

No. 43, 1956.

AN ORDINANCE to authorise the sale of certain land in Glencoe Street, Sutherland, to authorise the mortgaging of certain land at corner of Flora and Belmont Streets Sutherland and to provide for the application of the proceeds of such sale and mortgage.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor of the land comprised in Certificate of Title Volume 5253 Folio 191 more particularly described in the First Schedule hereto (hereinafter called the Rectory Site) AND WHEREAS the Corporate Trustee is also registered as proprietor of the land comprised in Certificate of Title Volume 4367 Folio 75 more particularly described in the Second Schedule hereto (hereinafter called the Church site) AND WHEREAS the said Rectory and Church Sites are Church Trust Property held for the sole benefit of the Parish of St. John the Baptist Sutherland but no trusts in writing have been declared concerning the same AND WHEREAS by reason of circumstances which have arisen subsequent to the trusts upon which the Rectory Site is held it is inexpedient to carry out and observe the same and it is expedient that the said Rectory Site be sold and the net proceeds applied in and towards the erection of a new Rectory upon the said Church Site AND WHEREAS it is expedient that the Church Site be mortgaged for the purpose of borrowing the sum of Three thousand pounds (£3,000) also for the purpose of erecting the said new Rectory Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Ordains and Directs as follows:—

1. By reason of circumstances which have arisen since the creation of the trusts upon which the said Rectory Site is held it is inexpedient to carry out and observe the same and it is expedient that the said Site be sold.

2. The Corporate Trustee is hereby empowered to sell the said Rectory Site by public auction or private contract at such time and for such price and upon such terms and conditions as it shall think fit, freed from the trusts aforesaid.

3. The proceeds of the sale of the said land shall after deducting thereout all outgoing properly chargeable against the same and the costs charges and expenses of and incidental to this Ordinance and of the sale of the said land and transfer executed in pursuance thereof, be applied by the Corporate Trustee in and towards the costs of and incidental to the erection of a new Rectory on the said Church Site.

4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Church Site is held it is expedient to mortgage the same.

(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said Church Site for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Three thousand pounds (£3,000).

(b) When the power is subsequently exercised such sum, not exceeding Three thousand pounds (£3,000) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than two hundred pounds (£200) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine Provided further that no person or corporation advancing moneys under this Ordinance shall be concerned to enquire whether such reduction 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 signed 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:—

St. John's Sutherland Sale and Mortgage Ordinance 1956.

- (i) When the power is first exercised in payment of the costs charges and expenses of and incidental to such mortgage and subject thereto the balance shall be paid to the Churchwardens of the Church of St. John the Baptist Sutherland who shall apply the same in and towards the cost of and incidental to the erection of a new Rectory in the said parish.
- (ii) 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 mortgages.

6. The Churchwardens for the time being of the Church of St. John the Baptist Sutherland shall within seven 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 furnished to the Secretary of the Standing Committee giving details of the amount borrowed, the amounts paid off and the balance owing.

7. This Ordinance shall be cited as "St. John's Sutherland Sale and Mortgage Ordinance 1956."

FIRST SCHEDULE.

All that piece or parcel of land situated in the Shire and Parish of Sutherland County of Cumberland having a frontage of 86' to Glencoe Street by depth of 140' being Lot 17 and part Lot 18 D.P. 13642 and the whole of the land comprised in Certificate of Title Registered Volume 5253 Folio 191.

SECOND SCHEDULE.

All that piece or parcel of land situated in the Shire and Parish of Sutherland County of Cumberland having a frontage of 108' to Flora Street by depth along Belmont Street of 198' being part of Lots 13 and 14 of Section 37 D.P. 802 and the whole of the land comprised in Certificate of Title Registered Volume 4367 Folio 75.

St. John's Sutherland Sale and Mortgage Ordinance 1956.

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

R. C. KERLE, Bishop,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 17th day of December, 1956.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

W. G. HILLIARD, Bishop,
Commissary.

17/12/1956