
St. Andrew's Wahroonga Mortgaging Ordinance 1938.

No. 3, 1938.

AN ORDINANCE authorising the mortgaging of certain land situate at Wahroonga in the County of Cumberland Parish of Gordon and State of New South Wales and providing for the application of the proceeds thereof.

WHEREAS by Certificate of Title dated the Twenty-first day of November 1896 Registered Volume 1207 Folio 174 Church of England Property Trust Diocese of Sydney (hereinafter called the Property Trust) is registered as the proprietor of an estate in fee simple in the land described in the Schedule hereto AND WHEREAS the said land is held by the Property Trust UPON TRUST to permit a Church of England Church School and Rectory and any or either of them or any other building in connection therewith to be erected on the said land to be called St. Andrew's Wahroonga 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 Diocese of Sydney altering or modifying the first mentioned Ordinance and to and for or upon no other use trust intent or purpose whatsoever as appears by a certain Deed Poll or Declaration of Trust bearing date the Eighth day of February 1905 under the hands and seals of Cecil Hordern Francis Antill Pockley and Charles Gregory Wade former trustees of the said land AND WHEREAS the said recited Deed Poll or Declaration of Trust has been lost or misplaced and cannot now be found but the same is recorded at the Land Titles Office Sydney by an attested copy thereof which has been filed in such office and is Number 5990 AND WHEREAS there is at present erected on the land described in the Schedule hereto the church building of St. Andrew's Church Wahroonga the Rectory for the said Parish and a Parish Hall AND WHEREAS the said Church building has been recently erected and there is at present owing by the said Parish the sum of approximately Eight hundred pounds as the balance of the cost of the erection of the said Church building AND WHEREAS the organ at present installed at the said Church is an American organ and it is desired to replace the same with a new organ and it is anticipated that such new organ will cost approximately Five hundred and fifty pounds AND WHEREAS the building at present

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used as a Parish Hall erected on the said land is old and chiefly of weatherboard construction and it is desired that provision be made for the erection of a new Parish Hall on the said land AND WHEREAS for the purpose of providing the money to pay or satisfy the indebtedness of the Parish in connection with the erection of the said Church building and to acquire and instal a new organ in the said Church as aforesaid and of making some provision for the erection of a new Parish Hall it is necessary and expedient to borrow or raise money upon the security of a mortgage or mortgages of the whole or some part or parts of the said land Now Therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers conferred upon it by the Church of England Trust Property Act 1917 and the "Land Ordinance Procedure and Delegation of Powers Ordinance 1926" and in pursuance of the powers in that behalf conferred upon the said Synod by the constitutions for the management and good government of the Church of England within the State of New South Wales and of all other powers thereunto enabling it ordains declares determines directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited trusts it is expedient to borrow from time to time a sum or sums of money not exceeding in all at any one time the sum of One thousand five hundred pounds (£1500) which said sum or sums of money the Property Trust is hereby authorised to borrow by way of Bank overdraft limit or otherwise upon the security of a mortgage or mortgages of the whole or any part of the land described in the Schedule hereto and the buildings erected and to be erected thereon.

2. The land described in the Schedule hereto or any part or parts thereof and the buildings erected and to be erected thereon as aforesaid and the appurtenances thereof may from time to time be mortgaged to secure repayment of the moneys so authorised to be borrowed as aforesaid and interest thereon.

3. The moneys so to be from time to time borrowed as aforesaid shall be paid to or in accordance with the directions of the Churchwardens for the time being of the Church of St. Andrew Wahroonga and so much of such moneys as shall be required for such purposes shall be applied in or towards the payment of the costs and fees of and incidental to this Ordinance and of and incidental to any mortgage or mortgages to be executed

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in pursuance of the powers hereby conferred and the balance of such moneys shall be applied firstly in or towards payment or satisfaction of the indebtedness of the Parish of St. Andrew Wahroonga incurred or owing in connection with the erection of the new Church building at present standing on the said land and after payment or satisfaction of such indebtedness in full any residue remaining of such moneys shall be applied firstly in or towards payment of the cost of the acquisition and installation of a new organ at the said church and secondly in or towards payment of the cost of and incidental to the erection on the said land of a new Parish Hall for the said Parish. Provided Always that no part of the moneys to be borrowed pursuant to the terms of this Ordinance shall be applied in or towards the payment of the cost of the erection of the said new Parish Hall until a resolution of the said Standing Committee approving of the same is passed.

4. The said land in the Schedule may be mortgaged from time to time for the purpose of raising any sum or sums of money with which to discharge or renew the Mortgage or Mortgages now authorised or any Mortgage or Mortgages substituted therefor and any interest accrued due in respect thereof. Provided that after the expiration of five years from the date of the said first Mortgage the renewals of the said first Mortgage shall be for such sum or sums as the Standing Committee may from time to time by resolution direct and in the absence of other direction by the Standing Committee the first renewal shall be for not more than One thousand four hundred pounds (£1400) and subsequent renewals shall be on the basis of a reduction of the principal amount or limit of overdraft accommodation at the rate of not less than One hundred pounds (£100) per annum.

5. The Rector and Churchwardens for the time being of St. Andrew's Church Wahroonga shall within seven days of the date of holding the annual Vestry Meeting during such time as any money is owing to any Mortgagee under any Mortgage executed pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed amounts paid off and the balance owing.

6. This Ordinance shall be styled and cited as the "St. Andrew's Wahroonga Mortgaging Ordinance 1938."

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THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land situate at Wahroonga in the Parish of Gordon County of Cumberland having a frontage of about Two hundred and thirty-eight and one-half ($238\frac{1}{2}$) links to Cleveland Street by a depth of about Four hundred and ninety (490) links along Water Street being the whole of the land comprised in Certificate of Title dated the Twenty-first day of November 1896 Registered Volume 1207 Folio 174.

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

R. C. ATKINSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Thirtieth day of May, 1938.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

31st May, 1938.