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*St. Faith's Narrabeen Sale or Mortgage 1928.*

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**No. 22. 1928.**

AN ORDINANCE to authorise the sale and/or mortgage of certain lands situated at Narrabeen near Sydney and to provide for the application of the proceeds thereof and for other purposes incidental to the objects thereof.

WHEREAS by Indenture of Conveyance dated the seventeenth day of June One thousand nine hundred and sixteen made between William Biven Giles and Thomas Leo Giles of the one part and the Church of England Property Trust Diocese of Sydney of the other part Registered No. 76 Book 1085 the lands described in the FIRST Schedule hereto were conveyed to the Church of England Property Trust Diocese of Sydney its successors and assigns upon trust to permit a Church and parsonage to be erected on the said land to be called St. Faith's Church and Parsonage Narrabeen AND WHEREAS the said Church of England Property Trust Diocese of Sydney is registered under the provisions of the Real Property Act 1900 as the proprietor of the whole of the land comprised in Certificate of Title Registered Volume 3448 Folio 123 being the land described in the SECOND Schedule hereto AND WHEREAS the land described in the said Certificate of Title Registered Volume 3448 Folio 123 is held 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 by contract for sale dated 7th December 1927 Clara Elizabeth Rasmussen contracted to sell to Arthur Penrhyn Thomas W. J. Worth and Joseph Hayward as joint tenants the land described in the THIRD Schedule hereto for the sum of £700 payable by instalments and a deposit of £100 was paid on the signing of the said contract such land being purchased by the said A. P. Thomas W. J. Worth and J. Hayward as and for a site for a new Church or a Rectory or a Parish Hall or partly for one and partly for another or others of such purposes for the Parish of St. Faith Narrabeen AND WHEREAS the said A. P. Thomas W. J. Worth and J. Hayward have also agreed to purchase

from the said Clara Elizabeth Rasmussen the land described in the FOURTH Schedule hereto for the sum of three hundred and fifty pounds payable by instalments such land being purchased by the said A. P. Thomas W. J. Worth and J. Hayward as and for a site for a new Church or a Rectory or a Parish Hall or partly for one and partly for another or others of such purposes for the Parish of St. Faith Narrabeen AND WHEREAS the said lands described in the THIRD and FOURTH Schedules have been purchased for and on account of the said Church of England Property Trust Diocese of Sydney and will be transferred to the said Church of England Property Trust Diocese of Sydney and be held by it as and for a site for a new Church or a Rectory or a Parish Hall or partly for one and partly for another or others of such purposes for the Parish of St. Faith Narrabeen AND WHEREAS it is expedient that an advance or advances of money not exceeding the sum of eight hundred pounds should be obtained upon the security of the lands described in the FIRST and SECOND Schedules hereto for the purposes aforesaid AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to mortgage the said lands AND WHEREAS by reason aforesaid it is expedient to sell the said lands Now the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf 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 vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and in the place of the said Synod declares directs and rules as follows :—

1. By reason of circumstances subsequent to the creation of the said recited Trusts it is expedient to mortgage and/or sell the lands described in the First and Second Schedules hereto.

2. The Church of England Property Trust Diocese of Sydney is hereby authorised to borrow from time to time upon the security of the lands described in the First and Second Schedules hereto or any part thereof any sum or sums of money not exceeding

£800 and such land or any part or parts thereof may be mortgaged from time to time to secure repayment of any sum or sums of money borrowed under the authority hereby conferred together with interest on the same. Provided that after the expiration of 5 years from the passing of this Ordinance the mortgagor shall reduce the amount of its indebtedness secured as aforesaid so that it shall not exceed £500 and thereafter shall reduce the said indebtedness at the rate of £50 a year but the mortgagee or the Registrar-General shall not be concerned to see or enquire into or be affected by notice of any failure on the part of the mortgagor to reduce the amount of its indebtedness in manner aforesaid.

3. The lands described in the First and Second Schedules hereto may be sold at any time either before or after being mortgaged under the authority hereinbefore contained and either subject to or freed and discharged from any such mortgage then existing and either by public auction or private contract in one lot or several lots at one time or at different times and at such price or prices and upon such terms and conditions as the Church of England Property Trust Diocese of Sydney may deem expedient freed from the trusts and purposes upon and for which such land is held.

4. The moneys to arise from any such mortgage or mortgages and sale or sales shall be applied in the following manner that is to say such moneys shall be paid to the Church of England Property Trust Diocese of Sydney and shall be applied by it in the first place in or towards the costs and expenses of and incidental to this Ordinance and of and incidental to any mortgage or mortgages sale or sales executed or made in pursuance of the powers hereby conferred and after payment of such costs and expenses in or towards the payment or reduction of any purchase money owing by the said parish or by any person or persons on its behalf in respect of the lands described in the Third and Fourth Schedules hereto or of any moneys owing under any mortgage or mortgages charge or charges executed in pursuance of this Ordinance or in payment for the erection of a brick Church with tower or a Rectory or a Parish Hall or partly for one and partly for another or others of such purposes on the said lands contracted to be purchased.

5. This Ordinance shall be styled and cited as "St. Faith's Narrabeen Sale or Mortgage Ordinance 1928."

**THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.**

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 Nineteen in the sub-division of the Mount Ramsay Estate commencing at a point on the North side of Clarke Street distant two hundred and fifty 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 one hundred feet to the South-Western corner of Lot twenty-four thence on the East by the Western boundary of Lot twenty-four bearing Northerly one hundred and ninety-one feet one and a half inches to the Southern boundary of Lot ten thence on the North by the Southern boundary of Lots ten and eleven bearing Westerly one hundred feet to the South-Eastern corner of Lot twelve and thence on the West by Lot twenty-one bearing Southerly one hundred and ninety-one feet three inches to the commencing point be the said several boundaries and dimensions all more or less.

**THE SECOND SCHEDULE HEREINBEFORE  
REFERRED TO.**

All that piece of land situated at Narrabeen in the Shire of Warringah Parish of Manly Cove and County of Cumberland being Lot 24 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 Reg. Volume 3448 Folio 123.

**THE THIRD SCHEDULE HEREINBEFORE REFERRED TO.**

All that piece of land situate at the corner of MacTier and Park Streets Narrabeen Parish of Manly Cove County of Cumberland Shire of Warringah being part of Lots 1 and 2 of Section 20 of the Mount Ramsay Estate having a frontage of 100 feet to MacTier Street by a depth of 91 feet three inches along Park Street.

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THE FOURTH SCHEDULE HEREINBEFORE  
REFERRED TO.

All that piece of land situate in Park Street Narrabeen Parish of Manly Cove County of Cumberland being part of Lots 1 and 2 of Section 20 of the Mount Ramsay Estate having a frontage of 50 feet to Park Street by a depth of 100 feet being part of the land comprised in Certificate of Title dated 27th April 1928 Registered Volume 4136 Folio 118.

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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 this third day of December, 1928.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

4th December, 1928.