
*St. Jude's Dural (Glenorie) Land Sale and
Mortgaging Ordinance, 1963*

No. 44, 1963.

AN ORDINANCE to authorise the sale of certain land situate at Great Northern Road, Glenorie and to provide for the application of the proceeds and also to authorise the mortgaging of land situate at Great Northern Road, Glenorie and to provide for the application of the proceeds.

WHEREAS the Church of England Property Trust Diocese of Sydney is the registered proprietor of the land comprised in Certificate of Title Volume 5212 Folio 218 more particularly described in the First Schedule hereto AND WHEREAS the said land is Church Trust property held for the benefit of the Parish of St. Jude, Dural AND WHEREAS the Church of St. Mark is erected on the said land but no trusts in writing have been declared concerning the same AND WHEREAS by reason of the limited size of the said land it is now considered not suitable for church purposes AND WHEREAS it is desired to acquire a more suitable and larger site AND WHEREAS it is proposed when such more suitable site is acquired to remove the present Church erected on the said land to the new site and to develop such new site for church purposes in connection with the Church of England in Australia at Glenorie in the said Parish AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold and the proceeds applied as hereinafter set forth AND WHEREAS a certain contract for sale dated the 2nd day of December 1963 has now been entered into between Francis Tonitto and Barbara Giles as vendors of the one part and the Corporate Trustee of the other part for the purchase of the land comprised in Certificate of Title Volume 9235 Folio 235 more particularly described in the Second Schedule for the sum of Four thousand pounds (£4,000) AND WHEREAS SUCH contract for sale is subject to the approval of Standing Committee of the Synod of the Diocese of Sydney, being given within sixty (60) days for the purchaser to complete the purchase of the said land AND WHEREAS the said property is being acquired for and on behalf of the Parish of St. Jude Dural in connection with the Church of St. Mark Glenorie and is church trust property held for the sole benefit of such Parish AND WHEREAS it is necessary and expedient to borrow the sum of Two

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thousand eight hundred pounds (£2,800) to provide part of the said purchase money and for such purpose that the said land comprised in the Second Schedule hereto be mortgaged 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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land in the First Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

2. The Corporate Trustee is hereby empowered to sell the said land comprised in the First Schedule hereto by public auction or private contract at such time and such price and upon such terms and conditions as the Parish Council of the said Parish and the Corporate Trustee may determine freed from any trusts whatsoever.

3. That the land described in the Second Schedule hereto be 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 of such purposes in connection with the Church of England in Australia at Glenorie in the Parish of St. Jude, Dural.

4. By reason of the circumstances upon which the land described in the Second Schedule hereto is being purchased it is expedient that the same be mortgaged.

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the land described in the Second Schedule hereto for the purpose of borrowing the sums following:-
- (a) When the power is first exercised a sum not exceeding Two thousand eight hundred pounds (£2,800)
 - (b) When the power is subsequently exercised such sum not exceeding Two thousand eight hundred pounds (£2,800) as the Standing Committee shall by resolution determine.

Provided that such debt shall when the power is first exercised be repaid at the rate of not less than One hundred and ninety pounds (£190) per annum plus interest and

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when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine Provided further that no person or corporation advancing moneys pursuant to this Ordinance shall be concerned to enquire whether such reduction shall have been made.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the power.
- (iii) A document purporting to be certified by the Archbishop or the Diocesan Secretary 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.

5. 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 of and incidental to this Ordinance and any mortgage executed in pursuance thereof and the balance towards the purchase money payable in respect of the acquisition of the said land.
- (ii) When the power is subsequently exercised in discharge or renewal of any existing mortgage or mortgages on the said land described in the Second Schedule hereto and the costs of and incidental to any such renewal or further mortgage.

6. The proceeds arising from the sale of the said land comprised in the First Schedule hereto after paying thereout the costs of and incidental to the sale and transfer in pursuance thereof shall be paid as to the sum of One thousand five hundred pounds (£1,500) thereof to the Commonwealth Savings Bank of Australia in partial repayment of the mortgage hereinbefore authorised in respect of the land comprised in the Second Schedule hereto and the balance thereof shall be paid to the Churchwardens of St. Mark's Church Glenorie and shall be applied by them towards the removal of the existing Church on the land hereby authorised to be sold and the re-erection thereof on the land comprised in the Second Schedule hereto and also the balance (if any) towards the erection thereon of a Church or Minister's residence.

7. This Ordinance may be cited as "St. Jude's Dural (Glenorie) Land Sale and Mortgaging Ordinance 1963."

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FIRST SCHEDULE

All that piece or parcel of land situate in the Shire of Hornsby Parish of Berowra and County of Cumberland containing 33 perches or thereabouts having a frontage to Great Northern Road of approximately 64' 5" a depth on one side of approximately 138' 3" and on the other side of approximately 161' 9" and a rear line of approximately 60' being Lot A in plan annexed to Transfer No. C979798 and being the whole of the land comprised in Certificate of Title Volume 5212 Folio 218.

SECOND SCHEDULE

All that piece or parcel of land situate in the Shire of Baulkham Hills Parish of Nelson and County of Cumberland having a frontage of about 217' 8 $\frac{1}{2}$ " to Great Northern Road by a depth of one side of about 1,179' 6" and on the other side of about 1,135' 4" with a rear line measurement of about 215' 5 $\frac{1}{2}$ " having an area of about 5 acres 2 roods 37 $\frac{1}{4}$ perches being Lot 6 in Deposited Plan No. 30606 being the whole of the land in Certificate of Title Volume 9235 Folio 235.

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 16th day of December, 1963.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

16/12/1963.

HUGH SYDNEY,
Archbishop of Sydney.