

St. John Maroubra Mortgaging Ordinance 1953.

No. 30, 1953.

AN ORDINANCE to authorise the mortgaging of certain land situate in Haig Street and Maroubra Bay Road Maroubra and to provide for the application of the proceeds thereof.

WHEREAS by Land Grant dated the twenty-ninth day of January 1918 Registered Volume 2821 Folio 201 the Church of England Property Trust Diocese of Sydney (hereinafter referred to as "the Corporate Trustee") is the registered proprietor in fee simple of the land more particularly described in the schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Parish of St. John Maroubra AND WHEREAS by reason of circumstances subsequent to the creation of the trusts it is expedient to mortgage the said land and to provide for the application of the proceeds thereof 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 trusts to which the said land is subject it is expedient to mortgage the said land and the Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing the following sums:—

- (i) (a) When the power is first exercised a sum not exceeding Eight thousand pounds (£8,000) provided that such debt shall be reduced at the rate of not less than £400 per annum but no mortgagee advancing moneys in pursuance of this ordinance shall be concerned or obliged to see that this proviso is complied with.
- (b) When the power is subsequently exercised such sum not exceeding Eight thousand pounds (£8,000) and subject to such conditions as to repayment as the Standing Committee shall by resolution determine.
- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.

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(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 authorised shall be applied by the Corporate Trustee as follows:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance and of such mortgage or any mortgages executed in pursuance thereof.
- (b) Subject thereto the balance shall be paid to the Churchwardens of the Parish of St. John's Maroubra to be applied by them in or towards the cost of and incidental to the erection on part of the said land of a New Church and/or in furnishing such Church and/or in laying out the grounds surrounding the same.

3. The Churchwardens for the time being of the Parish of St. John Maroubra 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, the amounts paid off and the balance owing.

4. This Ordinance shall be styled and cited as the "St. John Maroubra Mortgaging Ordinance 1953.

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate in the Municipality of Randwick Parish of Botany and County of Cumberland and State of New South Wales containing an area of 2 roods 23½ perches or thereabouts having a frontage to Haig Street and Maroubra Bay Road of about 238 feet 11 inches by a depth along the North-eastern side of about 67 feet 2½ inches and along the South-western side of about 151 feet 10 inches with an irregular

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rear measurement of about 264 feet 6½ inches being Lot B1 on Miscellaneous Plan of Sub-Division (R.P.) Registered No. 56082 and also being part of the land comprised in Land Grant Registered Volume 2821 Folio 201.

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 first day of December, 1953.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney

3/12/1953