

*Herne Bay, Peakhurst, Narwee and Lugarno Mortgaging
Ordinance, 1953.*

No. 36, 1953.

AN ORDINANCE to declare the Trusts and to authorise the mortgaging of certain land situate at Littleton Street Herne Bay 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 the lands comprised in Certificates of Title Registered Volume 5886 Folio 53 and Registered Volume 5932 Folio 41 and more fully described in the Schedule hereto AND WHEREAS the said lands were formerly situated in the Parish of Penshurst with Peakhurst Hurstville Grove and Beverly Hills and were purchased partly with moneys provided by the said Parish and partly with moneys provided by the Provisional District of Herne Bay Peakhurst Narwee and Lugarno in which the said lands are now situated but no express trusts in writing have been declared concerning the same AND WHEREAS in order to resolve doubts it is expedient to now declare the trusts upon which the said lands are held AND WHEREAS it is necessary and expedient to mortgage the said land for the purpose of erecting a church thereon NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ORDAINS AND DECLARES as follows:—

1. BY reason of circumstances subject to the creation of the trusts upon which the lands described in the Schedule hereto are held it is expedient to vary the same and the same are hereby varied as follows:—The said lands shall henceforth be held upon trust to permit the same to be used for a Church Parsonage or Parish Hall and partly for one or others of such purposes in connection with the Church of England in the Provisional District of Herne Bay Peakhurst, Narwee and Lugarno.

2. BY reason of circumstances subsequent to the creation of the trusts to which the lands described in the Schedule hereto are subject it is expedient to mortgage the same and the Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing:—

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- (i) (a) When the power is first exercised a sum not exceeding Three thousand pounds (£3,000).
- (b) When the power is subsequently exercised such sum not exceeding Three thousand pounds (£3,000) as the Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced at the rate of not less than £156 per annum when the power is first exercised, and thereafter at such rate as the Standing Committee may by resolution determine.
- (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 of the said Diocese is 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:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Curate in Charge and Churchwardens for the time being of the Church at Littleton Street in the Provisional District of Herne Bay Peakhurst Narwee and Lugarno (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards the cost of and incidental to the building and erection of a Church Hall on the said land.

4. THE Churchwardens for the time being of the Church at Littleton Street Herne Bay shall within seven days of the date of holding 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

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5. THIS Ordinance shall be styled and cited as the "Herne Bay Peakhurst Narwee and Lugarno Mortgaging Ordinance 1953."

SCHEDULE.

All that piece or parcel of land situate at Herne Bay in the Municipality of Hurstville Parish of St. George County of Cumberland having a frontage of 47' to Littleton Street by depth of about 186' 11½" being Lot 25 D.P. 21049 and being the whole of the land comprised in Certificate of Title Volume 5886 Folio 53 Also all that piece or parcel of land situated as aforesaid having a frontage of 47' to Littleton Street aforesaid by depth of about 186' 11½" being Lot 26 D.P. 21049 and being the whole of the land comprised in Certificate of Title Volume 5932 Folio 41.

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

W. G. HILLIARD, Bishop,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 23rd day of December 1953.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

23/12/1953.