
*St. John's Dee Why Land Sale and Mortgaging Ordinance,
1960.*

No. 6, 1960.

AN ORDINANCE to authorise the sale of certain land at Dee Why in the Shire of Warringah Parish of Manly Cove and County of Cumberland and to provide for the application of the proceeds thereof and to authorise the mortgaging of certain other land situated as aforesaid.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is the registered proprietor under the provisions of the Real Property Act of the land described in the first schedule hereto.

AND WHEREAS by Ordinance No. 9 of 1953 the land described in the first schedule thereto being the same land described in the first schedule hereto was declared to be held upon trust to permit the same to be used for a rectory in connection with the Church of England in the Parish of St. John Dee Why with Brookvale.

AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trust upon which the said land described in the first schedule hereto is held it is expedient to sell the same and to apply the purchase money from the said sale in and towards the purchase of a new rectory being the land described in the second schedule hereto.

AND WHEREAS pursuant to the provisions of Ordinance No. 6 of 1957 inter alia the land described in the first schedule thereto being the same land described in the first schedule hereto was mortgaged to provide funds to be applied in and towards the costs of a new church.

AND WHEREAS the Mortgagee of the said lands has consented to the release of the property described in the first schedule hereto and to the substitution of the security of the land described in the second schedule hereto and it is expedient to mortgage the land described in the second schedule hereto upon completion of the purchase 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 DIRECTS as follows:—

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1. By reason of circumstances which have arisen subsequent to the creation of the trust upon which the land described in the first schedule hereto is now held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

2. The land described in the first schedule hereto may be sold at such price and at such time and upon such terms and conditions as the Corporate Trustee may think fit freed from the trust aforesaid.

3. The proceeds of the sale of the said land described in the first schedule hereto shall after paying thereout all outgoings to which the same is subject and the costs of and incidental to this Ordinance and the sale in pursuance thereof be paid to the Churchwardens for the time being of St. John's Dee Why with Brookvale to be applied by them in and towards the purchase of a new rectory being the land described in the second schedule hereto or towards the repayment of any moneys which may be borrowed in the meantime for the purpose of such purchase.

4. Upon completion of the transfer to the Corporate Trustee of the title to the land described in the second schedule hereto the Corporate Trustee is empowered to mortgage the same as collateral security in substitution of the land described in the first schedule hereto and subject to the provisions of Ordinance No. 6 of 1957 mutatis mutandis as if the land described in the second schedule hereto were described in the first schedule of that Ordinance in lieu of that now appearing therein.

5. This Ordinance shall be cited as the "St. John's Dee Why Land Sale and Mortgaging Ordinance 1960."

THE FIRST SCHEDULE.

No. 99 Oaks Avenue, Dee Why—known as the Rectory.

The whole of the land comprised in Certificate of Title Volume 2577 Folio 164 being Lot 27 of Section 10 on Deposited Plan Number 6953 and having a frontage to Oaks Avenue Dee Why of 60 feet by a depth of 165 feet.

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THE SECOND SCHEDULE.

No. 87 Oaks Avenue, Dee Why (New Rectory).

The whole of the land comprised in Certificates of Title Volume 7346 Folios 37 and 38 being lots B and C in plan lodged with Transfer No. B587746 being Lot 32 and part lot 33 of Section 10 on Deposited Plan Number 6953 and having a frontage to Oaks Avenue of 80 feet by a depth of 165 feet.

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

W. G. HILLIARD, Bishop,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of February, 1960.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

Archbishop of Sydney.

29/2/1960.