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*St. John's Dee Why with Brookvale Declaration of Trust  
and Mortgaging Ordinance 1965*

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No. 22, 1965.

AN ORDINANCE to declare the Trusts, to authorise the mortgaging of certain lands situated in the Shire of Warringah and to provide for the application of the money arising from such mortgage.

WHEREAS the land mentioned in the Schedule hereto (hereinafter called the said land) is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust) and is Church Trust Property but no trusts in writing have been declared with reference thereto and it is expedient to declare the trusts upon which the same is held AND WHEREAS it has become necessary to erect a Rectory on part of the said land and for such purpose to borrow a sum not exceeding Six thousand pounds (£6,000) on the security of the said land NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:-

1. The land described in the 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 other of such purposes in connection with the Church of England in Australia at Dee Why in the Parish of St. John's Dee Why with Brookvale.

2. By reason of circumstances subsequent to the creation of the said recited trusts it has become expedient to mortgage the said land for the purpose of borrowing:-

- (a) When the power is first exercised a sum not exceeding Six thousand pounds (£6,000)
- (b) When the power is subsequently exercised such sum not exceeding Six thousand pounds (£6,000) as the Standing Committee shall by resolution determine

PROVIDED THAT

- (a) The amount first borrowed shall be reduced at a rate of not less than Six hundred pounds (£600) per annum plus interest and
- (b) Any amount subsequently borrowed shall be reduced at such rate as the Standing Committee shall by resolution determine

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- (c) Any renewal of such mortgage shall be deemed to be a subsequent exercise of such power.
- (d) Any 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

3. Moneys arising from any mortgage hereby authorised shall be applied by the Corporate Trust as follows:-

- (1) When the power is first exercised
  - (a) In payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or mortgages executed in pursuance of this ordinance
  - (b) Subject thereto the balance shall be paid to the Churchwardens of the Parish of St. John's Dee Why with Brookvale who shall apply such moneys in and towards the costs of and incidental to the erection of the said rectory
- (2) When the power is subsequently exercised in payment of the principal interest and costs of any then existing mortgage or mortgages and the costs and expenses of any subsequent mortgage or mortgages.

4. The Churchwardens 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 moneys are 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 may be cited as "St. John's Dee Why with Brookvale Declaration of Trust and Mortgaging Ordinance 1965."

#### THE SCHEDULE

The whole of the land comprised in Certificate of Title Volume 7346 Folio 37 and Volume 7346 Folio 38 being lot 32 and part of lot 33 of Section 10 on Deposited Plan Number 6953 and having a frontage to Oaks Avenue Dee Why of 80 feet by a depth of 165 feet.

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

H. G. S. BEGBIE, 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 26th day of July 1965.

W. L. J. HUTCHISON, Secretary.

I assent to this Ordinance.

F. O. HULME-MOIR, Bishop,  
Commissary.

27/7/1965.

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