
*Thornleigh-Pennant Hills Rectory Sale and Mortgage
Ordinance 1966*

No. 19, 1966.

AN ORDINANCE to authorise the sale of certain land at Thornleigh in the Shire of Hornsby to mortgage certain other land situated as aforesaid to provide for the application of the proceeds of such sale and mortgage and for purposes incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 5926 Folio 14 more particularly described in the first Schedule hereto AND WHEREAS there is erected on the said land the Rectory of the Parish of Thornleigh and Pennant Hills AND WHEREAS the said land is Church Trust Property but no trusts in writing have been declared concerning the same AND WHEREAS it is expedient that the said land be now sold and the net proceeds applied towards the erection of a new Rectory for the said Parish on the land described in the Second Schedule upon part of which land is erected the church of St. Luke Thornleigh AND WHEREAS the land described in the Second Schedule is now held by the Corporate Trustee 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 Australia in the Parish of Thornleigh-Pennant Hills AND WHEREAS for the purpose of providing finance partly on a temporary basis pending the sale of the present Rectory and partly on a long term basis it is necessary and expedient that the land described in the Second Schedule be mortgaged for a sum not exceeding Eighteen thousand dollars (\$18,000) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

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

2. The Corporate Trustee is hereby authorised and empowered to sell the land described in the first Schedule 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 upon which it is now held.

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3. The proceeds arising from the said sale shall after paying thereout all outgoings to which the land is subject and the costs of and incidental to this Ordinance and the sale and transfer of the land in pursuance thereof be paid to the Churchwardens for the time being of St. Luke's Church Thornleigh who shall apply the same towards the costs of the erection of a new Rectory on part of the land described in the second Schedule or towards repayment of any moneys borrowed pursuant to this Ordinance for the erection thereof.

4. (i) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the second Schedule hereto is held it is expedient that the said land be mortgaged and the Corporate Trustee is hereby empowered to mortgage the same for the purpose of borrowing:-

(a) When the power is first exercised for a sum not exceeding Eighteen thousand dollars (\$18,000).

(b) When the power is subsequently exercised for such sum not exceeding Eighteen thousand dollars (\$18,000) as Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced when the power is first exercised by the net proceeds of the sale of the land described in the first Schedule and the balance at the rate of not less than Seven hundred and twenty dollars (\$720) per annum principal and interest PROVIDED FURTHER that no person or corporation advancing moneys under 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 Diocesan Secretary 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 the costs of and incidental to such mortgage and the discharge

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of any existing mortgage on the said land and the balance towards the erection of a new Rectory on part of the said land.

- (ii) When the power is subsequently exercised in payment of the principal interest and costs of any then existing mortgage or of the renewal or extension thereof and the costs and expenses of such further mortgage or mortgages.
- (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 of St. Luke's Church Thornleigh.

6. The Churchwardens for the time being of St. Luke's Church Thornleigh shall within seven days of the date of holding 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 the details of the original amount borrowed, the amounts paid off, and the balance owing.

7. This Ordinance may be cited as "Thornleigh-Pennant Hills Rectory Sale and Mortgage Ordinance 1966."

FIRST SCHEDULE

All that piece or parcel of land situated at Thornleigh in the Shire of Hornsby Parish of South Colah County of Cumberland having a frontage of 54 feet 9½ inches to Pennant Hills Road being Lot 2 MPS (R.P.) No. 39801 and the whole of the land in Certificate of Title Volume 5926 Folio 14.

SECOND SCHEDULE

All that piece or parcel of land situated in the Shire of Hornsby Parish of South Colah County of Cumberland, having a frontage of 94 feet 3 inches to Pennant Hills Road being Lot 64 D.P. 4770 and the whole of the land comprised in Certificate of Title Volume 1762 Folio 105 also ALL THAT piece or parcel of land situated as aforesaid having a frontage of 34 feet 3 inches to Pennant Hills Road being Part of Lot 65 D.P. 4770 and the whole of the land in Certificate of Title Volume 2882 Folio 15 the said lands being presently known as St. Luke's Thornleigh.

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

ATHOL RICHARDSON,
Chariman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of July, 1966.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

25/7/1966.

MARCUS L. LOANE,
Archbishop of Sydney.