
St. James' Turramurra Mortgaging Ordinance 1962

No. 17, 1962.

AN ORDINANCE to authorise the mortgaging of certain land situate at Turramurra in the County of Cumberland Parish of Gordon and State of New South Wales and to provide 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 a 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 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 on the residue of the land comprised in the said Certificate of Title Volume 1272 Folio 86 there is erected the Church of St. James AND WHEREAS there is now erected upon the said land comprised in the Schedule a brick War Memorial Hall a brick Kindergarten Hall, a Rectory and a garage used in connection with the Church of England in the said Parish.

AND WHEREAS it is expedient to carry out extensions to the said Church AND WHEREAS it is also expedient to carry out extensions to the War Memorial Hall on part of the land comprised in the Schedule hereto AND WHEREAS for the purpose of providing 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 Schedule hereto NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod hereby ordains and declares as follows:

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

St. James' Turrumurra Mortgaging Ordinance 1962

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the Schedule hereto for the purpose of borrowing the sums following:-
 - (a) When the power is first exercised a sum not exceeding Twelve thousand pounds (£12,000)
 - (b) When the Power is subsequently exercised such sum not exceeding Twelve thousand pounds (£12,000) as the Standing Committee shall by resolution determine Provided that such debt shall be reduced at the rate of not less than Twelve hundred pounds (£1,200) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine provided further that no person or corporation advancing moneys 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 but to the extent only that the principal sum thereby secured shall not be increased beyond the balance of debt remaining owing in respect of the same as at the date of such renewal.
- (iii) A document purporting to be signed 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.

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 or mortgages executed in pursuance thereof.
 - (b) Subject thereto the balance shall be paid to the Church Wardens for the time being of the Parish of St. James' Turrumurra (whose receipt shall be a sufficient discharge therefore) and who shall apply the same in or towards payment or satisfaction of the costs of and incidental to the making of the

St. James' Turramurra Mortgaging Ordinance 1962

extensions to the said Church and the making of the extensions to the said War Memorial Hall.

- (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 Parish 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 Diocesan Secretary giving details of the original amount borrowed, the amounts paid off and the balance owing.

4. This Ordinance shall be styled and cited as "St. James' Turramurra Mortgaging Ordinance 1962."

THE SCHEDULE.

All that piece of land at Turramurra in the Parish of Gordon County of Cumberland containing an area of 2 roods $5\frac{1}{2}$ perches having a frontage of 153 feet 6 inches to St. James' Lane by depths of 152 feet $11\frac{1}{2}$ inches on the eastern boundary and 152 feet $6\frac{1}{4}$ inches on the western boundary and a rear measurement of 151 feet $9\frac{3}{4}$ 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.

St. James' Turramurra Mortgaging Ordinance 1962

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

ATHOL RICHARDSON,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of July, 1962.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

30/7/1962.