
St. Luke's Northmead Mortgage Ordinance 1970

No. 7, 1970

AN ORDINANCE to authorise the mortgaging of certain land in Thomas Street, Northmead in the City of Parramatta and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of an estate in fee simple in the land comprised in Certificate of Title Volume 7955 Folio 192 more particularly described in the Schedule hereto AND WHEREAS the said land is church trust property held pursuant to the Baulkham Hills with Northmead and Kellyville Mortgage Ordinance, 1961 (No. 10 of 1961) upon trust to permit the same to be used for a church parsonage and parish hall or partly for one and partly for another of such purposes in connection with the Church of England at Northmead in the Provisional Parish of Baulkham Hills with Northmead and Kellyville AND WHEREAS since the passing of the said Ordinance No. 10 of 1961 the Provisional District of St. Luke Northmead has been created out of the former Provisional Parish of Baulkham Hills with Northmead and Kellyville AND WHEREAS it is proposed to erect on the said land a new church building and for such purpose it is necessary and expedient to mortgage the said land to borrow a sum not exceeding Fifty thousand dollars (\$50,000) part of which sum will be applied in payment of the balance outstanding under the existing mortgage on the said property granted pursuant to Ordinance No. 10 of 1961 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 the circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient that the said land be mortgaged.
2. (i) The Corporate Trustee is hereby empowered to mortgage the said land from time to time for the purpose of borrowing the sums following:—
 - (a) When the power is first exercised a sum not exceeding Fifty thousand dollars (\$50,000).
 - (b) When the power is subsequently exercised such sum not exceeding Fifty thousand dollars (\$50,000) as Standing Committee shall by resolution determine.

St. Luke's Northmead Mortgage Ordinance 1970

PROVIDED that such debt shall be reduced at the rate of not less than Four thousand and sixty-eight dollars (\$4,068) per annum inclusive of principal and interest when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing money under the provisions of 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.
 - (iii) A document purporting to be certified by the Archbishop or 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.
3. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—
- (i) When the power is first exercised in the manner following:—
 - (a) Firstly in discharge of Mortgage Registered Number H835053 to the Commercial Banking Company Savings Bank Limited, such mortgage having been granted pursuant to the provisions of Ordinance No. 10 of 1961.
 - (b) Secondly in payment of the costs, charges and expenses of and incidental to this Ordinance, the discharge of the last-mentioned mortgage, and of any mortgage executed in pursuance hereof.
 - (c) Thirdly the balance to be paid to the Churchwardens of St. Luke's Church Northmead to be applied by them in and towards the erection of a new church building on the said land.
 - (ii) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any existing mortgage or mortgages or the renewal thereof or of any new mortgage or charge or for such other purpose or purposes not inconsistent with the trusts of the said land as Standing Committee may by resolution determine.

St. Luke's Northmead Mortgage Ordinance 1970

4. The Churchwardens for the time being of St. Luke's Church Northmead 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 particulars of the amount borrowed the amounts paid off and the balance owing.

5. This Ordinance may be cited as "St. Luke's Northmead Mortgage Ordinance 1970".

SCHEDULE

ALL THAT piece or parcel of land situate at Northmead in the City of Parramatta Parish of St. John and County of Cumberland having a frontage of approximately 150 feet to Thomas Street and a depth of 89 feet 10 $\frac{1}{4}$ inches on the Eastern side and a depth of 126 feet 9 $\frac{1}{4}$ inches on the Western side and a rear line of 154 feet 6 inches be the said dimensions a little more or a little less being Lots 37 and 38 in Deposited Plan 9330 and being the whole of the land in Certificate of Title Volume 7955 Folio 192.

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 25th day of May, 1970.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

25/5/1970.