



IN THE MATTER

of section 10 (2) of the Charitable Trusts Act 1957

AND

IN THE MATTER

of an application by **WHITBY BIBLE CHAPEL MANAGEMENT TRUST** for incorporation as a board

I, **COLIN McINTOSH** of Wellington, Company Director do solemnly and sincerely declare as follows

1 THAT I am a trustee of **WHITBY BIBLE CHAPEL MANAGEMENT TRUST**

2 THAT I am one of the subscribers to an application by the trustees of the said **WHITBY BIBLE CHAPEL MANAGEMENT TRUST** for incorporation as a Board under the Charitable Trusts Act 1957

3 THAT the applicants for incorporation do not hold any property on trusts other than those set forth in the deed of trust accompanying the application

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957

DECLARED at Wellington )  
by the said **COLIN** )  
**McINTOSH** this day )  
of 1996 )  
before me

MARRIAGE CELEBRANT.  
OPEN BRETHRENS

## TO ALL TO WHOM THESE PRESENTS SHALL COME

We, COLIN McINTOSH, Company Director, ALISTAIR RAY EVES, Consultant, ALISTAIR MURRAY FALCONER, Engineer and BRUCE WILLIAM STORMER, Chartered Accountant all of Wellington send greeting

**WHEREAS** the Assembly of Christians meeting at **MANA BIBLE CHAPEL**, Plimmerton (hereinafter called "the Chapel") has contemporaneously with the execution hereof transferred to and vested in the Trustees, the sum of TEN DOLLARS (\$10 00) to be held upon the trusts and with the powers hereafter contained

**AND WHEREAS** it is intended to establish a trust for charitable purposes

**NOW THIS DEED WITNESSES AND THE TRUSTEES DO HEREBY ACKNOWLEDGE AND DECLARE** that the said sum of TEN DOLLARS (\$10 00) and the moneys and investments for the time being representing the same (which said moneys and investments together with all or any property whether real or personal which may hereafter be assigned, transferred, assured or set over to the Trustees by any person and directed to be held upon the like trusts and the moneys and investments from time to time representing such property are hereinafter referred to and included in the term "the trust property") are held by the Trustees and their successors under the name of **WHITBY BIBLE CHAPEL MANAGEMENT TRUST** (hereinafter called "the Trust") upon and subject to the trusts hereinafter set forth

### 1 Interpretation

The term "The Trust Board" shall mean "The Whitby Bible Chapel Management Trust".

The term "Trustee" shall mean a member for the time being of "The Trust Board"

The term "Trust Property" except where otherwise specified shall mean all real and personal property for the time being under the control of "The Trust Board"

The term "year" shall mean a "calendar year"


The term "Chapel" shall mean "The Mana Bible Chapel" at Acheron Road, Paremata and any premises at which the Church may later relocate

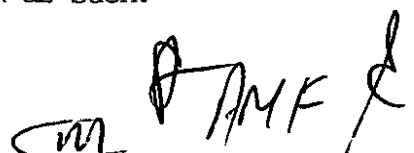
The term "Church" shall mean "the congregation of Christians meeting at the said Chapel" The Church accepts and teaches the doctrines set out in the Statement of Faith attached to this Deed and observes the practices set out in the Statement It functions as an autonomous congregation associated with Christian Brethren assemblies

The term "Board of Officers" shall mean "the elders or overseers for the time being of the "Church"

The term "Member" shall mean a person who is

I hereby certify that this is a correct original copy of the Declaration of Trust showing the general purposes of the trustees of WHITBY BIBLE CHAPEL MANAGEMENT TRUST and the trusts on which the applicants hold all property vested in them as such.

.....  




- accepted by the Board of Officers to be a person who is born again and in fellowship according to New Testament principles and in regular association with the Chapel
- believes the Statement of Faith and accepts the Practices as described in the attached Schedule "Statement of Faith & Practices"

## 2 Purpose

The purpose and object of the Trust Board shall be to hold the trust property upon trust to be used by the Church whether meeting at Mana Bible Chapel or elsewhere for the purpose of the conduct of meetings for the worship of God for the preaching of the gospel of God for the exposition of the Holy Scriptures, for the fellowship and edification of all Christian believers, for the furtherance of the physical mental and spiritual development of children and young people, for the promotion of activities directed to presenting the Christian gospel within New Zealand and the encouragement of missionary activity abroad for the conduct of work programmes, education programmes and Cultural and other activities directed to the extension of the rule and Kingdom of God in the lives of people in the chapel area and for perusing any other activities related to the foregoing purposes (in this Deed collectively called "the said purposes")

## 3 Name of Trust

The name of the Trust shall be "**WHITBY BIBLE CHAPEL MANAGEMENT TRUST**"

## 4 Powers of Trustees

The Trustees shall have and may exercise the following powers of discretions,

- To make available any assets held by the Trust for the use and activity of the Church
- To make the assets held by the Trust or any part thereof available from time to time to any suitable community groups or activities deemed acceptable to the Board of Officers, on such terms and conditions as the Board of Officers may determine
- To develop build extend purchase and maintain facilities including (inter alia) land and buildings in line with the stated objects of the Trust
- To borrow money whether unsecured or on security of any property held by the Trust and to execute a mortgage or other form of security to cover such loans, with the approval of the Board of Officers
- To purchase any additional assets in relation to the functioning of the Church, provided it has received the approval of the Board of Officers

*M* *AMF*

- (f) To dispose of or exchange the trust property, with approval of Board of Officers, provided that upon sale or exchange of any land the Trust Board must repay any outstanding debt relating to the particular asset sold
- (g) To invest surplus money in the following manner,
  - i On deposit with any registered bank
  - ii On any real security provided it does not exceed 2/3rds of the current valuation of that security by a competent valuer
  - iii In the shares or debentures of any company listed on the New Zealand or Australian Stock Exchanges
  - iv In any securities issued by the New Zealand Government or any local authority in New Zealand
- (h) To open a bank account with any registered bank for the purposes of servicing the day to day financial needs of the Trust Any two trustees may sign any cheques etc, on behalf of the Trust
- (i) To seek accept and receive donations subsidies grants, endowments gifts legacies loans and bequests either in money or in kind or partly in money and partly in kind for all or any of the purposes and objects of the Trust
- (j) To make donations for the furtherance of any of the Trust objects to any person or body corporate or incorporate engaged in furthering the said objects and generally to make donations for Christian and charitable purposes with the approval of the Board of Officers

## 5 The Trust Board

- (a) The Trust Board shall consist of a minimum of 4 and a maximum of 7 members of the church
- (b) The Trust Board shall elect a Chairman and a Secretary who shall hold office during such time as each is a Trustee or as the Board shall decide
- (c) All meetings of the Trust Board shall be called by the Chairman or shall be called by the Secretary upon the request of two or more Trustees
- (d) The present of the Chairman or Secretary (who shall be the Chairman's depute in the absence of the chairman) and of at least 2 other members of the Trust Board shall be necessary to constitute a quorum
- (e) Twenty-four hours notice of any Meeting of the Trust Board shall be given to all Trustees unless such notice is waived by all the Trustees
- (f) The Trust Board shall make and keep Minutes of its proceedings and shall provide a detailed report of its year's work to the Annual General Meeting of the Church

CM *[Signature]*

- (g) The Trust Board shall when incorporated have a Common Seal which shall be kept in the custody and control of the Secretary of the Trust Board The Common Seal shall be affixed only on the direct authority of a Resolution of the Trust Board and the documents to be executed by the Trust Board of whatever nature shall be executed with the following attestation clause

THE COMMON SEAL of THE )  
 WHITBY BIBLE CHAPEL MANAGEMENT )  
 TRUST was hereunto affixed under )  
 and by virtue of a Resolution of )  
 the Trust Board by the Chairman )  
 in the presence of )

Chairman

Member for the time being of The Whitby Bible Chapel Management Trust Board

and the documents shall be signed by the Chairman and one member of the Trust Board

**6 Appointment of Trustees to Trust Board**

- (a) The Trust Board shall consist of a minimum of 4 and a maximum of 7 members of the Church three of whom shall be appointed by the Board of Officers from its own membership and the remainder shall be appointed by the Board of Officers from nominations received from church members
- (b) The Board of Officers may change its appointees from year to year at its discretion but unless such change is made the appointed Trustees shall hold office for a period of two years at the expiry of which they shall be deemed to have retired They shall be eligible for re-appointment without further nomination
- (c) Any member of the Church may be nominated for appointment as a Trustee Every nomination for appointment as a Trustee shall be signed by not less than two Members and by the candidate consenting and shall be in the hands of the Secretary of the Board of Officers not later than noon of the last Sunday prior to the Church Annual General Meeting
- (d) If the candidates so nominated or eligible for appointment do not exceed the numbers required, those nominated or so eligible shall be declared appointed by the Chairman officiating at the Annual General Meeting, provided they meet the approval of the Board of Officers
- (e) A Trustee may resign by notice to their fellow Trustees, and shall be deemed to have resigned if they,

- I Shall die
- II Shall cease to be a Member of the Church
- III Shall be declared bankrupt or become unsound of mind
- IV Shall be absent from New Zealand or from the Chapel longer than one year without the consent of the Board of Officers
- V Shall be come unacceptable to the Board of Officers
- VI Cease to believe the Statement of Faith or accept the Practices

Any vacancy arising to the resignation or deemed resignation of a Trustee may be filled by the appointment of another member of the Church by the remaining Trustees in consultation with the Board of Officers. The Trustees appointment shall only be until the next Annual General Meeting of the Church, at which time nominations for a replacement shall be called for

## 7 Notice

Any Meeting of the Church called for any purpose required by this deed shall be called at any time and place provided notice thereof shall be sufficiently served on any member if publicly announced at a regular Church meeting on each of two consecutive Sundays immediately preceding the day of the meeting

## 8 Alteration Of Rules

These Rules may be revoked altered or added to by Resolution of a three quarters majority of the Members of the Church passed at a Meeting duly called as herein provided and notice of such meeting shall contain brief particulars of such alteration revocation or addition

## 9 Liability Of Trustees

- (a) The Trustees are expressly authorised to exercise the powers of investment herein conferred upon them notwithstanding that the Trust property may be subject to any liability or liabilities and the Trustees shall not be liable for any loss occurring on the realisation of such investments
- (b) No Trustee of the Deed shall be liable for any loss not attributable to dishonesty or to the wilful commission by the Trustees of an act known to the Trustees to be a breach of trust
- (c) Every Trustee shall be chargeable only for such money as he/she shall actually have received although he/she may have joined in any receipt for money received by any other of them and shall not be answerable for the acts of any other Trustee nor for any loss which may arise by reason of any trust funds being lawfully deposited in the hands of bankers solicitor or agent or for the sufficiency or insufficiency or deficiency of any security upon which any trust money or any part thereof may be invested or for any loss in the execution of any trust unless the same shall happen through his/her own neglect or default

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## 10 No Private Pecuniary Profit

No private pecuniary profit shall be made by any person for the Trust Property, except that,

- (a) Any Trustee may receive full reimbursement for all expenses properly incurred by that Trustee in connection with the affairs of the Trust provided prior approval has been obtained from the Trust Board for the expense incurred

## 11 Winding Up

On winding up of the Trust or on its dissolutions by the Registrar all surplus assets after payment of costs debts and liabilities shall be distributed by the Trustees to some Charitable Christian purpose or purposes within New Zealand as approved by the Trust Board and Board of Officers and consistent with the purposes specified in the Trust

## SCHEDULE

### Statements of Faith Christian Doctrine

- 1 That the Bible is the inspired Word of God and is authoritative for our faith, worship and conduct  
2 Tim 3 16
- 2 That God is One, revealed in Scripture as a Trinity, the Father, Son and Holy Spirit having the same nature, attributes and perfection  
Matt 28 19, 2 Cor 13 14
- 3 That Jesus was God manifest in flesh, conceived by the Holy Spirit, born of the virgin Mary  
Is 7 14, Matt 1 18-25, Luke 1 35
- 4 That the Holy Spirit is a divine person who indwells every true believer and is ever present to testify of Christ  
John 14 16, 1 Cor 12 13
- 5 That through the first Adam, sin entered into the world and death by sin  
Rom 5 12
- 6 That Jesus Christ became the sinner's substitute and died as a sacrifice for the sin of the world  
Matt 28 19, 2 Cor 13 14

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7 That salvation is entirely by grace through faith in the Lord Jesus Christ, and not of works

Eph 2 8-9

8 That the Lord Jesus Christ rose physically from the dead and ascended in His glorified body to the right hand of God

Mark 16 18, Acts 1 3-9

9 That He will come again to take His people to be with Himself

1Thess 4 14-17

10 That the Church is composed of all those who truly believe on the Lord Jesus Christ as Saviour, that Christ is the Head of the Church, and that all believers are priests and may approach God without human mediators

Acts 2 47, Col, 1 18, 1 Peter 2 9, Heb 10 19-22

**CHURCH PRACTICE**

We believe

1 That on confession of faith in the Lord Jesus Christ, a Christian should be baptised by immersion, as practised by the early church, indicating that he is buried with Christ and raised with him to walk in newness of life

Acts 8 36, Rom 6 4, Col 2 12

2 That it is the privilege and responsibility of Christians to partake of the Lord's Supper, to break the bread and drink the wine in remembrance of the Lord, showing His death until he come

Acts 20 7, 1 Cor 11 23-26

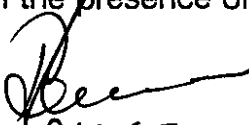
3 That Christians are to gather together, acknowledging the leading of the Holy Spirit for worship, prayer, teaching and fellowship, forming a local church, that the local church is guided by elders or overseers, that membership of the local church is open to all of sound doctrine and life, and that the church is to proclaim the good news of salvation through Jesus Christ

Matt 18 20, Acts 2 42, 1 Peter 5 1-3, Matt 28 18-20

IN WITNESS WHEREOF these presents have been executed this 18 day of August 1996

SIGNED by the said COLIN McINTOSH in the presence of

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P.K. CEMMOW  
3 OAK AVE  
PAREMATA

Col. Dr.



SIGNED by the said  
ALISTAIR RAY EVES  
in the presence of

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) A.R./Eves.  
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3 OAK AVE Coy. DIR.  
PAREMATA

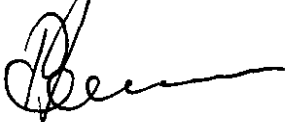
SIGNED by the said  
ALISTAIR MURRAY FALCONER  
in the presence of

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) A.M Falconer.  
)

  
3 OAK AVE  
PAREMATA COY DIR

SIGNED by the said  
BRUCE WILLIAM STORMER  
in the presence of

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3 OAK AVE Coy DIR  
PAREMATA

  
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