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*Christ Church Springwood Mortgage Ordinance, 1961*

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No. 17, 1961.

AN ORDINANCE to authorise the mortgaging of certain land at Springwood and Valley Heights in the City of Blue Mountains and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust (hereinafter called the Corporate Trustee) is registered proprietor of Lot 1 D.P. 23998 being part of the land comprised in Certificate of Title Volume 1294 Folio 69 and of the whole of the lands, comprised in Certificates of Title Volume 2560 Folio 162 and Volume 7206 Folio 160 more particularly described in the first, second and third parts respectively of the Schedule hereto AND WHEREAS the Corporate Trustee is the purchaser under Contract of Sale dated 17th March 1961 with Tilga Alice Emily Brown for the purchase of the land described in the fourth part of the said Schedule AND WHEREAS all the said land is Church Trust Property held for the sole benefit of the Parish of Christ Church Springwood AND WHEREAS the land firstly described in the Schedule is used and occupied as the Rectory of the said Parish and upon the land secondly and thirdly described are the churches of St. Mark Valley Heights and St. George North Springwood respectively and WHEREAS the land fourthly described is vacant and is being purchased for the purpose of erecting a new Rectory thereon AND WHEREAS it is proposed to extend the Church of Christ Church Springwood erected on the land comprised in Certificate of Title Volume 891 Folio 44 now vested in the Corporate Trustee which church has been consecrated but no trusts in writing have been declared concerning the land upon which it is erected and it is expedient that such trusts be declared AND WHEREAS for the purpose of carrying out such extension it is necessary to borrow a sum not exceeding Seven thousand five hundred pounds (£7,500:) and it is expedient that the lands described in the Schedule be mortgaged for such purpose 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. The land comprised in Certificate of Title Volume 891 Folio 44 shall be held by the Corporate Trustee upon trust to permit the same to be used for a church parsonage or parish hall or partly for

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one and partly for another of such purposes in connection with the Church of England at Springwood.

2. (i) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the schedule hereto are held it is expedient that the said lands be mortgaged and the Corporate Trustee is hereby empowered to mortgage the same from time to time for the purpose of borrowing the sums following:-
- (a) When the power is first exercised a sum not exceeding Seven thousand five hundred pounds (£7,500:);
- (b) When the power is subsequently exercised such sum not exceeding Seven thousand five hundred pounds (£7,500:) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Three hundred pounds (£300) per annum 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 power.

(iii) A document purporting to be certified by the Archbishop or Diocesan Secretary as a copy of such Resolution shall in favour of a mortgagee or any person 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 payment of the costs charges and expenses of and incidental to this Ordinance and of any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of Christ Church Springwood who shall apply the same in and towards the extension of the church erected on the land in Certificate of Title Volume 891 Folio 44.

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- (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 and the costs and expenses of such further mortgage or mortgages.

4. The Churchwardens for the time being of Christ Church Springwood shall within seven days of the holding of the Annual Vestry Meeting of such Church 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.

5. This Ordinance may be cited as "Christ Church Springwood Mortgage Ordinance 1961."

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SCHEDULE.

*First Part.*

All that piece or parcel of land situated at Springwood City of Blue Mountains in the Parish of Coomassie County of Cook containing 1 acre 32 perches having a frontage of 199' 11 $\frac{1}{2}$ " to Great Western Highway being Lot 1 D.P. 23998 and part of the land comprised in Certificate of Title Volume 1294 Folio 60. (Rectory Site)

*Second Part.*

All that piece or parcel of land situated at Valley Heights in the Parish and County aforesaid having a frontage of 57' to Wyoming Avenue and depth of about 148' being Lot 30 D.P. 7737 and the whole of the land in Certificate of Title Volume 2560 Folio 162. (St. Mark's Church site).

*Third Part.*

All that piece or parcel of land situated at North Springwood in the Parish and County aforesaid having a frontage of 63' to Hawkesbury Road by depth of about 280' being part Lot 15 D.P. 2199 and being the whole of the land in Certificate of Title Volume 7206 Folio 160 (St. George's Church site).

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*Fourth Part.*

All that piece or parcel of land situated at Springwood aforesaid having a frontage of 52' to Charles Street, being Lot 1 D.P. 28938 and being part of the land in Certificate of Title Volume 3316 Folio 124. (Proposed new Rectory Site).

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

ATHOL R. 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 Twenty-ninth day of May, 1961.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

29 / 5 / 61.

HUGH SYDNEY,  
Archbishop of Sydney.