
St. Michael's Wollongong Mortgage Ordinance 1968

No. 8, 1968.

AN ORDINANCE to authorise the mortgaging of certain lands situated in Market and Church Streets Wollongong in the City of Greater Wollongong and to provide for the application of the proceeds and matters incidental thereto.

WHEREAS by Crown Grant bearing date the ninth day of May One thousand eight hundred and forty two recorded in the Register of Grants of the United Church of England and Ireland No. 65 Page 13 on the ninth day of June One thousand eight hundred and forty two the land therein mentioned and described in the First Schedule hereto was granted unto the Lord Bishop of Australia John Osborne Henry Osborne Robert Marsh Westmacott and the Reverend Matthew Devenish Meares to hold unto the said Lord Bishop of Australia John Osborne Henry Osborne Robert Marsh Westmacott and the Reverend Matthew Devenish Meares their heirs and assigns forever upon trust for the erection thereon of a church of the United Church of England and Ireland as by law established AND WHEREAS pursuant to St. Michael's Wollongong Sale Ordinance 1957 (No. 19. 1957) the said land was vested in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") upon trust to permit the same to be used for a Church, Parsonage, Parish Hall or Curate's Residence 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. Michael Wollongong AND WHEREAS the land described in the Second Schedule hereto forms part of the said land described in First Schedule hereto AND WHEREAS it is expedient that the land described in the Second Schedule be mortgaged for the purpose of borrowing the sum of Twenty thousand dollars (\$20,000) to be applied as hereinafter set out. NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY ORDAINS AND DIRECTS as follows:—

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

- (i) (a) When the power is first exercised a sum not exceeding Twenty thousand dollars (\$20,000).
- (b) When the power is subsequently exercised such sum not exceeding Twenty thousand dollars (\$20,000) as Standing Committee shall by resolution determine.

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PROVIDED that such debt shall be reduced at the rate of Two thousand and ten dollars (\$2,010) 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 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 Secretary of Standing Committee 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.

2. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

(i) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and of any mortgage or charge executed in pursuance thereof and the balance shall be paid to the Churchwardens for the time being of St. Michael's Church Wollongong.

(ii) When the power is subsequently exercised in payment of the principal, interest and costs of and incidental to the discharge of any existing mortgage or mortgages the costs and expenses of such further mortgage or mortgages or for such other purpose or purposes as the Standing Committee shall by resolution determine.

(iii) Any mortgagee advancing moneys pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same direct to the Churchwardens for the time being of the said Church of St. Michael's Wollongong.

3. The Churchwardens for the time being of St. Michael's Wollongong shall within seven days of the holding of the Annual Vestry Meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Secretary of the Standing Committee giving details of

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the original amount borrowed, the amounts paid off and the balance owing.

4. This Ordinance may be cited as "St. Michael's Wollongong Mortgage Ordinance 1968".

FIRST SCHEDULE

All that piece or parcel of land in the State aforesaid containing by admeasurement two acres to be the same more or less situated in the County of Camden and Parish of Wollongong Town of Wollongong commencing at the south west corner and bounded on the south by a line bearing east five chains to Church Street on the east by a line bearing north four chains on the north by a line bearing west five chains and on the west by a line bearing south four chains to the south west corner (advertised as No. 28 in the Government Notice dated 8th February, 1842) and being Lots 1 and 2 in Deposited Plan No. 220248.

SECOND SCHEDULE

All that piece or parcel of land situate at Church and Market Streets Wollongong in the City of Greater Wollongong Parish of Wollongong County of Camden and State of New South Wales being Lot 3 of a subdivision of part of the land in Crown Grant dated the 9th May 1842 recorded in Registrar of Grants of United Church of England and Ireland No. 65 Page 13 Commencing at a point on the Western side of Church Street bearing Northerly and distant 18' from the intersection of the prolongation of the Western side of Church Street with the prolongation of the Northern side of Market Street as shown on Plan Numbered Ms 6413 Sy and bounded thence on the East by part of the Western side of Church Street being a line bearing Northerly for a distance of 76' to the south eastern corner of Lot 2³ of said subdivision thence on the north by the southern boundary of said Lot 2 being a line bearing Westerly for a distance of 120' thence again on the East by the western boundary of said Lot 2 being a line bearing Northerly for a distance of 170' to Market Street thence again on the North by part of the southern side of Market Street being a line bearing Westerly for a distance of 210' thence on the West by part of the Eastern side of Market Street being a line bearing Southerly for a distance of 149' thence on the South by a line bearing Easterly for a distance of 108' thence again on the West by a line bearing Southerly for a distance of 115' to Market Street thence again on the South by part of the Northern side of Market Street being a line bearing Easterly for a distance

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of 204' and thence on the South East by the arc of a circle of radius 18'1 1/2" being a curved line bearing North Easterly for a distance of 28'4" to the point of commencement be the said several dimensions all a little more or less containing an area of 1 acre 0 roods 39 perches or thereabouts.

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 25th day of March, 1968.

F. A. JOHNSON,
Acting Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

25/3/68