

ST. THOMAS' ENFIELD MORTGAGING ORDINANCE 1975

No. 5, 1975.

AN ORDINANCE to authorise the mortgaging of certain land at Enfield.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of the land (hereinafter called the "said land") described in the Schedule hereto AND WHEREAS the said land is held upon trust to permit and allow the same to be held used and enjoyed free of rent as a parsonage or residence by the Incumbent or Senior Minister for the time being of and officiating at the Church of England at Enfield known as St. Thomas AND WHEREAS by reason of circumstances which have arisen since the creation of the said trusts 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 the said Synod HEREBY ORDAINS DECLARES RULES AND DIRECTS as follows:-

1. (1) By reason of circumstances which have arisen since the creation of the trusts upon which the said land is held, it is expedient that the same be mortgaged.

(2) The Corporate Trustee is hereby authorised and empowered to mortgage the whole of the said land for the purpose of borrowing when the power is first exercised a sum not exceeding Fifteen thousand dollars (\$15,000.00) and when the power is subsequently exercised such sum as the Standing Committee shall by resolution determine. Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power. A document purporting to be certified by the Archbishop or the Secretary of the Standing Committee as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under a mortgage be conclusive evidence that such resolution was duly passed.

(3) 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 of and incidental to this ordinance and any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens for the time being of St. Thomas' Church Enfield.
- (b) 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.

2. So long as any moneys remain secured by any mortgage granted pursuant to this Ordinance the Rector and Churchwardens of St. Thomas' Church Enfield shall

- (a) produce at each annual vestry meeting, and
- (b) include in each return made pursuant to the General Assessment Authorisation Ordinance 1959-1974 (and any ordinance amending or replacing same)

a statement in which is set forth

- (i) the amount secured by the said mortgage as at 31 December preceding the date of that meeting or return, and
- (ii) the amounts of principal and interest repaid during the year ending on 31 December preceding the date of that meeting or return.

3. This Ordinance may be cited as "St. Thomas' Enfield Mortgaging Ordinance 1975".

SCHEDULE

ALL THAT piece or parcel of land situated at Enfield in the Municipality of Strathfield Parish of Concord and County of Cumberland being the land in Certificate of Title Volume 9291 Folio 206.

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

D. Cameron
Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of April, 1975.

W.G.S. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane
Archbishop of Sydney
28/4/1975