Taylor, Harry Finnigan and Thomas Richard Finnigan or a majority of such Trustees are desirous of vesting the said land in The Church of England Property Trust Diocese of Sydney AND WHEREAS the Provisional District of St. Mary's Mortlake has recently been established AND WHEREAS it is expedient to vary the hereinbefore recited trusts and to declare that the lands subject to the said trusts are held by the Church of England

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Property Trust Diocese of Sydney 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 AND WHEREAS by reason of circumstances subsequent to the creation of the trusts firstly hereinbefore recited it is expedient to mortgage and/or sell by public auction the land described in the first schedule hereto and out of the proceeds of such mortgage and/or sale to apply the moneys for the erection of a Parsonage on the land described in the second schedule hereto AND WHEREAS by reason of circumstances subsequent to the creation of the trusts secondly hereinbefore recited it is expedient to mortgage the said land described in the second schedule hereto and to apply the money for the erection of the said Parsonage to be erected thereon AND WHEREAS it is expedient that the land comprised in the second schedule hereto should be vested in The Church of England Property Trust Diocese of Sydney Now therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the Land Ordinance Procedure and Delegation of Powers Ordinance 1926 and any amendment thereof and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and in the place of the said Synod directs declares and rules as follows:—

PART ONE.

1. By reason of circumstances subsequent to the firstly hereinbefore recited Trust it is expedient to mortgage and/or sell the land described in the first schedule hereto.

2. The said land or any portion or portions thereof may at any time hereafter and from time to time be sold by public auction or private contract either in one or more lot or lots at such price or prices and upon such terms and conditions as the trustee may deem expedient.

3. The said land or any portion or portions thereof may at any time hereafter and from time to time be mortgaged and such mortgage may be renewed or the land remortgaged on similar conditions to secure the repayment of a sum not exceeding Eight hundred pounds (£800) together with interest on such moneys or be mortgaged as collateral security with the land

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comprised in the second schedule hereto to secure the repayment of a sum not exceeding Eight hundred pounds (£800) together with interest on such sum.

4. The Trustee is hereby authorised to execute the transfer or transfers or assurances or memorandum or memoranda of mortgage or other necessary documents for the purpose of carrying any such sale mortgage renewal of mortgage or re-mortgage as aforesaid into effect.

5. The money arising from such mortgage renewal of mortgage or re-mortgage shall be applied by the Trustee in payment of all costs charges and expenses of and incidental to this Ordinance and the said mortgage renewal of mortgage or remortgage of the said land in pursuance thereof and subject thereto to the Rector and Churchwardens of St. Mary's Church Mortlake (whose receipt shall be a sufficient discharge) to be applied by them in or towards the erection (subject to the approval of the Archbishop) of the said Rectory or Parsonage on the land described in the second schedule hereto and the proper laying out of the said land and completely adapting the said land and appurtenances for the said purpose.

6. The money arising from any such sale shall be applied by the Trustee in payment of the costs charges and expenses of such sale, and subject thereto in discharge pro tanto of any Mortgage for the time being subsisting over the said land described in the second schedule hereto.

PART TWO.

7. By reason of circumstances subsequent to the creation of the secondly hereinbefore recited Trust to which the land comprised in the second schedule hereto is subject it is expedient to vary the same and it is hereby declared that the said land shall be 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 or others of such purposes in connection with the Church of England in the parish of St. Luke's Burwood.

8. By reason of circumstances subsequent to the creation of the secondly hereinbefore recited trust it is expedient to mortgage the land described in the second schedule hereto.

9. The land described in the second schedule hereto may be mortgaged and from time to time such mortgage may be

renewed or the land remortgaged on similar conditions to secure the repayment of a sum not exceeding Eight hundred pounds (£800) together with interest on such moneys provided that after the expiration of five years from the date of the said first mortgage no renewal of the said first mortgage shall be valid for more than the sum of six hundred and fifty pounds (£650) and thereafter the principal sum shall be reduced at the rate of not less than Fifty pounds (£50) per annum provided further that the said amounts shall be read as reduced by the amount of the net proceeds of sale of the land comprised in the first schedule hereto upon the sale of the said land.

10. The Trustee is hereby authorised to execute the Memoranda of Mortgage or other necessary documents for the purpose of carrying any mortgage renewal of mortgage or remortgage as aforesaid into effect.

11. The amount or amounts so to be from time to time obtained after deducting the costs charges and expenses of and incidental to the borrowing of such moneys shall be paid by the Trustee to the Rector and Churchwardens of St. Mary's Church Mortlake (whose receipt shall be a sufficient discharge) and shall be by them applied in or towards the costs charges and expenses of the erection of the said new Rectory and/or Parsonage on the land described in the second schedule hereto and the proper laying out of the said land and completely adapting the said land and appurtenances for the said purpose.

12. The Synod hereby consents to the land comprised in the second schedule hereto being vested and the same is hereby vested in The Church of England Property Trust Diocese of Sydney.

13. This Ordinance shall be styled and cited as "St. Mary's Church Mortlake Sale and Mortgage Ordinance 1931."

FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Mortlake in the Municipality of Concord Parish of Concord and County of Cumberland being Lots 2 and 3 on Miscellaneous Plan Registered No. 20112 and being part of the land comprised in Certificate of Title dated the twenty-second day of January One

thousand nine hundred and fourteen Registered Volume 2440 Folio 98.

SECOND SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Mortlake in the Municipality of Concord Parish of Concord County of Cumberland being Lot 153 on a plan deposited in the Land Titles Office Sydney No. 7564 and being the whole of the land comprised in Certificate of Title dated the fifth day of December One thousand nine hundred and twenty-two Registered Volume 3395 Folio 171.

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

W. J. G. MANN,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-seventh day of April, 1931.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

29th April, 1931.