
St. John's Gordon Mortgaging Ordinance, 1959

No. 14, 1959.

AN ORDINANCE to authorise the mortgaging of certain land situated at Gordon in the Municipality of Ku-ring-gai and to provide for the application of the proceeds thereof.

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 Certificates of Title Registered Volume 4544 Folio 174 and Volume 4544 Folio 176 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 Gordon and there are now erected thereon buildings used as a Rectory and Church respectively AND WHEREAS the Corporate Trustee is also registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 4544 Folio 175 (hereinafter called the Hall Site) upon which is erected a building used as a Church Hall AND WHEREAS it is proposed to remove such building to another position on the said Hall Site and to erect a new Parish Hall thereon AND WHEREAS it is necessary to borrow certain moneys for such purpose and it is expedient that the said land described in the Schedule be mortgaged to provide portion of such moneys NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains and directs as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is expedient to mortgage the same.

2. (i) 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 sums following:—

- (a) When the power is first exercised a sum not exceeding Ten thousand pounds (£10,000).
- (b) When the power is subsequently exercised such sum not exceeding Ten thousand pounds (£10,000) as the Standing Committee shall by resolution determine.

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PROVIDED that the said advance shall when the power is first exercised be reduced by not less than Two hundred and fifty pounds (£250) per annum and thereafter at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions 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 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.

3. 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 such mortgage or any mortgages executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. John's Church of England Gordon to be applied by them in and towards the cost of erection of a new Parish Hall upon the Hall site.
- (ii) When the power is subsequently exercised in discharge of any existing mortgage or mortgages and the costs of and incidental thereto and of any further mortgage or mortgages.

4. The Churchwardens for the time being of St. John's Church Gordon shall within seven days after 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.

5. This Ordinance may be cited as "St. John's Gordon Mortgaging Ordinance 1959."

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SCHEDULE.

All that piece or parcel of land situated at Gordon in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland containing 1 rood $34\frac{1}{2}$ perches having a frontage to Pacific Highway of $72' 4\frac{1}{2}"$ with a splay corner to St. John's Avenue of $14' 1\frac{3}{8}"$ and depth along St. John's Avenue of $236' 0\frac{1}{4}"$ being the whole of the land comprised in Certificate of Title Registered Volume 4544 Folio 174 ALSO ALL THAT piece or parcel of land situated as aforesaid containing 3 roods $29\frac{1}{2}$ perches having a frontage to Pacific Highway of $161' 2"$ by depths of $248'$ and $254' 2\frac{1}{4}"$ being the whole of the land comprised in Certificate of Title Registered Volume 4544 Folio 176.

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

H. GORDON S. BEGBIE,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 31st day of August, 1959.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop.

31/8/1959.