
St. Aidan's Longueville Mortgaging Ordinance 1956.

No. 8, 1956.

AN ORDINANCE authorising the Mortgaging of certain land situate at Longueville in the Parish of Willoughby, County of Cumberland and State of New South Wales and providing for the application of the proceeds thereof.

WHEREAS by Certificate of Title Registered Volume 2078, Folio 4, Church of England Property Trust Diocese of Sydney (herein referred to as the "Corporate Trustee") is registered under the provisions of the Real Property Act 1900 as the proprietor of an Estate in fee simple in the land described in the First Schedule hereto.

AND WHEREAS the said land is Church Trust Property and is held 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 at Longueville.

AND WHEREAS there is at present erected on part of the said land described in the Schedule a Parish Hall which is used and known as St. Aidan's Church Longueville and a Rectory.

AND WHEREAS there is no Church erected on the said land.

AND WHEREAS it is accordingly desired to erect a Church on portion of the said land.

AND WHEREAS for the purpose of providing the money to pay or satisfy the cost of erection of the said Church it is necessary and expedient to borrow or raise money upon the security of a Mortgage or Mortgages of the whole or some part or parts of the said land.

AND WHEREAS by virtue of the documents set out in the Second Schedule hereto certain moneys are held in a Fund known as the "New Church and/or Rectory Fund" administered by separate Trustees.

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AND WHEREAS Keith Andrew Edmondson, James Russell Shorter and Frank Alfred Warton are the present Trustees of such Fund.

AND WHEREAS it is desired that the Corporate Trustee be the Trustee of the said Fund,

AND WHEREAS the said Fund now comprises the assets set out in the Third Schedule hereto.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the said Trusts it is expedient to mortgage the land comprised in the First Schedule hereto:

(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the First Schedule hereto for the purpose of borrowing:—

(a) When the power is first exercised a sum not exceeding Seventeen thousand pounds.

(b) When the power is subsequently exercised such sum not exceeding £17,000 as the Standing Committee shall by resolution determine.

(ii) Any renewal of 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.

2. The proceeds of any mortgage hereby authorized shall be applied by the Corporate Trustee as follows:—

(i) When the power is first exercised:—

(a) In payment of the costs, charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance.

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(b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards payment or satisfaction of the cost of and incidental to the erection on the said land of a new Church and in fencing and properly laying out and completely adapting the said land as a site for a church.

(ii) When the power is subsequently exercised in repayment of any mortgage or mortgages raised pursuant to the terms hereof together with any interest charges costs and expenses incidental thereto and of any further mortgage or mortgages executed in pursuance hereof.

3. The Churchwardens for the time being of the said Parish shall within seven days of the date of holding 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 Diocesan Secretary giving details of the original amount borrowed amounts paid off and the balance owing.

4. The Corporate Trustee shall henceforth be the Trustee of the "New Church and/or Rectory Fund" whereof Keith Andrew Edmondson, James Russell Shorter and Frank Alfred Warton are now the Trustees and all moneys belonging to the said Trust shall be applied in or towards payment or satisfaction of the cost of and incidental to the erection of a new church on the land described in the First Schedule.

5. This Ordinance shall be styled and cited as the "St. Aidan's Longueville Mortgaging Ordinance 1956."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situated at Longueville in the Municipality of Lane Cove Parish of Willoughby and County of Cumberland containing two roods nineteen perches or thereabouts being Lots, 4, 5 and 6 on a plan deposited in the Land Titles Office Sydney No. 2459 and being the whole of the land comprised in Certificate of Title Registered Volume 2078, Folio 4.

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THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

21st November, 1938. — Declaration of Trust by Arthur Dibley, Ivon Emery Leigh Johnson and Harold Venn Brown.

25th July, 1940.—Appointment and Confirmation of Appointment of New Trustee between Ivon Emery Leigh Johnson, Harold Venn Brown and William Henry Rickard.

18th September, 1953.—Deed of Trust, Keith Andrew Edmondson, James Russell Shorter and Frank Alfred Warton.

THE THIRD SCHEDULE HEREINBEFORE REFERRED TO.

Australian Commonwealth Treasury Bonds:

Rate	Maturity.	Face Value.
		£
3½	15/ 8/56	200
3½	15/11/57	200
3½	15/10/58	150
3½	15/11/58	100
3½	15/ 9/59	200
3½	15/ 9/59	100
3½	15/ 9/60	100
3½	15/10/60	200
3½	15/ 9/62	100
3½	15/10/63	650
3½	15/ 8/64	100
4½	15/11/65	100
4½	15/10/67	250
4½	15/11/68	400

Commonwealth Savings Bank Account No. S.5869 Sydney, £955 and interest.

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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 26th day of March, 1956.

W. L. J. HUTCHISON,

Acting Diocesan Secretary

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

27/3/1956