
Berrima cum Moss Vale Mortgage Ordinance 1966

No. 1, 1966.

AN ORDINANCE to authorise the mortgaging of certain land at Moss Vale in the Shire of Wingecarribee 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 proprietor in fee simple of the land comprised in Certificate of Title Volume 5188 Folio 210 and Volume 4314 Folio 168 more particularly described in the Schedule hereto AND WHEREAS the said lands are Church Trust Property held for the sole benefit of the Parish of Berrima cum Moss Vale but no trusts in writing have been declared concerning the same AND WHEREAS it is proposed to erect and furnish a new Parish Hall on part of the site of St. John's Church at Moss Vale and for such purpose it will be necessary to borrow the sum of Twelve thousand dollars (\$12,000) and to mortgage the lands described in the Schedule to secure the repayment thereof NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND RULES as follows:-

1. 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 land be mortgaged.

2. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land described in the Schedule.

(a) When the power is first exercised for a sum not exceeding Twelve thousand dollars (\$12,000)

(b) When the power is subsequently exercised for such sum not exceeding Twelve thousand dollars (\$12,000) as Standing Committee may by resolution determine PROVIDED that the debt shall be reduced when the power is first exercised at the rate of not less than \$1,600 per annum principal and interest and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine.

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

(iii) A document purporting to be signed by the Archbishop or Diocesan Secretary as a copy of any such resolution as

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aforesaid 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 as follows :-

- (i) 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 towards the erection and furnishing of a Parish Hall at Moss Vale.
- (ii) When the power is subsequently exercised in the discharge of any existing mortgage or mortgages and the costs of and incidental to such discharge and new mortgage or any renewal of an existing mortgage.
- (iii) Any mortgagee advancing moneys to the Corporate Trustee pursuant to the provisions of sub-clause (i) of this clause is hereby authorised to pay the same to the Churchwardens for the time being of St. John's Church of England Moss Vale.

4. The Churchwardens of St. John's Church Moss Vale shall within 7 days of the holding of the Annual Vestry Meeting of such church 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 particulars of the amount borrowed the amounts paid off and the balance owing.

5. This Ordinance may be cited as "Berrima cum Moss Vale Mortgage Ordinance 1966."

SCHEDULE

All that piece or parcel of land situated at Moss Vale in the Shire of Wingecarribee Parish of Bong Bong County of Camden containing 7 acres 6 perches or thereabouts being Lot 9 Lots 14 to 17 inclusive and Lots 20 and 21 of Sections 2 D.P. 38 and the whole of the land comprised in Certificate of Title Volume 5188 Folio 210 upon part of which is erected St. John's Moss Vale Rectory.

Also all that piece or parcel of land situated as aforesaid having a frontage of 55 feet to Waite Street by depths of 258 feet 6¼ inches and 237 feet 2¼ inches and rear width of 50 feet 8 inches being Lot 1 in plan annexed to Transfer No. B 857950 and the whole of the land comprised in Certificate of Title Volume 4314 Folio 168.

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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 Twenty-eighth day of February, 1966.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

MARCUS L. LOANE,

Bishop Commissary.

28/2/1966.