
*St. John's Dee Why Declaration and Variation of Trust
Ordinance 1953.*

No. 9, 1953.

AN ORDINANCE to declare the Trusts of certain land situated in the Parish of Dee Why and to vary the Trusts of the St. John's Church of England Building Fund.

WHEREAS:

- (a) The Church of England Property Trust (Diocese of Sydney (hereinafter called "The Corporate Trust")) is the registered proprietor of the lands mentioned in the first schedule hereto (hereinafter called "the Rectory site") and the second schedule hereto (hereinafter called "the Hall site").
- (b) AND WHEREAS the said Rectory site and the said Hall site are Church Trust Property.
- (c) AND WHEREAS it is expedient to declare the Trusts upon which the said Trust Property is held.
- (d) AND WHEREAS the said Parish has collected moneys for the purpose of building a new Church in Avon Road, Dee Why, upon the land on which the existing St. John's Church, Dee Why, is at present erected.
- (e) AND WHEREAS the said moneys are Church Trust Property and are known as the "St. John's Church of England Building Fund" and are held for the benefit of the Parish of St. John's Dee Why with Brookvale.
- (f) AND WHEREAS it is expedient that the Trusts of the said Fund be varied as to fifteen hundred pounds (£1,500) portion thereof as hereinafter set out.

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:—

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1. The land described in the first schedule hereto shall 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's Dee Why with Brookvale.

2. The lands described in the second schedule hereto shall be held upon trust to permit the same to be used for a Church, Rectory, or Church Hall or partly for one and partly for another or others of such purposes in connection with the Church of England at North Curl Curl in the Parish of St. John's, Dee Why with Brookvale.

3. By reason of circumstances subsequent to the creation of the trusts of the Fund, known as "The St. John's, Church of England Building Fund," it has become inexpedient to carry out or observe the said Trust in its entirety and it is expedient to vary the said Trust as to the sum of Fifteen hundred pounds (£1,500.0.0) and to apply the said sum in manner hereinafter appearing.

4. The Churchwardens are hereby authorised to apply the said sum of Fifteen hundred pounds (£1,500.0.0) in manner following:—

- (a) As to the sum of Eight hundred pounds (£800) towards the cost of the erection of an annexe to the said St. John's Church and
- (b) as to the sum of Seven hundred pounds (£700) towards the cost of the erection of a Church Hall on the said Hall site.

5. The said sum of one thousand five hundred pounds (£1,500.0.0), plus interest at the rate of four pounds ten shillings (£4.10.0) per centum per annum shall be paid by the Churchwardens of the said Parish into a Special Account with the said Corporate Trust known as "St. John's Dee Why New Church Building Fund" at the rate of not less than one hundred and fifty pounds (£150) per annum, payable quarterly. Any default in such payments shall be reported by the said Corporate Trust to the Standing Committee.

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6. Any moneys so paid to the said Corporate Trust shall at the request of the Churchwardens for the time being be repaid to them for the purposes of the erection of the said new Church.

7. The Churchwardens for the time being of the said Parish shall within seven days of the date of holding the annual vestry meeting until the said sum of Fifteen hundred pounds (£1,500.0.0) be paid into the Special Fund cause an account to be forwarded to the Diocesan Secretary giving details of the amounts paid into the said Special Fund and the balance owing.

8. This Ordinance may be cited as the "St. John's Dee Why Declaration and Variation of Trust Ordinance 1953."

THE FIRST SCHEDULE.
"RECTORY SITE."

The whole of the land comprised in Certificate of Title Volume 2577, Folio 164, being Lot 27 of Section 10 on Deposited Plan No. 6953, having a frontage to Oaks Avenue, Dee Why, of 60' 0".

THE SECOND SCHEDULE.
"HALL SITE."

The whole of the land comprised in Certificate of Title Volume 5173, Folio 16, being Lot 13 on Deposited Plan No. 15141 having a frontage to Pitt Road, North Curl Curl, of 35' 11" and an arc of 29' 2½".

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

ARTHUR L. WADE,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 27th day of April, 1953.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

30/4/1953.