

*The St. Faith's Narrabeen Sale and Mortgage  
Ordinance 1940.*

No. 2, 1940.

AN ORDINANCE to authorise the sale of certain land situated at Narrabeen in the Parish of Manly and to provide for the application of the proceeds of such sale and also to authorise the mortgaging of certain other land situated as aforesaid and to provide for the application of the moneys raised thereby and for other purposes.

WHEREAS certain land hereinafter called the "new church site" comprised and described in Certificate of Title Registered Volume 4277 Folio 41 is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustees) 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 Narrabeen AND WHEREAS the "new church site" is mortgaged to the Australian Mutual Provident Society to secure the sum of £900 AND WHEREAS it is expedient to authorise the sale of part of the said land AND WHEREAS certain land hereinafter called the "old church site" comprising Lots 22, 23 and 24 of Section 19 of the Mount Ramsay Estate situate in Clarke Street Narrabeen aforesaid is vested in the said corporate Trustees upon the respective trusts set out in "St. Faith's Narrabeen Sale or Mortgage Ordinance No. 22 of 1928" AND WHEREAS by the said Ordinance leave was given to mortgage and/or sell the "old church site" and to apply the proceeds in the manner therein set out AND WHEREAS in pursuance of such Ordinance the "old church site" was mortgaged and such mortgage has since been repaid AND WHEREAS it is no longer expedient to sell the land comprised in the "old church site", AND it is expedient to erect a new church and/or Parish Hall thereon AND WHEREAS it is expedient that an advance or advances of money should be obtained upon the security of the "old church site" for the purpose either of repairing altering and extending the present church building and/or erecting a new church and/or Parish Hall AND WHEREAS in order to raise such moneys it is expedient to authorise the mortgaging of the "old church site", AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to vary the said trusts in manner hereinafter appearing: NOW THE STANDING COMMITTEE OF THE SYNOD of the Diocese of

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Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the said recited trusts it has become inexpedient to carry out and observe such trusts in so far as such trusts are hereby varied.

2. So much of Ordinance No. 22 of 1928 aforesaid as provides for the sale of the Old Church Site is hereby repealed.

3. The land more fully described in the first schedule hereto being part of the new church site aforesaid may be sold either by public auction or private contract at such price and upon such terms and conditions as the said Corporate Trustees of Sydney may deem expedient freed from the trusts and purposes upon and for which such land is held.

4. The proceeds of such sale shall be applied firstly in payment of the costs and expenses of and incidental to this ordinance secondly in liquidation wholly or partly of the existing mortgage on the said land and thirdly in or towards the erection of a new church and/or Parish Hall on "the old church site."

5. By reason of circumstances subsequent to the declaration of the trusts of the land hereinbefore recited it is expedient to mortgage the land comprised in the second schedule hereto.

(1) The Corporate Trustees are hereby empowered to Mortgage from time to time the whole or any part of the land comprised in the second schedule hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding One thousand five hundred pounds.

(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.

(2) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.

(3) 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

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the mortgagee be conclusive evidence that such resolution was duly passed.

6. 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 but so that the costs charges and expenses of and incidental to this Ordinance shall not be paid both under this section and also under section 4 hereof.

(b) And subject thereto the balance shall be paid to the Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards the repairing alteration and extending the present church building and/or the erection of a new church and/or Parish Hall on the land described in the second schedule hereto and the proper laying out and completely adapting the last mentioned land for such purpose or in repayment of any mortgage or mortgages raised pursuant to the terms hereof together with any interest charges costs and expenses incidental thereto.

7. The Rector and Churchwardens for the time being of the said Parish shall within seven 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 Diocesan Secretary giving details of the Original amount borrowed amounts paid off and the balance owing.

8. This Ordinance may be cited as "The St. Faith's Narrabeen Sale and Mortgage Ordinance 1940."

THE FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land situate at the corner of MacTier and Park Streets Narrabeen in the Shire of Warringah Parish of Manly Cove County of Cumberland being part of Lots one and two of Section 20 of the Mount Ramsay Estate having a frontage of 100 feet to MacTier Street by a depth of 81 feet 3 inches along Park Street and a rear measurement of 100 feet and a depth running parallel with Park Street of 81 feet 3 inches.

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THE SECOND SCHEDULE REFERRED TO.

(a) All that piece or parcel of land situated in the Parish of Manly Cove County of Cumberland and State of New South Wales being Lots twenty-two and twenty-three of Section 19 in the sub-division of the Mount Ramsay Estate commencing at a point on the North Side of Clarke Street distant 250 feet Easterly from the intersection of the Northern side of Clarke Street with the Eastern side of Park Street and bounded thence on the south by said Clarke Street bearing Easterly 100 feet to the South-Western corner of Lot Twenty-four thence on the East by the Western boundary of Lot twenty-four bearing Northerly 191 feet  $1\frac{1}{2}$  inches to the Southern boundary of Lot ten thence on the North by the Southern Boundary of Lots ten and eleven bearing Westerly 100 feet to the South Eastern corner of Lot twelve and thence on the West by Lot twenty-one bearing Southerly 191 feet 3 inches to the commencing point be the said several boundaries and dimensions all more or less being the whole of the land in Conveyance dated 17th June 1916 Regd. No. 76 Book 1085.

(b) Also all that piece of land situated at Narrabeen in the Shire of Warringah Parish of Manly Cove and County of Cumberland being Lot twenty-four of Section 19 of the Mount Ramsay Estate and being the whole of the land comprised in Certificate of Title dated the 3rd day of May 1923 Registered Volume 3448 Folio 123.

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

W. J. G. MANN,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 18th day of March, 1940.

H. V. ARCHINAL

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

March 19, 1940.