
Harbord and South Curl Curl Variation of Trust and Mortgage Ordinance, 1960.

No. 33, 1960.

AN ORDINANCE to vary the trusts upon which certain land at Harbord in the Shire of Warringah is held, to authorise the mortgaging of such land and to provide for the application of the amount borrowed.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor for an estate in fee simple in the lands comprised in Certificates of Title Volume 2081 Folio 206 and Volume 2086 Folio 233 more particularly described in the Schedule hereto. AND WHEREAS by Declaration of Trust dated 11th December, 1931, the Corporate Trustee declared that it should stand seized of interested in and registered proprietor of the said land upon trust to permit the same to be used for 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 the Parish of St. Matthew's Manly at Harbord (formerly known as Freshwater). AND WHEREAS the said land is now situated in the Provisional District of Harbord and South Curl Curl. AND WHEREAS it is expedient that the said trusts be varied as hereinafter set out. AND WHEREAS the Parish of St. Matthew Manly has by a majority of its Parish Council consented to such variation of trust and to the mortgaging of the land as hereinafter provided. AND WHEREAS the said Provisional District is desirous of erecting a new Church upon part of the said land and for such purpose it is expedient and necessary that the said land be mortgaged for the purpose of borrowing a sum not exceeding Ten thousand pounds (£10,000) to be applied towards the cost of such erection. 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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which 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.

2. The said land shall henceforth be held upon trust to permit the same to be used for a Church Parsonage or Parish Hall or

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partly for one and partly for another or others in connection with the Church of England at Harbord in the Provisional District of Harbord and South Curl Curl or any Provisional Parish or Parish in which it may subsequently be situated.

3. (i) By reason of circumstances which have arisen it is expedient that the said land be mortgaged and the Corporate Trustee is hereby empowered to mortgage the land from time to time for the purpose of borrowing the sums following:—
- (a) When the power is first exercised a sum not exceeding Ten thousand pounds (£10,000).
 - (b) When the power is subsequently exercised such sum not exceeding Ten thousand pounds (£10,000) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Four hundred and fifty pounds (£450) per annum 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 money 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) A document purporting to be certified by the Archbishop or the Secretary of the Standing Committee of the said Diocese as a copy of 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 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 executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. Mark's Church Harbord who shall apply the same in and towards the costs of erecting a Church on the said land.

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- (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 and the costs and expenses of such further mortgage or mortgages.

5. The Churchwardens for the time being of St. Mark's Church Harbord 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 the original amount borrowed, the amounts paid off and the balance owing.

6. This Ordinance may be cited as "Harbord and South Curl Curl Variation of Trust and Mortgage Ordinance 1960."

SCHEDULE.

All that piece or parcel of land situated at Harbord in the Shire of Warringah having a frontage of 90' to Oliver Road (formerly Ocean Street) and a depth of 157' along Lawrence Street on one side and 155' 11" on the other side being Lots 1, 2 and 3 in Deposited Plan No. 5215 and being the whole of the land comprised in, Certificates of Title Registered Nos. Volume 2081 Folio 208 (Lot 1) and Volume 2086 Folio 233 (Lots 2 and 3).

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

H. G. S. BEGBIE,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 31st day of October.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

3/11/1960