

No. 6, 1957.

AN ORDINANCE to declare the Trusts of certain land and to authorise the mortgaging of certain lands situated at Dee Why in the Shire of Warringah Parish of Manly Cove and County of Cumberland and to provide for the application of the proceeds of such mortgage.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor under the provisions of the Real Property Act of the lands described in the first second and third schedules hereto.

AND WHEREAS by Ordinance No. 9 of 1953 the land described in the first schedule thereto being the same land described in the first schedule hereto was declared to be held upon trust to permit the same to be used for a rectory in connection with the Church of England in the Parish of St. John Dee Why with Brookvale.

1947, it was declared that the land comprised in the third

AND WHEREAS by Declaration of Trust dated 4th December, schedule hereto should be held upon trust to permit the same to be used for Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parochial District of Dee Why.

AND WHEREAS the Parochial District of Dee Why is now the Parish of St. John's Dee Why and Brookvale.

AND WHEREAS the Church and Hall are erected on part of the lands comprised in the second and third schedules hereto and it is intended to erect a new Church on the residue of the land comprised in the second and third schedules hereto.

AND WHEREAS the land in the second schedule hereto is Church Trust Property held for the sole benefit of the said Parish but no Trusts in writing have been declared and it is expedient to declare such Trusts.

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AND WHEREAS for the purpose aforesaid it is expedient to mortgage the lands described in the first second and third schedules hereto for the purpose of borrowing a sum of not exceeding Twenty thousand pounds (£20,000).

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. The land described in the second schedule hereto shall be held upon trust to permit the same to be used for a Church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. John Dee Why and Brookvale.

2. By reason of circumstances subsequent to the creation of the trusts upon which the lands described in the said schedules are held it is expedient to mortgage the same as hereinafter provided.

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time all or any of the said lands or any part or parts thereof for the purpose of borrowing:
 - (a) When the power is first exercised a sum not to exceed Twenty thousand pounds (£20 000).
 - (b) When the power is subsequently exercised such sum not exceeding Twenty thousand pounds (£20,000) as the Standing Committee shall by Resolution determine, provided that such debt be reduced when the power is first exercised at the rate of not less than Six hundred pounds (£600) per annum and when the power is subsequently exercised at such rate as the Standing Committee may by resolution determine.
- (ii) Any renewal of mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be signed by the Archbishop or the Secretary of the Standing Committee of the said Diocese as a copy of any such resolution shall be in favour of the mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

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3. 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 any mortgage or mortgages executed in pursuance thereof and the balance shall be paid to the Church Wardens of St. John's Dee Why and Brookvale who shall apply the same in and towards the costs of and incidental to the erection of the said new church and any balance remaining in or towards the furnishing thereof.
- (ii) When the power is subsequently exercised in payment of the principal and interest and costs of discharge of any then existing mortgage or mortgages and the costs of and incidental to such subsequent mortgage or mortgages.

4. The Church Wardens 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 under any mortgage pursuant to this ordinance cause an account to be forwarded to the Secretary of the Standing Committee giving details of the original amount borrowed amounts paid off and the balance owing.

5. This Ordinance shall be cited as the "St. John's Church Dee Why Mortgaging Ordinance 1957."

THE FIRST SCHEDULE.

The whole of the land comprised in Certificate of Title Volume 2577 Folio 164 being Lot 27 of Section 10 on Deposited Plan Number 6953 and having a frontage to Oaks Avenue Dee Why of 60 feet by a depth of 165 feet.

THE SECOND SCHEDULE.

The whole of the land comprised in Certificate of Title Volume 2667 Folio 214 being Lot 34 Section 10 on Deposited Plan Number 6953 having a frontage to Oaks Avenue Dee Why of 60 feet by a depth along Avon Road Dee Why of 165 feet.

THE THIRD SCHEDULE.

The whole of the land comprised in Certificate of Title Volume 4261 Folio 59 being Part Lot 33 Section 10 on Deposited Plan Number 6953 having a frontage to Oaks Avenue Dee Why of 40 feet by a depth of 165 feet.

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

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 this 1st day of April 1957.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

1/4/1957.