
*Church of England Youth Department (Blue Gum Lodge)
Land Sale and Mortgage Ordinance 1970*

No. 5, 1970

AN ORDINANCE to authorise the further mortgaging or charging of certain land at Springwood in the City of Blue Mountains to authorise the sale of part of such land and or provide for the application of money borrowed and the proceeds of sale.

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 11189 Folio 235 more particularly described in the First Schedule hereto AND WHEREAS the said land is held upon trust for the benefit of the Church of England Youth Department Diocese of Sydney (hereinafter called the "Youth Department") but no trusts in writing have been declared concerning the same AND WHEREAS by Ordinance No. 29, 1969 the Corporate Trustee was empowered to mortgage or charge the said land for the purpose of borrowing the sum of Forty thousand dollars (\$40,000) to be applied towards the rebuilding of new premises on the land in substitution for those destroyed by fire AND WHEREAS pursuant to the said Ordinance the said land has been charged with the repayment of the said sum now being advanced for the purposes aforesaid as the first stage in reinstating the said buildings AND WHEREAS it is desired to now proceed with the second stage of re-building and for such purpose it will be necessary to sell the whole or part of the land described in the Second Schedule and to borrow an additional sum not exceeding Twenty thousand dollars (\$20,000) to be secured by a further charge over the said land 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 circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held and the execution of the Letter of Charge given pursuant to the said Ordinance No. 29, 1969 it is expedient that the said land be further mortgaged or charged.

2. (i) The Corporate Trustee is hereby authorised and empowered to further mortgage or charge the whole or any part of the said land for the purpose of borrowing the further sums namely—

(a) When the power is first exercised a sum not exceeding Twenty thousand dollars (\$20,000).

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- (b) When the power is subsequently exercised such further sum not exceeding Twenty thousand dollars (\$20,000) as Standing Committee may by resolution determine.

PROVIDED that the further debt hereby authorised shall be reduced when the power is first exercised at the rate of not less than Four thousand dollars (\$4,000) principal plus interest and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine PROVIDED FURTHER that no person or corporation advancing money pursuant to the provisions of this Ordinance shall be concerned to enquire whether such reductions 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 Diocesan Secretary as a copy of any such resolution shall in favour of a mortgagee or person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

3. The proceeds of any mortgage or charge 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 or charge executed in pursuance thereof and the balance towards building new premises on the land in substitution for the building or buildings destroyed by fire.
- (ii) When the power is subsequently exercised in payment of the principal and interest and costs of and incidental to the discharge of any existing mortgage or charge 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 may by resolution determine.
- (iii) Any mortgagee advancing moneys pursuant to the provisions of sub-clause (i) of this clause is hereby authorised

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to pay the same to the Council of the said Youth Department.

4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which that part of the said land described in the Second Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that such land be sold.

5. The Corporate Trustee is hereby authorised and empowered to sell the whole or any part of the land described in the Second Schedule together or in parcels at such time or times at such price or prices and upon such terms and conditions as it may think fit freed from all trusts.

6. The proceeds arising from the said sale or sales shall after paying thereout any outgoings to which the land is subject the costs of and incidental to the subdivision thereof and of this Ordinance and of the sales and transfers pursuant hereto be applied in reduction of the money owing under the advances made pursuant to either this Ordinance or Ordinance No. 29, 1969 as the mortgagee may determine.

7. This Ordinance may be cited as "Church of England Youth Department (Blue Gum Lodge) Land Sale and Mortgage Ordinance 1970".

FIRST SCHEDULE

ALL THAT piece or parce^l of land situated at Springwood in the City of Blue Mountains Parish of Magdala County of Cook containing about 9 acres 1 rood 14½ perches being the whole of the land comprised in Certificate of Title Volume 11189 Folio 235 (formerly Volume 8322 Folio 24).

SECOND SCHEDULE

ALL THAT piece or parcel of land situated as aforesaid having a frontage to Fels Avenue and De Chair Avenue being Lots 2, 3 and 4 of a proposed subdivision of the land in Certificate of Title Volume 11189 Folio 235 prepared by Surveyors M. T. Jones & Burgess containing in all an area of about 4 roods 4½ perches.

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I CERTIFY that this 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 23rd day of March, 1970.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

23/3/1970.