
St. David Forestville Mortgage Ordinance, 1961.

No. 28, 1961.

AN ORDINANCE to authorise the mortgaging of certain land in South Forestville in the Parish of Manly Cove and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney is registered as proprietor of an estate in fee simple in the land comprised in Certificate of Title Registered volume 5355 Folio 58 more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust property held for the benefit of the Parish of St. Paul West Manly but is now situated in the Provincial District of St. David Forestville cum Belrose and French's Forest but no trusts in writing have been declared concerning the same and it is expedient that such trusts be declared AND WHEREAS the parish council of the said parish has consented to a variation of the trusts in favour of the said provisional district AND WHEREAS a rectory has been erected with money partly provided by the Sydney Church of England Finance and Loans Board by way of temporary loan and it is necessary and expedient to mortgage the said land to borrow the sum of £3,900 to repay the said temporary loan it is necessary and expedient to mortgage the said land to borrow the sum of Three thousand nine hundred pounds (£3,900) to repay the said temporary loan 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 for a church parsonage and parish hall or particularly for one and particularly for another of such purposes in connection with the Church of England at Forestville in the provisional District of Forestville cum Belrose and French's Forest or in any other district or Parish in which it may subsequently be situated.

2. By reason of circumstances which have arisen subject to the creation of the trusts upon which the said land is held it is expedient for the said land to be mortgaged.

3. (i) The Corporate Trustee is hereby empowered to mortgage the said land from time to time for the purpose of borrowing the sums following:—

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(a) When the power is first exercised the sum not exceeding Three thousand nine hundred pounds (£3,900).

(b) When the power is subsequently exercised such sum not exceeding Three thousand nine hundred pounds (£3,900) as Standing Committee shall by resolution determine Provided that such debt shall be reduced at the rate of not less than Twenty seven pounds (£27) per month when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine Provided Further that no person or corporation advancing money under the provisions of this Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

(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 the 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.

4. 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 charges and expenses of and incidental to this Ordinance and of any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens for the time being of St. David's Church Forestville who shall apply the same in and towards the repayment of the temporary loan made by the Sydney Church of England Finance and Loans Board.

(ii) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any existing mortgage or mortgages and the costs and expenses of such further mortgage or mortgages.

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5. The Churchwardens for the time being of St. David's Forestville shall within seven (7) 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.

6. This Ordinance may be cited as "St. David's Forestville Mortgage Ordinance 1961."

SCHEDULE.

All that piece or parcel of land situate at Forestville in the Shire of Warringah Parish of Manly Cove and County of Cumberland containing an area of 2 roods 28 $\frac{1}{2}$ perches having a frontage of about 100 feet along Warringah Road by a depth therefrom along the western side of about 308 feet 7 $\frac{1}{2}$ inches and on the other side of about 292 feet 1 inch and a rear line of about 98 feet 7 $\frac{1}{2}$ inches being the residue of the land comprised in Certificate of Title Volume 5355 Folio 58 after resumption noted thereon as G 293637.

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

H. G. S. BEGBIE,

Deputy 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 August, 1961.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

Archbishop of Sydney.

28/8/1961.