
*St. Peter's East Lindfield Declaration of Trust
and Mortgaging Ordinance 1965*

No. 40, 1965.

AN ORDINANCE to declare the trusts and to authorise the mortgaging of land at East Lindfield in the Municipality of Ku-ring-gai and to provide for the application of the proceeds of such mortgage.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the lands comprised in Crown Grant Volume 6528 Folio 176 and Volume 5814 Folio 174 more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust property held for the sole benefit of the Provisional Parish of St. Peter East Lindfield but no trusts in writing have been declared concerning the same AND WHEREAS there are now erected upon part of the said land a Church Hall and Rectory AND WHEREAS there is an existing debt owing in respect of the said land of approximately £3,750 AND WHEREAS it is proposed to erect the first stage of a new Church in connection with the said Provisional Parish of St. Peter on part of the said land and for such purpose and to discharge the existing debt it will be necessary to borrow a sum not exceeding Twelve thousand pounds (£12,000) AND WHEREAS it is expedient that the said land be mortgaged to secure the amount so required as aforesaid 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. The land described in the 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 Australia in the Provisional Parish of St. Peter East Lindfield or in any Parish into which it may subsequently be formed.
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient that the said land be mortgaged.
3. (i) The Corporate Trustee is empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing the sums following:
 - (a) When the power is first exercised a sum not exceeding Twelve thousand pounds (£12,000)

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(b) When the power is subsequently exercised such sum not exceeding Twelve thousand pounds (£12,000) as the Standing Committee may by resolution determine.

PROVIDED THAT such debt shall be reduced by not less than Two thousand Pounds (£2,000) per annum including 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 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 any mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and such mortgage be applied as follows:-

- (i) When the power is first exercised firstly in the repayment of any amount then due to the Commercial Banking Company of Sydney Limited and secondly towards the costs of erection of the first stage of a Church upon part of the said land.
- (ii) When the power is subsequently exercised (other than by a renewal of the original mortgage) in payment of principal interest and costs of discharge of any existing Mortgage or Mortgages.
- (iii) Any mortgagee advancing moneys to the Corporate Trust pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same to the Churchwardens of St. Peter's Church of England East Lindfield.

5. The Churchwardens for the time being of St. Peter's Church East Lindfield shall within seven (7) days of the holding of the Annual Vestry Meeting of such Church during such time as any

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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 amount paid off and the balance owing.

6. This Ordinance may be cited as "St. Peter's East Lindfield Declaration of Trust and Mortgaging Ordinance 1965."

SCHEDULE

All that piece or parcel of land situate in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland containing an area of about 1 rood 37½ perches being portion 231 having a frontage to Tryon Road of about 200 feet and other irregular dimensions and being the whole of the land comprised in Crown Grant Volume 6528 Folio 176.

And also all that piece or parcel of land situate as aforesaid containing about 25½ perches being Portion 633 having a frontage of about 50 feet to Tryon Road by a depth on one side of about 144 feet by a rear line of about 50 feet 4½ inches and being the whole of the land comprised in Crown Grant Volume 5814 Folio 174.

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 1st day of November, 1965.

W. L. J. HUTCHISON, Secretary.

I assent to this Ordinance.

HUGH SYDNEY, Archbishop of Sydney.

1/11/1965.