
*St. Clement's Jannali Land Sale and Mortgage
Ordinance, 1960.*

No. 36, 1960.

AN ORDINANCE to authorise the sale of certain land in Wattle Road Jannali in the Shire of Sutherland and to provide for the application of the proceeds thereof and to authorise the mortgaging of other land in Wattle Road aforesaid the application of the proceeds of such mortgage and purposes incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is by virtue of a certain Memorandum of Transfer dated 12th August 1960, from Irene Mary McKenna entitled to be registered as proprietor of an estate in fee simple of the land comprised in Certificate of Title Volume 7935 Folio 76 more particularly described in the First Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Provisional District of St. Clement's Jannali with St. Anne's Como and Oyster Bay but no trusts in writing have been declared concerning the same AND WHEREAS the said land was purchased with the express purpose of sub-dividing the same and re-selling portion of such land after moving thereto the cottage now known as No. 83 Wattle Road recently purchased from Leslie Harry Saunderson and Frances Mary Saunderson adjacent to the said land and of consolidating the remainder with the land recently so purchased with the object of providing an adequate and suitable site for a Church, parsonage and parish hall or some one or other of such purposes in connection with the said Provisional District AND WHEREAS the land proposed to be so sold is more particularly described in the Second Schedule hereto AND WHEREAS certain temporary advances have been made to the said Provisional District by the Sydney Church of England Finance and Loans Board to enable the purchase of the land described in the First Schedule to be completed AND WHEREAS it is anticipated that the proceeds of sale of the land described in the second Schedule will be insufficient to repay such temporary advance and that it will be necessary to mortgage the consolidated site more particularly described in the Third Schedule hereto for the purpose of borrowing a sum not exceeding Three thousand five hundred pounds (£3,500) to repay the balance of the said temporary advance and to provide for the cost of removal of the buildings on the present site of St. Clement's Church to such new site and also the cost of moving the building known as No. 83 Wattle Road to the land proposed to be sold AND WHEREAS it is expedient to declare the trusts upon which the land described in the Third Schedule shall be held by the Corporate Trustee NOW

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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 the circumstances and purposes for which the land described in the First Schedule hereto was acquired it is expedient to sell that portion thereof described in the Second Schedule (after moving thereto the cottage known as No. 83 Wattle Road Jannali) by public auction or private contract at such time and for such price and upon such terms and conditions as the Corporate Trustee shall think fit freed from any trusts upon which it may now be held, and for that purpose the Corporate Trustee is hereby empowered to sub-divide the land described in the First Schedule hereto and to sell that portion thereof described in the Second Schedule hereto.

2. The land described in the Third Schedule hereto shall henceforth be held by the Corporate Trustee upon trust to permit the same to be used for a Church, parsonage and parish hall or partly for one and partly for another of such purposes in connection with the Church of England at Jannali.

3. The proceeds of sale of the land described in the Second Schedule shall after paying thereout all outgoing to which the land may be subject and the costs and expenses of and incidental to the said sub-division and sale and the transfer thereof and the cost of removal and re-erection of the building referred to in Clause 1 and of this Ordinance be paid by the Corporate Trustee towards the reduction of the advance made by the Sydney Church of England Finance and Loans Board for the acquisition of the land described in the said First Schedule.

4. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the land described in the Third Schedule hereto for the purpose of borrowing the sums following:-

(a) When the power is first exercised a sum not exceeding Three thousand five hundred pounds (£3,500).

(b) When the power is subsequently exercised such sum not exceeding Three thousand five hundred pounds (£3,500) as the Standing Committee shall by resolution determine.

PROVIDED THAT such debt shall be reduced at the rate of not less than One hundred and fifty pounds (£150) per annum when

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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 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 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.

5. 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 any costs of and incidental to any mortgage executed in pursuance hereof and the balance shall be paid to the Churchwardens of St. Clement's Church Jannali who shall apply the same towards the expenses of removing the buildings now erected on the present site of St. Clement's Church Jannali to the land described in the Third Schedule and the erection and construction of amenities being kitchen and toilet facilities in connection therewith and any balance in reduction of the debt owing to the Sydney Church of England Finance and Loans Board.

(ii) When the power is subsequently exercised in payment of the principal, interest and costs of any existing mortgage or mortgages and of the costs and expenses of and incidental to such mortgage or mortgages.

6. The Churchwardens for the time being of St. Clement's Church Jannali 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.

7. This Ordinance may be cited as "St. Clement's Jannali Land Sale and Mortgage Ordinance 1960."

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FIRST SCHEDULE.

All that piece or parcel of land situated at Jannali in the Shire of Sutherland Parish of Sutherland County of Cumberland having a frontage of 66' to Wattle Road by depth of 252' 1 $\frac{1}{2}$ " on the north and 251' 5 $\frac{1}{2}$ " on the south being Lot 21 in Plan lodged with Transfer No. H410417 and being the whole of the land comprised in Certificate of Title Volume 7935 Folio 76.

SECOND SCHEDULE.

All that piece or parcel of land situated as aforesaid having a frontage of 54' to Wattle Road by depth of 118' being Lot D on Plan of Sub-division approved by the Council of the Shire of Sutherland under Certificate No. 230/60 annexed to Order No. H.616294 and being part of the land comprised in Certificate of Title Volume 7935 Folio 76.

THIRD SCHEDULE.

All that piece or parcel of land situated as aforesaid having a frontage of 78' to Wattle Road Jannali being Lot C in the Plan of Sub-division approved by the Council of the Shire of Sutherland under Certificate No. 230/60 and being the residue of the land comprised in Certificate of Title Volume 7935 Folio 76 after excluding the land described in the Second Schedule, together with Lot 23 in Plan annexed to Transfer No. H.428109 being part of the land comprised in Certificate of Title Volume 5969 Folio 77 together with that part of Lot Y edged red on Plan annexed to Transfer H.562969 and being part of the land comprised in Certificate of Title Volume 4075 Folio 101 (all of which parcels will be consolidated in one new Certificate of Title to be issued in respect thereof under Order No. H.616294).

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 28th day of November, 1960.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
28/11/1960. Archbishop of Sydney.

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