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*All Saints' West Lindfield Mortgage Ordinance 1963*

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No. 3, 1963.

AN ORDINANCE to authorise the mortgaging of certain land in Moore Avenue West Lindfield in the Municipality of Ku-ring-gai 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 in fee simple of the land comprised in Certificate of Title Volume 6713 Folio 167 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. Alban Lindfield but no trusts in writing have been declared in connection therewith and it is expedient that such trusts be declared AND WHEREAS it is proposed to erect a parsonage upon the said land and for such purpose it will be necessary to mortgage the land for the sum of Five thousand pounds (£5,000:) to be applied towards such erection 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. The land described in the schedule hereto shall be held by the Corporate Trustee UPON TRUST to permit the same to be used as a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia at West Lindfield in the Parish of St. Alban Lindfield.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient to mortgage the said land—

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the Schedule hereto for the purpose of borrowing the sums following:-
  - (a) When the power is first exercised a sum not exceeding Five thousand pounds (£5,000:).
  - (b) When the power is subsequently exercised such sum not exceeding Five thousand pounds (£5,000:) as the Standing Committee may by resolution determine.

Provided that such debt shall when the power is first exercised be repaid at the rate of not less than One hundred and thirty pounds (£130:) per annum and when

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the power is subsequently exercised at such rate as Standing Committee may by resolution determine. Provided further that no person or Corporation advancing moneys under 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 power.
- (iii) A document purporting to be certified by the Archbishop or the Diocesan Secretary as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage to 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 of and incidental to this Ordinance and any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of All Saints' Church West Lindfield who shall apply the same towards the cost of erection of a Parsonage upon the said land.
- (ii) When the power is subsequently exercised in payment of principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage.

4. The Churchwardens for the time being of All Saints' Church West Lindfield shall within seven days of the holding of 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.

5. This Ordinance may be cited as "All Saints' West Lindfield Mortgage Ordinance 1963."

### SCHEDULE

All that piece or parcel of land situated at West Lindfield in the Municipality of Ku-ring-gai having a frontage of 84' to Moore Avenue being Lot 7 D.P. 24782 and the whole of the land in Certificate of Title Volume 6713 Folio 167.

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

ATHOL RICHARDSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of February 1963.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

25/2/1963.

Archbishop of Sydney.