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*Harbord and South Curl Curl Further Mortgaging  
Ordinance 1965*

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No. 41, 1965.

AN ORDINANCE to authorise the further charging or mortgaging of the land referred to in Ordinance No. 33, 1960.

WHEREAS by Ordinance No. 33, 1960 entitled Harbord and South Curl Curl Variation of Trust and Mortgage Ordinance 1960 Church of England Property Trust Diocese of Sydney (Therein and hereinafter referred to as the Corporate Trustee) was authorised and empowered to mortgage the land described in that Ordinance for the sum of Ten thousand pounds (£10,000) for the purpose of erecting a new church upon the said land AND WHEREAS such church was duly erected AND WHEREAS by Ordinance No. 45, 1962 the Corporate Trustee was authorised to further charge the said land for the purpose of borrowing an additional sum of Six hundred pounds (£600) to be applied towards the erection of a Rectory in the now Provisional Parish of St. Mark Harbord with St. James South Curl Curl AND WHEREAS the original sum of Ten thousand pounds (£10,000) advanced has been reduced to approximately Eight thousand pounds (£8,000) and the further sum of Six hundred pounds (£600) advanced has been reduced to approximately Four hundred pounds (£400) (both as at 30th September, 1965) AND WHEREAS pursuant to an application for amendment and consolidation of the Certificates of Title mentioned in the Schedule to the said Ordinance No. 33, 1960 a new Certificate of Title Registered Volume 9304 Folio 170 has issued in respect thereof as more fully described in the Schedule hereto AND WHEREAS it is now intended to construct a Hall below the said new church and it is necessary and expedient that the said land be further charged or mortgaged for a sum not exceeding Three thousand pounds (£3,000) to be applied towards such construction NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY ORDAINS AND RULES as follows:-

1. (i) The Corporate Trustee is hereby empowered to further mortgage or charge the land described in the Schedule hereto for the purpose of borrowing the following additional sums.
  - (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 Standing Committee shall by resolution determine

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Provided that such debt shall be reduced at the rate of not less than Two hundred pounds (£200) per annum principal and interest 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 Diocesan Secretary 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.

2. 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 or charge executed in pursuance thereof and the balance towards the construction of a Hall below the church of St. Mark erected on part of the said land.
- (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 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. Mark's Church Harbord.

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

4. This Ordinance may be cited as "Harbord and South Curl Curl Further Mortgaging Ordinance 1965."

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SCHEDULE

All that piece or parcel of land situated at Harbord in the Shire of Warringah Parish of Narrabeen County of Cumberland having a frontage of 91 feet to Oliver Street by depth along Lawrence Street of 157 feet being Lot 1 D.P. 205674 and the whole of the land comprised in Certificate of Title Volume 9304 Folio 170.

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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 Twentieth day of November, 1965.

W. L. J. HUTCHISON  
Secretary.

I assent to this Ordinance.

HUGH SYDNEY  
Archbishop of Sydney.

29/11/1965.