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*Shellharbour with Warilla and Lake Illawarra South*  
*Declaration of Trust and Mortgage Ordinance 1964*

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No. 40, 1964.

AN ORDINANCE to declare the trusts of certain land at Shellharbour in the Municipality of Shellharbour to authorise the mortgaging of part of such land and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificates of Title Volume 9634 Folio 63 and Volume 9634 Folio 64 more particularly described in the first and second parts of the Schedule hereto AND WHEREAS the said land was prior to the creation of the Provisional District of Shellharbour with Warilla and Lake Illawarra South in which it is now situated, located in the Parish of Jamberoo AND WHEREAS it appears that the said land was held for the benefit of the said Parish but no trusts in writing have been declared concerning the same AND WHEREAS the Church of St. Paul Shellharbour is erected on the land described in the first part of the said Schedule and a Rectory has recently been erected on the land described in the second part of the Schedule AND WHEREAS it is expedient that the trusts of the said land be now declared in favour of the said Provisional District and the Parish Council of the Parish of Jamberoo has consented in writing to such declaration AND WHEREAS it is necessary to authorise the mortgaging of the land described in the second part of the schedule to borrow the sum of Two thousand pounds (£2,000) to be applied towards the repayment of an overdraft accommodation obtained towards the erection of the said Rectory NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES DIRECTS AND RULES as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the whole of the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said trusts be varied as hereinafter set out and declared accordingly.

2. The said land shall henceforth be held by the Corporate Trustee upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England in

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Australia in the Provisional District of Shellharbour with Warilla and Lake Illawarra South or any Provisional Parish or Parish into which it may subsequently be formed.

3. (i) The Corporate Trustee is empowered to mortgage from time to time the land described in the second part of the Schedule hereto for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding Two thousand pounds (£2,000)

(b) When the power is subsequently exercised such sum not exceeding Two thousand pounds (£2,000) as Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced at the rate of not less than Two hundred and fifty pounds (£250) per annum principal and interest when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

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

(iii) Any 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.

4. The proceeds of the mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and to the mortgage executed in pursuance thereof be applied by the Churchwardens of St. Paul's Church Shellharbour in payment of the overdraft accommodation made and applied for the erection of the said Rectory.

5. The Churchwardens of St. Paul's Church, Shellharbour shall within seven days of the holding of the Annual Vestry Meeting

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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.

6. This Ordinance may be cited as "Shellharbour with Warilla and Lake Illawarra South Declaration of Trust and Mortgage Ordinance 1964."

SCHEDULE

FIRST PART

ALL THAT piece or parcel of land situated at Shellharbour in the Municipality of Shellharbour Parish of Terragong County of Camden having a frontage of 106' 2" to Towns Street containing 3 roods 12 perches and being Lot 1 D.P. 503805 and the whole of the land comprised in Certificate of Title Registered Volume 9634 Folio 63.

SECOND PART

ALL THAT piece or parcel of land situated as aforesaid containing 28 perches having a frontage of 59' to Towns Street and depth of 130' being Lot 2 D.P. 503805 and the whole of the land comprised in Certificate of Title Registered Volume 9634 Folio 64.

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

ATHOL RICHARDSON,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of November, 1964.

R. K. JONES,  
Acting Secretary.

I assent to this Ordinance.

30/11/1964. HUGH SYDNEY,  
Archbishop of Sydney.