
*St. Peter's Glenbrook and St. David's Blaxland Mortgage
Ordinance.1970*

No. 60, 1970

AN ORDINANCE to authorise the mortgaging or charging of certain land at Blaxland in the City of Blue Mountains and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of an estate in fee simple in the land comprised in Certificate of Title Volume 2827 Folio 33 more particularly described in the Schedule hereto AND WHEREAS the said land is church trust property 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 for such purposes in connection with the Church of England at Blaxland AND WHEREAS the said land was formerly situated within the Parish of Springwood but is now situated within the Parish of St. Peter Glenbrook AND WHEREAS it is proposed to erect on part of the said land a new Church building to be known as the Church of St. David Blaxland and for such purposes it is necessary and expedient to mortgage or charge the said land to borrow a sum not exceeding Sixteen thousand dollars (\$16,000) AND WHEREAS it is proposed to erect on another part of the said land a new rectory and for such purpose it is necessary and expedient to further mortgage or charge the said land to borrow a sum not exceeding Seven thousand dollars (\$7,000) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES AND ORDAINS as follows:—

1. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient that the said land be mortgaged or charged.

2. (i) The Corporate Trustee is hereby empowered to mortgage or charge the said land from time to time for the purpose of borrowing the sums following:—

(a) when the power is first exercised a sum not exceeding Sixteen thousand dollars (\$16,000);

(b) when the power is subsequently exercised such sum not exceeding Sixteen thousand dollars (\$16,000) as Standing Committee shall by resolution determine;

PROVIDED that such debt shall be reduced at the rate of not less than One thousand four hundred and forty dollars (\$1,440) per annum inclusive of principal and

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Ordinance 1970*

- 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 or charge 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. (i) The Corporate Trustee is hereby empowered to further mortgage or charge the said land from time to time for the purposes of borrowing the sums following:—
- (a) when the power is first exercised a sum not exceeding Seven thousand dollars (\$7,000);
- (b) when the power is subsequently exercised such sum not exceeding Seven thousand dollars (\$7,000) as Standing Committee shall by resolution determine; PROVIDED that such debt shall be reduced at the rate of not less than One thousand two hundred dollars (\$1,200) per annum inclusive of 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 or charge 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.
4. The proceeds of the mortgage authorised by Clause 2 hereof shall be applied by the Corporate Trustee as follows:—
- (i) When the power is first exercised in the manner following:—

*St. Peter's Glenbrook and St. David's Blaxland Mortgage
Ordinance 1970*

- (a) first in payment of the costs charges and expenses of and incidental to this Ordinance, and of any mortgage or charge executed in pursuance thereof;
 - (b) secondly the balance to be paid to the Churchwardens of the Church of St. David at Blaxland to be applied by them in and towards the erection of a new church building on 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 existing mortgage or mortgages or the renewal thereof or of any new mortgage or charge or for such other purpose or purposes not inconsistent with the trusts of the said land as Standing Committee by resolution may determine.
5. The proceeds of the mortgage or charge authorised by Clause 3 hereof shall be applied by the Corporate Trustee as follows:—
- (i) When the power is first exercised in the manner following:—
 - (a) first in payment of the costs charges and expenses of and incidental to this Ordinance and of any mortgage or charge executed in pursuance thereof;
 - (b) secondly the balance to be paid to the Churchwardens for the time being of the Church of St. Peter at Glenbrook to be applied by them in and towards the erection of a new rectory on 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 existing mortgage or mortgages or the renewal thereof or of any new mortgage or charge or for such other purpose or purposes not inconsistent with the trusts of the said land as Standing Committee by resolution may determine.
6. The Churchwardens for the time being of the Church of St. David at Blaxland shall within seven days of the holding of the Annual Vestry Meeting during such time as any money is owing to any mortgagee or chargee pursuant to Clause 2 hereof cause an account to be forwarded to the Diocesan Secretary giving particulars of the amount borrowed, the amounts paid off and the balance owing.
7. The Churchwardens for the time being of the Church of

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Ordinance 1970*

St. Peter at Glenbrook shall within seven days of the holding of the Annual Vestry Meeting during such time as any money is owing to any mortgagee or chargee pursuant to Clause 3 hereof cause an account to be forwarded to the Diocesan Secretary giving particulars of the amount borrowed, the amounts paid off and the balance owing.

8. This Ordinance may be cited as "St. Peter's Glenbrook and St. David's Blaxland Mortgage Ordinance 1970".

SCHEDULE

ALL THAT piece or parcel of land situated at Blaxland in the City of Blue Mountains Parish of Strathdon and County of Cook having a frontage of about 159 feet 11 inches to Taringha Street and an irregular frontage of about 134 feet to Ross Crescent (formerly Elsie's View Avenue) with a depth on the Southern side of about 312 feet 2 inches and on the Northern side of about 203 feet 1 inch being Lots 30, 31 and 58, in Deposited Plan No. 6839 containing an area of 8 roods 5½ perches or thereabouts and being the whole of the land comprised in Certificate of Title Volume 2827 Folio 33.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

H. G. S. BEGBIE,

Deputy Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 23rd day of November, 1970.

W. L. J. HUTCHISON,

Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,

Archbishop of Sydney.

23/11/1970.