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*St. John's Dee Why with Brookvale Declaration of Trust  
and Mortgaging Ordinance 1962*

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No. 9, 1962.

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 the first stage of a Church Hall on part of the said land and for such purpose to borrow a sum not exceeding Four thousand pounds (£4,000) 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 the Parish of St. John Dee Why with Brookvale.

2. (1) 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 Four thousand pounds (£4,000)
  - (b) When the power is subsequently exercised such sum not exceeding Four thousand pounds (£4,000) as the Standing Committee shall by resolution determine.

PROVIDED THAT:-

- (i) The amount first borrowed shall be reduced at a rate of not less than One hundred and seventy pounds (£170) per annum as from the date of the loan; and
- (ii) any amount subsequently borrowed shall be reduced at such rate as the Standing Committee shall by resolution determine.

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- (2) Any renewal of such mortgage shall be deemed to be a subsequent exercise of the said power
- (3) A document purporting to be certified by the Archbishop or the 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 said Parish who shall apply such moneys in or towards repayment of the amount temporarily advanced by Corporate Trust towards the erection of the said first stage of the Church Hall and the balance towards the cost of such erection.
- (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 of St. John Dee Why with Brookvale 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 1962."

#### THE SCHEDULE.

All that piece or parcel of land situated in the Shire of Warringah Parish of Manly Cove County of Cumberland containing an area of 1 rood 30 perches being lot 1 section 17 Allambie

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Heights and being the whole of the land in Crown Grant Volume 8332 Folio 196 and also all that piece or parcel of land containing 35½ perches situated as aforesaid and being allotment 23 Section 17 being the whole of the land comprised in Crown Grant Volume 8337 Folio 139.

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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 30th day of April 1962.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

30/4/62.

HUGH SYDNEY,  
Archbishop of Sydney.