

No. 18, 1956

AN ORDINANCE to authorise the mortgage of certain lands situated at Artarmon in the Municipality of Willoughby Parish of Willoughby and County of Cumberland and to provide for the application of the proceeds of such mortgage.

WHEREAS certain lands described in the First and Second Schedules hereto are vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) upon trust as Church Trust Property for the sole benefit of the Parish of Artarmon.

AND WHEREAS the Parish Council of the said Parish of Artarmon has decided to effect substantial alterations and improvements to the Church of St. Basil Artarmon on the lands described in the First Schedule hereto and for such purpose to borrow upon mortgage of all the lands described in the Second Schedule hereto a sufficient sum of money to effect such alterations and improvements.

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 recited trusts it is expedient to mortgage the lands comprised in the Second Schedule hereto.

(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said lands for the purpose of borrowing:-

(a) When the power is first exercised a sum not exceeding £10,000.

(b) When the power is subsequently exercised such sum not exceeding £10,000 upon such conditions as the Standing Committee shall by resolution determine.

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Provided that such mortgage shall be reduced when the power is first exercised at the rate of not less than £600 per annum and when the power is subsequently exercised at such rate as the Standing Committee may 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 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.

2. The proceeds of any mortgage hereby authorised 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.
  - (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 said alterations and improvements to the said Church of St. Basil Artarmon and who shall hold any balance thereafter remaining as Parochial Church Funds within the meaning of the Sydney Church Ordinance 1912 or any Ordinance amending or taking the place of the same.
- (ii) When the power is subsequently exercised in payment of the principal interest and costs of any then existing mortgage or mortgages and the costs of and incidental to such subsequent mortgage or mortgages.

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3. The Churchwardens for the time being of the said Parish shall within seven (7) 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 Secretary of the Standing Committee giving details of the original amount borrowed amounts paid off and the balance owing.

4. This Ordinance shall be styled and cited as the "St. Basil's Church Artarmon Mortgaging Ordinance 1956."

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FIRST SCHEDULE HEREINBEFORE REFERRED TO

All that piece or parcel of land situate lying and being at Artarmon in the Municipality of Willoughby Parish of Willoughby and County of Cumberland and having a frontage of Eighty feet (80') to Broughton Road and a depth of One hundred and fifty feet (150') and containing by admeasurement One rood four perches and being Lots 18 and 19, Section 1, in Deposited Plan 3489 and being the whole of the land in Certificate of Title Volume 1867 Folio 130.

And also all that piece or parcel of land situate lying and being at Artarmon in the Municipality of Willoughby Parish of Willoughby and County of Cumberland and having a frontage of Forty feet (40') to Broughton Road and a depth of One hundred and fifty feet (150') and containing by admeasurement twenty-two perches and being Lot 20, Section 1, in Deposited Plan 3489 and being the whole of the land in Certificate of Title Volume 1695, Folio 226.

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SECOND SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate lying and being at Artarmon in the Municipality of Willoughby Parish of Willoughby and County of Cumberland and having a frontage of forty feet nine and one quarter inches ((40' 9 $\frac{1}{4}$ "') to Broughton Road and a depth of one hundred and fifty feet (150') and having a rear line of forty-one feet one inch (41' 1") and containing by admeasurement twenty-two and one-half perches and being Lot 22, Section 1, in Deposited Plan 3489 and being the whole of the land in Certificate of Title Volume 1603 Folio 188.

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And also all that piece or parcel of land situate lying and being at Artarmon in the Municipality of Willoughby Parish of Willoughby and County of Cumberland and having a frontage of Forty feet (40') to Broughton Road and a depth of One hundred and fifty feet (150') and containing by admeasurement twenty-two perches and being Lot 14, Section 2, in Deposited Plan 3489 and being the whole of the land in Certificate of Title Volume 5760, Folio 227.

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

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 30th day of July, 1956.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

13/8/1956