
St. Stephen's Church Bellevue Hill Mortgaging Ordinance 1953

No. 13, 1953.

AN ORDINANCE authorising the vesting of the Church of England Property Trust Diocese of Sydney of certain lands situate in the Municipality of Woollahra Parish of Alexandria County of Cumberland and State of New South Wales AND to provide for the mortgaging of the said lands together with certain other adjoining lands AND to provide for the application of the moneys to arise from such mortgaging and for certain other purposes concerning such land.

WHEREAS Albert Stanford Deane and Florence Goldie Executrix of the Will of the late George Sydney Goldie are the owners as tenants in common of certain land situate at Woollahra in the Parish of Alexandria and County of Cumberland which land is more particularly described in the first schedule hereto AND WHEREAS such land is held and used for the purposes of a kindergarten and children's playground in connection with the Church of England in the Parish of St. Stephen's Bellevue Hill AND WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustees) is the owner in fee simple of certain other land situated at Woollahra aforesaid which land is more particularly described in the second schedule hereto Upon trust to permit such land and the buildings erected thereon to be used as a rectory in connection with the said Parish such land being part of that referred to in schedule to the St. Stephen's Church Bellevue Hill Mortgaging Ordinance 1929 AND WHEREAS the Parish Council of the said Church has incurred indebtedness by way of overdraft to the Australian and New Zealand Bank Limited which indebtedness amounted to One thousand two hundred and thirteen pounds nineteen shillings one penny (£1,213 19s. 1d.) on the Twelfth day of May one thousand nine hundred and fifty-three. AND WHEREAS the land described in the second schedule hereto is subject to two mortgages to the Australian Mutual Provident Society dated the twenty-third day of January One thousand nine hundred and twenty-eight and the twenty-tighth day of August One thousand nine hundred and twenty-nine respectively; the total amount owing thereunder was One thousand six hundred and fifty-seven pounds four shillings and eleven pence (£1,657 4s. 11d.) on the Twelfth

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day of May One thousand nine hundred and fifty-three AND WHEREAS there is an amount of One hundred and twenty six pounds (£126) owing and payable by the Parish Council of the said Church on account of certain legal costs and disbursements incurred in connection with the acquisition of the land described in the first schedule hereto AND WHEREAS it has become expedient to construct a driveway over land described in the first schedule hereto AND WHEREAS by reason of circumstances arising subsequent to the creation of the hereinbefore recited trusts it is expedient to raise an amount of three thousand five hundred pounds (£3,500) in order to provide for the liquidation of the said overdraft to the Australia and New Zealand Bank Limited and for the discharge of the said mortgages to the Australian Mutual Provident Society and for the payment of the cost of construction of the said driveway and for the payment of the said legal costs and disbursements. AND WHEREAS it is expedient to vest the land described in the first schedule hereto in the Corporate Trustees in place of the said Albert Stanford Deane and Florence Goldie, Executrix of the Will of the late George Sydney Goldie upon the trusts hereinafter set forth Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the Synod ordains and declares as follows:—

1. That the land described in the first schedule hereto is hereby vested in the Corporate Trustees upon trust to permit the said land to be used for the purposes of a kindergarten and children's playground for the Church of England in the Parish of St. Stephen's, Bellevue Hill.

2. By reason of circumstances subsequent to the creation of the said trusts it is expedient to mortgage the lands comprised in the schedules hereto and

(a) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the land comprised in the schedules hereto for the purpose of borrowing:—

(i) When the power is first exercised a sum not exceeding Three thousand five hundred pounds (£3,500).

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- (ii) When the power is subsequently exercised such sum not exceeding Three thousand five hundred pounds (£3,500) as the Standing Committee shall by resolution determine.

Provided that the amount borrowed shall be reduced at the rate of not less than £100 per annum as from the date of such borrowing—

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

3. The proceeds of any mortgage hereby authorised shall be applied by or pursuant to the directions of 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) In payment of an amount sufficient to discharge the said overdraft to the Australia and New Zealand Bank Limited and the said mortgages to the Australian Mutual Provident Society.
- (c) In payment of an amount sufficient to defray the hereinbefore mentioned outstanding legal costs and expenses.
- (d) The balance shall be paid to the Rector and Churchwardens for the time being of the said Parish whose receipt shall be a sufficient discharge therefor and who shall apply such moneys received in payment of the cost of and incidental to the hereinbefore mentioned driveway.

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4. The Rector and Parish Council for the time being of the said Parish 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 amounts paid off and the balance owing.

5. This Ordinance shall be styled and cited as the "St. Stephen's Church Bellevue Hill Mortgaging Ordinance 1953."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land in the Municipality of Woollahra Parish of Alexandria County of Cumberland and State of New South Wales being part of Cooper and Levy's one thousand and thirty acres consolidated grant and being Lot B of a Sub-division approved by the Council of the Municipality of Woollahra (Certificate No. 67 of 13th June, 1950), of Lot 7 of the Bellevue Park Estate Commencing at a point on the south eastern alignment of Park Road bearing South westerly and distant 121 feet 10 15/16 inches from the north western corner of land comprised in Real Property Application 16130 being also the northernmost corner of Lot 8 and bounded thence on the south west by the north eastern boundary of Lot 8 bearing south easterly for 239 feet 2 3/16 inches to the north western boundary of land comprised in Real Property Application 27971; thence on the south east by part of that north western boundary of land comprised in Real Property Application 27971 aforesaid, bearing north easterly for 60 feet; thence on part of the north east by part of the south western boundary of Lot 6 bearing north westerly for 93 feet 3 1/2 inches thence on part of the north west by a line at right angles to the last mentioned boundary bearing south westerly for 50 feet thence again on the remainder of the north west by a line bearing north westerly for 143 feet 2 1/2 inches to the abovementioned south eastern alignment of Park Road; and bounded thence on the remainder of the north west by that alignment of Park Road bearing south westerly for 10 feet to the point of commencement by the said several dimensions all a little more or less.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate in the Municipality of Woollahra Parish of Alexandria County of Cumberland State of New South Wales and being part of Cooper and Levy's one thousand and thirty acres consolidated Grant Commencing at a point bearing and distant one hundred and thirty six degrees fifty four minutes ($136^{\circ} 54'$) one hundred and thirty six feet eight and a half inches ($136' 8\frac{1}{2}''$) from a point in Park Road bearing and distant fifty one degrees fifty nine minutes ($51^{\circ} 59'$) twelve feet one inch ($12' 1''$) from the intersection of the south eastern alignment of Park Road with the south eastern alignment of Victoria Road thence by a line bearing south easterly one hundred and nine feet four inches ($109' 4''$) thence by a line bearing north easterly sixty feet ($60'$) thence by a line bearing north westerly one hundred and seven feet three and one half inches ($107' 3\frac{1}{2}''$) thence by a line bearing south westerly sixty feet and half an inch ($60' \frac{1}{2}''$) to the point of commencement be the said dimensions a little more or less EXCEPTING AND RESERVING THEREOUT the right of way four feet ($4'$) wide created by Deed of Grant dated the 14th November, 1924, Registered Number 538, Book 1367.

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

ARTHUR L. WADE,.

Deputy Chairman of Committees.

I certify that the Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-fifth day of May, 1953.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

W. G. HILLIARD, Bishop.

Commissary for the Archbishop of Sydney.

27/5/1953.