
St. Luke's Liverpool Mortgage Ordinance, 1963

No. 18, 1963.

AN ORDINANCE to authorise the mortgaging of certain land at Liverpool in the Municipality of Liverpool Parish of St. Luke and to provide for the application of the proceeds.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is seized of an estate in fee simple of the lands described in the Schedule hereto. AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Parish of St. Luke Liverpool. AND WHEREAS by Ordinance No. 2 of 1961 entitled "St. Luke's Liverpool Dedication and Leasing Ordinance, 1961" said lands were authorised to be and have been leased by the Corporate Trustee to Woolworth's Limited. AND WHEREAS the sum of Twenty thousand Pounds (£20,000) has already been lent to the said Parish of St. Luke, Liverpool by the Commercial Banking Company of Sydney Limited under a letter of guarantee. AND WHEREAS it is proposed to erect certain Church buildings on the land to be acquired at Sadlier in the Green Valley new housing area which is within the said Parish of St. Luke, Liverpool and for such purposes, it will be necessary to mortgage the land and to raise the further sum of Ten thousand pounds (£10,000) to be applied towards the erection of such buildings, such mortgage to also secure the abovementioned loan of Twenty thousand pounds (£20,000). 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 trust upon which the said land 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 Schedule hereto for the purpose of borrowing the sums following:-
 - (a) When the power is first exercised, a sum not exceeding Thirty thousand pounds (£30,000).
 - (b) When the power is subsequently exercised, such sum not exceeding Thirty thousand pounds (£30,000) as the Standing Committee may by resolution determine.

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Provided that such debt shall when the power is first exercised be repaid at the rate of not less than Three thousand pounds (£3,000) principal and interest per annum and when the power is subsequently exercised at such rate as Standing Committee may by resolution determine.

- (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.

2. 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 in discharge of the existing unsecured loan of Twenty thousand pounds (£20,000) and the balance shall be paid to the Churchwardens of St. Luke's Church, Liverpool who shall apply the same towards the cost of erection of Church buildings at Sadlier in the Green Valley new housing area.
- (ii) When the power is subsequently exercised in payment of principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage.

3. The Churchwardens for the time being of St. Luke's Church Liverpool, shall within seven 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 may be cited as "St. Luke's Liverpool Mortgage Ordinance 1963."

THE SCHEDULE HEREINBEFORE REFERRED TO

All that piece of land containing 3 acres 1 rood 19½ perches being part of Section 38 of the Town of Liverpool and being Lot A on the plan signed by Mr. Surveyor W. R. Hardy dated 4/11/60

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situated in the Municipality of Liverpool Parish of St. Luke County of Cumberland and State of New South Wales COMMENCING at a point on the South Eastern alignment of Northumberland Street bearing 188 degrees 53 minutes and distant 30' 0" from the intersection of the South Eastern alignment of Northumberland Street with the South Western alignment of Campbell Street and bounded thence on the North West by part of the South Eastern alignment of Northumberland Street as widened being lines bearing 23 degrees 53 minutes 30 seconds for 15' 6½", 53 degrees 54 minutes 30 seconds for 15' 6½" and 83 degrees 55 minutes 30 seconds for 15' 6½" to the South Western alignment of Campbell Street thence on the North East by part of the South Western alignment of that Street being a line bearing 98 degrees 56 minutes for 234' 4½" thence on the North East by part of the South Western alignment of Hume Highway as widened being lines bearing 113 degrees 54 minutes for 15' 6½" 143 degrees 50 minutes 20 seconds for 15' 6½" and 173 degrees 46 minutes 20 seconds for 15' 6½" to the North Western alignment of Hume Highway thence on the South East by part of the North Western alignment of Hume Highway being a line bearing 188 degrees 44 minutes 30 seconds for 475' 10½" thence on the South West by the North Eastern boundary of Lot B on abovementioned plan dated 4/11/60 being a fenced line bearing 281 degrees 14 minutes 40 seconds for 295' 10½" to the South Eastern alignment of Northumberland Street and thence on the North West by part of the South Eastern alignment of that Street being a line bearing 8 degrees 53 minutes for 463' 11½" to the point of commencement.

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

J. R. L. JOHNSTONE,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of July, 1963.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.
29/7/1963.

R. C. KERLE,
Bishop (Commissary).