
St. Andrew's Roseville Mortgage Ordinance 1958.

No. 7, 1958.

AN ORDINANCE to authorise the mortgaging of certain lands situate in Bancroft Avenue and Hill Street Roseville in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland and State of New South Wales and to provide for the application of the proceeds thereof.

WHEREAS by Certificates of Title Volume 4505 Folio 175 and Volume 1845 Folio 243 Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustee") is registered as proprietor of an estate in fee simple of the lands more particularly described respectively in the First and Second Schedules hereto AND WHEREAS the land described in the First Schedule hereto was formerly used as a site for a Parish Hall for the Parish of St. Andrew Roseville AND WHEREAS the Corporate Trustee by Declaration of Trust dated Twenty-first day of July 1924 declared that it held the land described in the First Schedule hereto as Church Trust Property for the benefit of the Parish of Roseville AND WHEREAS the land described in the Second Schedule hereto is being used as a parsonage for the occupation of the Minister duly licensed to officiate in the Church of England at Roseville known as St. Andrew's Church of England Roseville AND WHEREAS by Declaration of Trust dated 10th June 1933 Maurice Bridgman Hordern, William Mahood and Alfred Ernest Finch declared that they held the land described in the said Second Schedule hereto 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 of such purposes in connection with the Church of England in the Parish of St. Andrew Roseville AND WHEREAS it is expedient to erect a new Parish Hall upon the land comprised in the First Schedule hereto AND WHEREAS it is necessary and expedient that the land comprised in the First and Second Schedules hereto be mortgaged to provide funds to complete the erection of the said new Parish Hall 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:—

1. (a) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the First and Second Schedules hereto for the purpose of borrowing:—

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- (i) When the power is first exercised a sum not exceeding Twenty thousand pounds (£20,000) provided that any amount borrowed shall be reduced at the rate of not less than £2000 per annum.
 - (ii) When the power is subsequently exercised such sum not exceeding Twenty thousand pounds (£20,000) and upon such conditions as the Standing Committee shall by resolution determine.
- (b) Any renewal of Mortgage shall be deemed to be a subsequent exercise of the said power.
- (c) A document purporting to be certified by the Archbishop or the Secretary of the Standing Committee 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.

Provided that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether the said conditions have been complied with.

2. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (a) 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 of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the Parish of St. Andrew Roseville (whose receipt shall be a sufficient discharge therefor) who shall apply such moneys received in or towards the payment or satisfaction of the costs of and incidental to the cost of erecting a new Parish Hall and all costs and expenses incidental thereto.
- (c) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the

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discharge of any then existing mortgage or mortgages and the costs and expenses of such further mortgage or mortgages.

3. The Rector and Churchwardens for the time being of the said Parish shall within seven (7) days of 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 Secretary of the Standing Committee giving details of the original amount borrowed amounts paid off and the balance owing.

4. This Ordinance may be styled and cited as the "St. Andrew's Roseville Mortgage Ordinance 1958."

THE FIRST SCHEDULE.

All that piece or parcel of land situate at Roseville in the Municipality of Ku-ring-gai and Parish of Gordon County of Cumberland having a frontage to Hill Street of 68 feet 11½ inches by a depth of approximately 133 feet 3 inches on the south and 132 feet 11½ inches on the north being part of Lots 1 and 2 of Section C Deposited Plan No. 5035 and being Lot B in a plan of sub-division covered by Town Clerk's Certificate No. 58/23 of 1958 and being part of the land comprised in Certificate of Title Volume 4505 Folio 175.

THE SECOND SCHEDULE.

All that piece or parcel of land situate at Roseville in the Municipality of Ku-ring-gai and Parish of Gordon County of Cumberland and being Lot 3 of Section C Deposited Plan No. 5035 and the whole of the land comprised in Certificate of Title Volume 1845, Folio 243.

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

H. GORDON S. BEGBIE,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of April, 1958.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

1/5/1958.