
St. James' Turramurra Mortgaging Ordinance 1956

No. 44, 1956.

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

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of the land comprised in Certificates of Title registered Volume 1272 Folio 86 and Volume 1318 Folio 118.

AND WHEREAS the said land is held by the Corporate Trustee 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. James' at Turramurra.

AND WHEREAS the land more particularly described in the First Schedule hereto forms part of the land comprised in the said Certificate of Title Registered Volume 1272 Folio 86 and the whole of the land comprised in Certificate of Title Registered Volume 1318, Folio 118.

AND WHEREAS there is now erected upon the said land comprised in the First Schedule two wooden halls known as the Kindergarten halls a brick memorial hall a rectory and a garage used in connection with the Church of England in the said parish.

AND WHEREAS the Corporate Trustee is registered as proprietor of the land comprised in Certificate of Title Registered Volume 6546 Folio 233 more particularly described in the Second Schedule hereto.

AND WHEREAS the land comprised in the Second Schedule is Church Trust Property held for the sole benefit of the said Parish.

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AND WHEREAS it is expedient to remove the said wooden Kindergarten Halls and re-erect and furnish the same upon part of the land comprised in the Second Schedule and also to erect a new Kindergarten Hall upon part of the land comprised in the said Certificate of Title Volume 1272 Folio 86 and also to acquire a new site at North Turramurra.

AND WHEREAS for the purpose of providing the money in connection with all or any of the said purposes 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 land described in the First Schedule hereto.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and directs as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule hereto is held it is expedient to mortgage the said land.

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the First Schedule hereto for the purpose of borrowing the sums following:—
 - (a) When the power is first exercised a sum not exceeding Fifteen thousand pounds (£15,000).
 - (b) When the power is, subsequently exercised such sum not exceeding Fifteen thousand pounds (£15,000) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than Five hundred pounds (£500) per annum when the power is first exercised and thereafter at such rate as the Standing Committee may by resolution determine provided further that no person or corporation advancing money under 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.

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- (iii) A document purporting to be signed by the Archbishop or the Secretary of the Standing Committee 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.

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

- (i) When the power is first exercised:—

(a) In payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage executed in pursuance thereof.

(b) Subject thereto the balance shall be paid to the Churchwardens of St. James' Turramurra who shall apply the same towards the costs of and incidental to the removal of the said wooden Kindergarten Halls and the re-erection and furnishing of the same upon part of the land comprised in the Second Schedule also in the erection of a new Kindergarten Hall upon part of the land comprised in the said First Schedule and also in acquiring a new site at North Turramurra.

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

3. The Churchwardens for the time being of the Church of St. James' Turramurra 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 Secretary of the Standing Committee giving details of the original amount borrowed, the amounts paid off and the balance owing.

4. This Ordinance shall be cited as "St. James' Turramurra Mortgaging Ordinance 1956."

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THE FIRST SCHEDULE.

All that piece of land at Turramurra in the Parish of Gordon County of Cumberland containing an area of 2 roods 5½ perches having a frontage of 153 feet 6 inches to St. James' Lane by depths of 152 feet 11½ inches on the eastern boundary of 152 feet 6½ inches on the western boundary and a rear measurement of 151 feet 9½ inches being part of Lots 7 and 8 of Section C Deposited Plan No. 2511 and part of the land comprised in Certificate of Title Volume 1272 Folio 86.

Also all that piece of land situate as aforesaid containing an area of 2 roods 12 perches having a frontage of 75 feet to King Street by depths of 333 feet 9 inches on the eastern boundary and 334 feet 9 inches on the western boundary and a rear measurement of 75 feet being Lot 6 Section C Deposited Plan No. 2511 and the whole of the land comprised in Certificate of Title Volume 1318 Folio 118.

THE SECOND SCHEDULE.

All that piece or parcel of land situate as aforesaid containing 1 rood 17 perches or thereabouts being Lots 1 and 2 of Section 2 in Deposited Plan No. 859 having a frontage of 112 feet to Kissing Point Road by a depth along the north west of 234 feet 1 inch and on the south east of 155 feet 6 inches with a rear measurement of 80 feet being the whole of the land comprised in Certificate of Title Volume 6546 Folio 233.

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

R. C. KERLE, Bishop,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 17th day of December, 1956.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

W. G. HILLIARD, Bishop,
Commissary.

17/12/1956.