
St. Andrew's Roseville Mortgage Ordinance 1965

No. 30, 1965.

AN ORDINANCE to authorise the mortgaging of certain lands situate in Bancroft Avenue and Hill Street Roseville in the Municipality of Ku-ring-gai, Parish of Gordon County of Cumberland and State of New South Wales and to provide for the application of the proceeds thereof.

WHEREAS by a Contract of Sale dated 26th August 1965 Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustee") is entitled to be registered as proprietor of an Estate in Fee Simple of the lands more particularly described in the first schedule hereto AND WHEREAS by a Certificate of Title Volume 1845 Folio 243 and Certificate of Title Volume 7546 Folio 66 the Corporate Trustee is registered as a proprietor of an Estate in Fee Simple of the lands more particularly described respectively in the second and third schedules hereto AND WHEREAS the land described in the second schedule hereto is being used as a Parsonage for the occupation of the Minister duly licensed to officiate in the Church of England at Roseville known as St. Andrew's Church of England Roseville and it is proposed upon completion of the purchase of the land described in the first schedule to convert the building upon the land described in such schedule for use as a kindergarten and other parochial purposes AND WHEREAS the land described in the third schedule hereto is used as a site for a Parish Hall for the Parish of St. Andrew Roseville AND WHEREAS it is expedient to acquire the land described in the first schedule hereto for the future use as a Parsonage for the occupation of the Minister duly licensed to officiate in St. Andrew's Church of England Roseville AND WHEREAS it is necessary and expedient that the said lands be mortgaged to provide funds for the completion of the contract to purchase the land described in the first schedule hereto 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. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the first, second and third schedules hereto for the purpose of borrowing:-
 - (a) When the power is first exercised a sum not exceeding Twelve thousand pounds (£12,000)

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(b) When the power is subsequently exercised such sum not exceeding £12,000 as Standing Committee may by resolution determine PROVIDED that the debt shall be reduced when the power is first exercised at the rate of not less than One thousand pounds for eighteen months and thereafter Three thousand pounds (£3,000) per annum and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys pursuant to this Ordinance shall be concerned to enquire whether such reductions shall have been made.

(ii) Any renewal of 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.

2. The proceeds of any mortgage hereby authorised shall be applied by Corporate Trustee as follows:-

(i) (a) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance thereof.

(b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the Parish of St. Andrew Roseville (whose receipt shall be a sufficient discharge therefor) who shall apply such moneys received in or towards the payment or satisfaction of the purchase money of the land described in the first schedule hereto and all costs and expenses incidental thereto.

(ii) When the power is subsequently exercised in payment of principal interest and cost of existing mortgage or mortgages and costs of and incidental to such further mortgage or mortgages.

3. The Churchwardens for the time being of St. Andrew's Church Roseville shall within seven (7) days of the date of holding

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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 amounts paid off and the balance owing.

4. This Ordinance may be styled and cited as the "St. Andrew's Roseville Mortgage Ordinance 1965."

THE FIRST SCHEDULE

All that piece or parcel of land situate at Roseville in the Municipality of Ku-ring-gai and Parish of Gordon County of Cumberland having a frontage to Bancroft Avenue of 75 feet with a depth on one side of approximately 178' 7½" and on the other side of 175' 9½" with a rear line of approximately 75' 0½" being Lot 4 of Section C in Deposited Plan No. 5035 and part of the site of a 1' reserve in Deposited Plan No. 2966 and the whole of the land comprised in Certificate of Title Volume 1845 folio 244 upon which is erected a brick residence known as No. 3 Bancroft Avenue, Roseville.

THE SECOND SCHEDULE

All that piece or parcel of land situate at Roseville in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland and having a frontage to Bancroft Avenue of 75' by a depth of approximately on one side of 175' 9½" and on the other side of approximately 173' with a rear line of 75' 0½" and being Lot 3 of Section C in Deposited Plan No. 5035 together with part of the site of a 1' reserve in Deposited Plan No. 2966 and being the whole of the land comprised in Certificate of Title Volume 1845 folio 243.

THE THIRD SCHEDULE

All that piece or parcel of land situate at Roseville in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland having a frontage to Hill Street of approximately 68' 11½" by a depth of 133' 3" on the south and 132' 11½" on the north being part of Lots 1 and 2 of Section C in Deposited Plan No. 5035 and being Lot B in Plan annexed to Order No. G966757 and being the whole of the land comprised in Certificate of Title Volume 7546 folio 66.

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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 27th day of September 1965.

R. K. JONES, Acting Secretary.

I assent to this Ordinance.

HUGH SYDNEY, Archbishop of Sydney.

27/9/1965.
