

ST. THOMAS' NORTH SYDNEY MORTGAGING ORDINANCE 1973

No. 9, 1973

AN ORDINANCE to authorise the mortgaging of certain lands situated at North Sydney in the Parish of Willoughby County of Cumberland and to provide for the application of the proceeds arising therefrom.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is seised of an estate in fee simple of the lands described in the First Second and Third Schedules hereto and is registered as Proprietor in fee simple of the land described in the Fourth Schedule hereto AND WHEREAS for one hundred years and upwards the land described in the Fifth Schedule hereto has been in the continuous undisturbed possession of the said Corporate Trustee or its predecessors AND WHEREAS by clause 2 of the "St. Thomas' North Sydney Trust Property Ordinance of 1919" it was declared, inter alia, that the lands described in the Schedules thereto (other than Schedules 1 and 3 to such Ordinance) should thenceforth be held in trust as sites for a parish hall and residences for the minister and the assistant minister and for such other purposes in connection with the said Parish of St. Thomas as the Synod shall from time to time determine AND WHEREAS the Schedules hereto comprise portion of the said lands referred to in the said recited Ordinance held upon the said trusts as aforesaid and are church trust property AND WHEREAS it is expedient and necessary to mortgage the said lands for the purpose of restoring rebuilding and repositioning of the organ and building a gallery-platform in the said church and restoring and effecting repairs to the eastern wall of the said church AND WHEREAS by circumstances subsequent to the creation of the said trusts it has become inexpedient to carry out and observe the same in their entirety and it is expedient to vary such trusts in manner hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:-

1. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the Schedules hereto are held it is expedient that such lands be mortgaged.

2. (1) The Corporate Trustee is hereby empowered from time to time to mortgage the lands described in the Schedules hereto for the purpose of borrowing the sums following:-

- (a) When the power is first exercised a sum not exceeding Thirty seven thousand dollars (\$37,000).
- (b) When the power is subsequently exercised such sum not exceeding Thirty seven thousand dollars (\$37,000) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Four hundred and forty dollars (\$440) per month inclusive of 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.

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

(3) A document purporting to be certified by the Archbishop or the Diocesan Secretary 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.

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 the costs fees and other outgoings of and incidental to the said mortgage or charge executed in pursuance thereof and the balance towards the restoring rebuilding and repositioning of the organ and building a gallery-platform in the said church and restoring and effecting repairs to the eastern wall of the said church.
- (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 or for such other purpose or purposes within the trusts of the said lands as the Standing Committee shall by resolution determine.
- (c) Any mortgagee advancing moneys pursuant to the provisions hereof is hereby authorised to pay such mortgage moneys to the Churchwardens for the time being of St. Thomas' Church North Sydney.

4. The Churchwardens for the time being of St. Thomas' Church North Sydney shall within seven days of the date of holding 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 Diocesan Secretary giving details of the original amount borrowed the amount paid off and the balance owing.

5. This Ordinance may be cited as "St. Thomas' North Sydney Mortgaging Ordinance 1973".

FIRST SCHEDULE

ALL THAT piece of land being Lot 1 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales. Commencing at a point on the northern building line of McLaren Street bearing easterly and distant twenty five feet from the intersection of the northern building line of McLaren Street with the north-eastern building line of Church Street and bounded thence on the south by part of the northern building line of McLaren Street bearing easterly for thirty four feet four inches thence on the east by part of the western boundary of Lot 2 being a line bearing northerly for one hundred and sixty seven feet two and a quarter inches thence on the north by the southern boundary of Lot 20 being a line bearing westerly for one hundred and thirty seven feet eleven and one quarter inches and thence on the south west by a line bearing south-easterly for one hundred and ninety seven feet three and three quarter inches to the point of commencement.

SECOND SCHEDULE

ALL THAT piece or parcel of land being Lot 2 of Section No. 9 of the Town of St. Leonards situate as aforesaid commencing on the northern side of McLaren Street at the south-western corner of allotment three and bounded thence on the south by that street westerly sixty six feet on the west by the eastern boundary line of allotments one and twenty being in all a line northerly at right angles to McLaren Street three hundred and thirty four feet four and a half inches on the north by the southern boundary of allotment fifteen easterly parallel with McLaren Street sixty six feet and on the east by the western boundary line of allotment three aforesaid southerly at right angles to McLaren Street three hundred and thirty four feet four and a half inches to the point of commencement.

THIRD SCHEDULE

ALL THAT piece of land being part of Lot 3 of Section 9 of the Town of St. Leonards situate as aforesaid commencing at a point on the northern building line of McLaren Street being the south western corner of land comprised in Certificate of Title Volume 1582 Folio 182, and bounded thence on the south by part of the northern boundary of McLaren Street being a line bearing westerly for forty one feet thence on the west by the eastern boundary of Lot 2 being a line bearing northerly for three hundred and thirty four feet four and a half inches thence on the north by a fenced line bearing easterly for forty six feet six inches and thence on the east by the western boundary of land comprised in Certificate of Title Volume 1582, Folio 182, being a line bearing southerly for three hundred and thirty four feet seven inches to the point of commencement.

FOURTH SCHEDULE

ALL THAT piece of land being part of Lot 3 of Section 9 of the Town of St. Leonards situate as aforesaid having a frontage of twenty five feet to McLaren Street by depths of three hundred and thirty four feet and seven inches / three hundred and thirty four feet and nine inches and a rear alignment of nineteen feet and six inches containing an area of twenty six and three quarter perches (all dimensions being more or less) and being the whole of the land comprised in Certificate of Title Volume 1582 Folio 182 AND ALL THAT piece of land being Lots 15, 16 and 17 of Section 9 of the said township containing twenty eight and one quarter perches or thereabouts and being the whole of the land comprised in Certificate of Title Volume 1582 Folio 183.

FIFTH SCHEDULE

ALL THAT piece of land situate as aforesaid commencing at the intersection of the northern building line of Church Street and bounded thence on the south-west by part of the north-eastern building line of Church Street bearing north-westerly for one hundred and ninety eight feet one inch thence on the north by the prolongation of the southern boundary of Lot 20 being a line bearing easterly for twenty six feet four and a half inches thence on the north-east by the south-western boundary of Lot 1 being a line bearing south-easterly for one hundred and ninety seven feet three and three quarter inches and thence on the south by part of the northern building line of McLaren Street bearing westerly for twenty five feet to the point of commencement.

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 April, 1973.

W.G.S. GOTLEY
Secretary

DI ASSENT to this Ordinance.

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MARCUS LOANE
Archbishop of Sydney
30/4/1973