

ST. STEPHEN'S NORMANHURST MORTGAGE ORDINANCE 1977.NO. 22 1977.

AN ORDINANCE to authorise the mortgaging or charging of certain land situate at corner of Kenley Road and Pennant Hills Road Normanhurst and to provide for the application of the proceeds thereof.

WHEREAS:

A. Church of England Property Trust Diocese of Sydney

(Hereinafter called "the Corporate Trustee") is the registered proprietor of the whole of the land comprised in Certificate of Title Volume 3058 Folio 220 more particularly described in the First Schedule hereto.

B. The said land is church trust property formerly held for the benefit of the Parish of St. Paul Wahroonga at Normanhurst.

C. By the terms of the St. Stephen's Normanhurst Variation of Trust and Mortgage Ordinance 1971 the trusts in respect of the said land were varied so that the said land is presently held by the Corporate Trustee upon trust to permit the same to be used for a church, parsonage, Christian education centre or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Parish of St. Stephen Normanhurst.

D. The Parish Council of the Parish of St. Paul Wahroonga did consent to the said variation of trusts.

E. The church of St. Stephen is a consecrated building erected on part of the said land.

F. The Corporate Trustee intends to purchase or acquire other land and buildings within the present boundaries of the said Parish of St. Stephen Normanhurst which said land and buildings are to be held by the Corporate Trustee upon the same trusts as presently apply to the land described in the First Schedule hereto.

G. It is expedient to mortgage or charge that part of the said land described in the Second Schedule hereto for the purpose of

30 applying or paying the proceeds of such mortgage or charge in or towards the cost of purchase or acquisition of such other land and buildings subject to the terms of this ordinance as herein set forth.

H. It is expedient for the aforesaid purpose to mortgage and charge the said land described in the Second Schedule hereto to borrow a sum not exceeding Twenty four thousand dollars (\$24,000.00).

35 NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

40 1. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is expedient to mortgage the same.

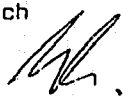
2. (1) The Corporate Trustee is hereby empowered from time to time to mortgage or charge the land described in the Second Schedule hereto for the purpose of borrowing the sums following:-

- 45 (a) When the power is first exercised a sum not exceeding Twenty four thousand dollars (\$24,000.00).
(b) When the power is subsequently exercised such sum not exceeding Twenty four thousand dollars (\$24,000.00) as the Standing Committee shall by resolution determine.

50 PROVIDED that such debt shall be reduced at the rate of not less than Two hundred and thirty two dollars(\$232.00) per calendar month including interest and principal when the power is first exercised and thereafter at such rate as the Standing Committee may 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.

55 (2) Any renewal of a mortgage or charge shall be deemed to be a subsequent exercise of the said power.

(3) A document purporting to be signed by the Archbishop or Diocesan Secretary of the said Diocese as a copy of any such



60 resolution shall in favour of a mortgagee or any person or corporation
claiming under the mortgage or charge be conclusive evidence that
such resolution was duly passed.

3. The proceeds of any mortgage or charge hereby authorised
shall be applied by the Corporate Trustee as follows:-

65 (a) When the power is first exercised in payment of the costs
of and incidental to this ordinance and of any mortgage
or charge executed in pursuance thereof and the balance shall
be paid or applied in or towards the cost of purchase or
acquisition of other land and buildings within the present
70 boundaries of the said Parish which said land and buildings
shall be held by the Corporate Trustee upon the same trusts
as presently apply to the whole of the land described in the
First Schedule hereto.

75 (b) When the power is subsequently exercised in payment of the
principal interest and costs of and incidental to the
discharge of any then existing mortgage or charge and the
costs and expenses of any such further mortgage or charge
or for such other purpose or purposes as the Standing
Committee shall by resolution determine.

80 (c) Any mortgagee advancing moneys pursuant to the provisions
of this Ordinance is hereby authorised to pay the same to
the Churchwardens for the time being of St. Stephen's Church
Normanhurst.

85 4. The Churchwardens for the time being of St. Stephen's Church
Normanhurst shall within seven (7) days of the date of holding the
annual vestry meeting during such time as any money is owing to any
mortgagee or chargee pursuant to the preceding provisions of this
Ordinance cause an account thereof to be forwarded to the Secretary
Church of England Property Trust Diocese of Sydney giving details of
90 the original amount borrowed the amount paid off and the balance
owing as at the end of the last financial year.

5. This Ordinance may be cited as "St. Stephen's Normanhurst
Mortgage Ordinance, 1977".

FIRST SCHEDULE

ALL THAT piece or parcel of land situate at Normanhurst in the Shire of Hornsby Parish of South Colah and County of Cumberland containing 3 roods 6 $\frac{1}{2}$ perches or thereabouts and having a frontage of about 139' 11 $\frac{1}{4}$ " to Pennant Hills Road a depth on the side fronting Kenley Road (Formerly Platform Road) of about 230' and a depth on the other side of about 248' and a rear line of about 149' 9 $\frac{1}{2}$ " and being part of Lot 12 of Section 2 in a plan deposited at the Land Titles Office Sydney No.484 and being the whole of the land comprised in Certificate of Title Volume 3058 Folio 220.

SECOND SCHEDULE

ALL THAT piece or parcel of land situate at Normanhurst in the Shire of Hornsby Parish of South Colah and County of Cumberland containing two roods and three perches or thereabouts and having a frontage to Kenley Road of about 163' and a depth on the south boundary of about 145' and depth on the northern boundary of about 149' 9 $\frac{1}{2}$ " and a rear line on the eastern boundary of about 146' and being part of the land comprised in Certificate of Title Volume 3058 Folio 220.

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

W. A. ...

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Deputy 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 June 1977.

W. J. ...

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Secretary

I ASSENT to this Ordinance

M. L. ...

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Archbishop of Sydney

27/6/1977.

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