
*St. Timothy's Church Narraweena Sale and Mortgaging
Ordinance 1960.*

No. 17, 1960.

AN ORDINANCE to authorise the sale of certain land at Narraweena in the Shire of Warringah Parish of Manly Cove County of Cumberland and to provide for the application of the proceeds thereof and to authorise the mortgaging of certain land situated as aforesaid.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustee") is the Registered Proprietor in fee simple of the land comprised in Certificates of Title Volumes 58 Folio 242 and 6954 Folio 5 more particularly described in the first and second schedules hereto respectively AND WHEREAS the said lands are Church Trust property held for the sole benefit of St. Timothy's Church, Narraweena, but no Trusts in writing have been declared and it is expedient to declare such Trusts AND WHEREAS by reason of circumstances subsequent to the creation of the said Trusts it has become inexpedient to carry out and observe such Trusts insofar as they affect that part of the said land described in the third schedule hereto being part of the land described in the said first and second schedules and it is expedient to sell the land described in the said third schedule and apply the proceeds towards the cost of the erection of a church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes on the land described in the fourth schedule hereto AND WHEREAS it may be necessary to mortgage the land comprised in the fourth schedule hereto for the purpose of providing the further moneys required for the erection of the said buildings.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod hereby ordains and declares as follows:—

1. The lands described in the first and second schedules, hereto shall be held upon trust 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 St. Timothy's Church of England Narraweena in the Provisional District of Forestville-Narraweena cum Belrose and Oxford Falls.

2. By reason of circumstances which have arisen subsequent to the creation of the Trust upon which part of the said land is

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held, namely, that part described in the Third Schedule hereto, it is inexpedient to carry out and observe the same and it is expedient that the land described in this Schedule be sold.

3. The land described in the third schedule hereto may be sold by public auction or by private contract at such time or times and at such price and upon such terms and conditions as the said Corporate Trustee may deem expedient or from the Trusts aforesaid.

4. The moneys arising from the said sale after deduction thereout of all rates and other outgoings property chargeable against the said lands and all costs charges and expenses of and incidental to this ordinance and the said sale and transfer of the said land in pursuance thereof shall be held upon trust to be paid to the said St. Timothy's Church to be applied and used firstly in or towards the erection of a Church, Parsonage or Parish Hall or partly for one or the other of such purposes in connection with St. Timothy's Church Narraweena, upon the land described in the fourth schedule hereto.

5. Pending such application the said proceeds may be invested by the Corporate Trustee in accordance with the provisions of the "Investment of Church Trust Property Ordinance 1944" or any Ordinance amending or taking the place of the same and any income arising from such investment shall be added to the said capital sum and may be invested from time to time as aforesaid and shall follow the destination of the capital.

6. By reason of circumstances subsequent to the creation of the Trusts upon which the land described in the said fourth schedule hereto is held it may become expedient to mortgage the same as hereinafter provided.

- (i) The Corporate Trustee is hereby empowered to Mortgage from time to time the land described in the fourth Schedule hereto or any part or parts thereof for the purposes of borrowing:
 - (a) When the power is first exercised such sum as the Standing Committee may by resolution determine.
 - (b) When the power is subsequently exercised such sum not exceeding the sum lastly above mentioned as

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the Standing Committee shall by resolution determine provided that such debt be reduced when the power is first exercised at such rate as shall be determined and when the power is subsequently exercised at such rate as the Standing Committee may by resolution determine.

- (ii) Any renewal of mortgage shall be deemed to be a subsequent exercise of the said power.
- (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 the mortgagees or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

7. 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, charges and expenses of and incidental to any mortgage or mortgages executed in pursuance thereof and the balance shall be paid to the Church Wardens of St. Timothy's Narraweena who shall apply the same in and towards the costs of and incidental to the erection of the said Church or Rectory and any balance remaining in or towards the furnishing thereof.
- (ii) When the power is subsequently exercised in payment of the principal and interest and costs of discharge of any then existing mortgage or mortgages and the costs of and incidental to such subsequent mortgage or mortgages.

8. The Church Wardens for the time being of the said St. Timothy's Church shall within seven days of the date of holding the annual vestry meeting during such time as any money is owing under any mortgage pursuant to this ordinance cause an account to be forwarded to the Secretary of the Standing Committee giving details of the original amount borrowed amounts paid off and balance owing.

9. This Ordinance shall be cited as the "St. Timothy's Church Narraweena Sale and Mortgaging Ordinance 1960."

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THE FIRST SCHEDULE.

All that piece or parcel of land situate at Narraweena in the Shire of Warringah Parish of Manly Cove County of Cumberland having a frontage to Greenwood Avenue of 55 feet being Lot "A" of a resubdivision of Lots 22 and 23 Housing Commission Plan No. 864 and in plan annexed to transfer No. G.203686 and being the whole of that comprised in Certificate of Title Volume 6958 Folio 242.

THE SECOND SCHEDULE.

All that piece or parcel of land situate at Narraweena in the Shire of Warringah Parish of Manly Cove County of Cumberland having frontages to Greenwood Avenue of 70' 7½" and to Alfred Road of 114' 7½" being Lot "B" of a resubdivision of Lots 22 and 23 Housing Commission Plan No. 864 and on plan annexed to transfer No. G.203686 and being the whole of the land comprised in Certificate of Title Volume 6954 Folio 5.

THE THIRD SCHEDULE.

All that piece or parcel of land situate at Narraweena in the Shire of Warringah Parish of Manly Cove County of Cumberland having a frontage to Greenwood Avenue of 62' being parts of Lots "A" and "B" of a resubdivision of Lots 22 and 23 Housing Commission Plan No. 864 and on Plan annexed to Transfer No. G.203686 and being Lot "X" on resubdivision Plan approved by the Council of the Shire of Warringah as per Shire Clerk's Certificate No. 5000 of 20th June, 1960 and being parts of the lands comprised in Certificates of Title Volume 6958 Folio 242 and Volume 6954 Folio 5.

THE FOURTH SCHEDULE.

All that piece or parcel of land situate at Narraweena in the Shire of Warringah Parish of Manly Cove County of Cumberland having frontages to Greenwood Avenue of 63' 7½" and to Alfred Road of 114' 7½" being parts of Lots "A" and "B" of a resubdivision of Lots 22 and 23 Housing Commission Plan No. 864 and on plan annexed to Transfer No. G.203686 and being Lot "Y" on resubdivision Plan approved by the Council of the Shire of Warringah as per Shire Clerk's Certificate No. 5000 of 20th June, 1960 and parts of the lands in Certificates of Title Volume 6958 Folio 242 and Volume 6954 Folio 5.

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

H. G. S. BEGBIE,
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 July, 1960.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

25/7/1960.