
Oatley West Mortgaging Ordinance of 1947

No. 5, 1947.

AN ORDINANCE authorising the mortgaging of certain lands situate at the corner of Woronora Parade and Wonoona Parade, Oatley, in the County of Cumberland and Parish of St. George and providing for the application of the proceeds thereof.

WHEREAS by an Indenture of Conveyance bearing date the ninth day of August One thousand nine hundred and nine made between Frederick Guy Griffiths and Herbert Bowring Greene therein described of the one part and the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustees) of the other part Registered Number 127 Book 889 all that piece of land described in the Schedule hereto was conveyed unto the Corporate Trustees in fee simple upon trust to permit a Church, School, Rectory, Hall or such other building as may be deemed requisite to be erected on the said land and to be subject to the regulations so far as they may be applicable contained in "The Sydney Church Ordinance" or in any other Ordinance to be passed by the Synod of the said Diocese altering or modifying the first mentioned Ordinance.

AND WHEREAS the said land lies within the boundaries of the Provisional District of Mortdale Oatley and Oatley West,

AND WHEREAS there is erected on part of the land described in the Schedule hereto All Saints' Church, Oatley West, and there is now in course of erection on another part of the said land a residence intended to be used as a rectory for the said Provisional District.

AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it is expedient to mortgage the said land.

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:—

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1. By reason of circumstances subsequent to the creation of the said recited trusts it is expedient to mortgage the land described in the Schedule hereto and

- (i) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the land described in the Schedule hereto for the purposes of borrowing the sums following:—
 - (a) When the power is first exercised a sum not exceeding One thousand six hundred and fifty pounds (£1,650).
 - (b) When the power is subsequently exercised such sum as the Standing Committee shall by resolution determine provided that such debt shall be reduced at the rate of not less than Fifty pounds (£50) per annum to be calculated from the expiration of five years after the date of the original advance.
- (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 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 Trustees as follows:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Curate-in-Charge and Parish Council for the time being of the said Provisional District of Mortdale Oatley and Oatley West (whose receipt shall be sufficient discharge therefor) and who shall apply such moneys received in or towards payment or satisfaction of the cost of and incidental to the erection of the said Rectory on the said land.

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3. The Curate-in-Charge and the Parish Council for the time being of the said District shall within seven days from the date 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.

4. This Ordinance shall be styled and cited as the "Oatley West Mortgaging Ordinance of 1947."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate in the Parish of St. George County of Cumberland State of New South Wales containing an area of one acre or thereabouts being Lots One Two Three and Four of Section Thirteen of Griffiths' Sub-division at Oatley commencing on the West side of Woronora Parade at its intersection with the North side of Wonoona Parade and bounded on the East by Woronora Parade bearing Northerly two hundred and sixty-four feet on the North by a line dividing it from Lot Five bearing Westerly one hundred and sixty-five feet two and one quarter inches on the West by a line dividing it from Lots Seventeen Eighteen Nineteen and Twenty bearing Southerly two hundred and sixty four feet and one quarter inch to Wonoona Parade and on the South by Wonoona Parade bearing Easterly one hundred and sixty five feet three inches to the point of commencement be the said measurements all a little more or less.

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

(Sgd.) W. G. HILLIARD, Bishop,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 29th day of September, 1947.

(Sgd.) H. V. ARCHINAL,

Diocesan Secretary,

I assent to this Ordinance,

(Sgd.) HOWARD SYDNEY,

Archbishop of Sydney.

30th September, 1947.