

---

*St. John Baptist Ashfield Mortgage Ordinance 1969*

---

No. 31, 1969

AN ORDINANCE to authorise the mortgaging of certain land at Ashfield and to provide for the application of the proceeds thereof.

WHEREAS by an Ordinance of the Synod of the Diocese of Sydney entitled "St. John Baptist Ashfield Vesting and Mortgage Ordinance 1961" (No. 27, 1961) the land described in the First Schedule thereto and of which the land described in the Schedule hereto forms part was vested in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") subject to the trusts upon which it is held AND WHEREAS the said land is church trust property held for the sole benefit of the Parish of St. John Baptist Ashfield AND WHEREAS there is presently owing on the security of the mortgage of the land described in the Schedule hereto given and made by the Corporate Trustee to or in favour of Commonwealth Savings Bank of Australia pursuant to the authority of the said Ordinance a sum of approximately Two thousand seven hundred and seventy-one dollars (\$2,771) AND WHEREAS there is presently owing by the Parish of St. John Baptist Ashfield to the Commonwealth Trading Bank of Australia by way of accommodation to the said Parish by the said Bank pursuant to the authority of a guarantee issued by the Sydney Church of England Finance and Loans Board a sum of approximately One thousand five hundred and forty dollars (\$1,540) AND WHEREAS there is erected upon part of the land hereinbefore firstly referred to a church, a parsonage, a parish hall and other buildings, erections, and improvements and part of the said land is used for a burial ground AND WHEREAS it is necessary and expedient to make provision for the repayment of the said two several sums and for the preservation, maintenance, repair, improvement and extension of all or any the church, parsonage, parish hall, buildings, erections and improvements aforesaid and for such other purposes as may from time to time be determined and for all or any of such purposes to mortgage from time to time the land comprised in the Schedule hereto NOW the Standing Committee of the Synod of the Diocese of Sydney hereby ORDAINS AND DECLARES as follows:—

1. (i) By reason of the circumstances hereinbefore mentioned it is expedient to mortgage the land described in the Schedule hereto and the Corporate Trustee is hereby empowered to mortgage from time to time the whole or any of the said land for the purpose of borrowing the sums following:—

---

*St. John Baptist Ashfield Mortgage Ordinance 1969*

---

- (a) When the power is first exercised a sum not exceeding seven thousand dollars (\$7,000).
- (b) When the power is subsequently exercised such sum not exceeding Ten thousand dollars (\$10,000) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced when the power is first exercised by not less than Nine hundred and sixty dollars (\$960) per annum principal and interest and when the power is subsequently exercised at such rate as Standing Committee shall 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 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 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 such mortgage or mortgages executed in pursuance thereof and the balance shall be paid to the Churchwardens for the time being of the Parish of St. John Baptist Ashfield (whose receipt shall be a sufficient discharge therefor) who shall apply such moneys in repayment of the amounts owing to the said recited Banks and the remainder towards the preservation, maintenance, repair, improvement and extension of all or any church parsonage, parish hall, buildings, erections and improvements as aforesaid.
- (ii) When the power is subsequently exercised in repayment of any existing mortgage or mortgages and the costs of and incidental to the same and of any further mortgage or mortgages or for such other purposes not inconsistent with the trusts of the said land as Standing Committee may by resolution determine.

3. The Churchwardens for the time being of the Parish of St. John Baptist Ashfield shall within seven days from the date of holding the Annual Vestry Meeting during such time as any

---

*St. John Baptist Ashfield Mortgage Ordinance 1969*

---

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 amount paid off and the balance owing.

4. This Ordinance may be cited as "St. John Baptist Ashfield Mortgage Ordinance 1969".

**SCHEDULE**

All that piece or parcel of land situate at Ashfield in the Parish of Petersham and County of Cumberland being part of Lots 74, 75 and 76 of the Village of Ashfield commencing at the North Eastern boundary of Lot 73 and bounded on the South East by Bland Street 396 feet, on the North East by Lot 77 120 feet, on the South West by a line 396 feet to the North West boundary of Lot 73 aforesaid and on the South West by that boundary 120 feet to the point of commencement.

---

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 15th day of September, 1969.

**W. L. J. HUTCHISON,**  
Secretary.

I assent to this Ordinance.

**MARCUS LOANE,**  
Archbishop of Sydney.

24/9/1969.