

APPENDIX  
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(Registered County of York in Book T3 for the township  
of York, July 3rd, 1891. No. 38822. Page 228)

DOCUMENT NO. 1 - WYCHWOOD PARK TRUSTEES

22 acre Park

38822 10th June, 91,

3 July, 1891,

ALEXANDER JARDINE, of the First part,  
MARMADUKE MATTHEWS, of the Second part,  
AGNES LITSTER, widow of the third part,  
JEANIE HUNTER, of the fourth part,  
CAROLINA J. MATTHEWS, wife of M. Matthews,  
of the Fifth part,  
AGNES JARDINE, wife of Alexander Jardine,  
of the Sixth part,

- a n d -

ALEXANDER JARDINE, MARMADUKE MATTHEWS. AND  
AGNES LITSTER, TRUSTEES, of the Seventh part.

WHEREAS the parties of the first second third, fourth and fifth parts  
are the respective owners of the various parcels of land in the Township of York,  
in the County of York which collectively form that property known as Wychwood Park  
more particularly described on plans thereof registered in the Registry Office for  
the said County of York as number 854 and number 1092 and have agreed to join in  
these presents for the purpose of appointing trustees to hold the roadways, drives  
and the park reserve and reservations set forth on said plan as private property  
for the benefit of the said parties and all persons hereinafter claiming through  
or under them any portion of the said property comprised in said plans.

NOW THIS INDENTURE WITNESSETH that in consideration of the covenants  
and agreements herein contained the parties of the first, second, third, fourth  
and fifth parts do and each of them doth hereby appoint the parties of the seventh  
part and all persons who by virtue of these presents may hereafter become such,  
the Trustees for the purposes hereinafter mentioned and do and each of them doth  
grant unto the trustees their successors and assigns forever, all and singular  
the respective interests of the parties of the first, second, third, fourth and  
fifth parts in those certain parcels or tracts of land situate in the Township  
of York, in the County of York and being the private roadways and drives set out  
on the plans of Wychwood Park registered in the Registry Office for the County of  
York as number 854 amended by plan registered as number 1092 together with the  
portions of said property specially referred to on the said plan number 854  
amended by plan 1092 as park reserve. And also the part marked in red with the  
word Spring and the part marked in red fronting on the Davenport Road retained  
at the entry to said part from Davenport Road to have and to hold unto the  
Trustees their successors and assigns upon the following trusts:-

FIRST: To keep the said roadways, drives, reserves and reservations in good  
repair and order for the benefit of the owners from time to time being of the  
remaining portion of the said property as comprised in and by said plans. And

the trustees shall for the purpose of maintaining and keeping the said roadways, drives, reserves and reservations in good repair and order and for the purpose of paying the taxes due in respect thereof be entitled to demand on the first day of March in each year from the respective owners of any portion of the lands set forth in said plans (exclusive of said roadways, drives, reserves and reservations), the sum of \$500.00 and said sums as may be necessary to pay the taxes of the then current year, each of the said owners to pay such part of said sum as shall be in proportion to the value which the land owned by such owners respectively exclusive of buildings thereon shall bear to the last annual assessed value of the various portions of said property (exclusive of the buildings thereon and exclusive of the roadways, drives, reserves and reservations) and the respective amounts so payable by the respective owners of any portion of said property to the trustees after said demand shall be forthwith payable by them respectively and shall be a charge upon the portion of the said lands held by said owners or his, her or their executors, administrators or assigns or anyone claiming under him, her or them and shall be a first lien and encumbrance thereon and take priority over all incumbrances existing thereon and shall in case of non payment be recoverable from the party in default his, her or their executors, administrators or assigns.

SECOND: In case of the death or resignation of any trustee or trustees the surviving trustees or trustee shall have the right to appoint a new trustee or trustees in writing under their, his or her hands and seals and if there be two surviving trustees and they disagree as to the appointment of a trustee he shall be appointed by the owners present at a meeting to be called in the manner hereinafter mentioned and the owners in such meeting assembled shall by a majority in number and in value, estimated according to the assessed value exclusive of buildings as hereinbefore mentioned, appoint said new trustee.

THIRD: The trustee shall keep a book in which (subject to the provisions hereinafter mentioned) shall be entered the names and Post office addresses of all parties owning any portion of the lands comprised in the said plans and the trustees shall enter the name or Post Office addresses of any new owner in said book, new said owner or owners shall have given them or any one of them notice in writing of his, her or their having purchased said land which shall be concisely described in said notice and shall have given the name and Post Office address of said owner and in case having failed to give said notice shall not be entitled to take part in any proceedings or at any meetings under these presents and shall not be entitled to receive any notice of same until he or they shall have given such notice to the trustees or one of them.

FOURTH: The trustees shall before the first day of February in each year mail to each owner by the name and Post Office address entered as aforesaid, a statement in writing explaining the manner in which the said sum so levied as aforesaid for the then preceding year shall have been expended.

FIFTH: Within three weeks after the trustees or any two of them shall have received from any three of the owners of any portion of the said lands, whose names are entered in said book, a request in writing to that effect the trustees shall call a meeting of the said owners by written notices giving the time and place and object of such meeting to be directed to each of the said owners under the names and addresses respectively as given in the said book and to be mailed

ten days prior to the meeting so called in one of Her Majesty's Post Offices in the City of Toronto or vicinity thereof and at such meeting the owners may, if the said notice state this as an object of said meeting, appoint new trustees by a vote of said owners representing two-thirds in number and over one-half in value of the said lands estimated as aforesaid by reference to the last annual assessment thereof for taxes, exclusive of any building erected or to be erected thereon.

And it is hereby declared by the parties of the first, second, third, fourth and fifth parts that the said roadways, drives, reserves and reservations which are subject to the trusts herein shall forthwith vest in the person or persons who by authority hereof shall become and are the new trustee or trustees for performing said trusts.

SIXTH: Before the trustees shall spend in any year a sum in excess of the said \$500.00 and taxes they shall call a meeting of the owners in the manner aforesaid and submit to them their plans in regard to same and the said increased expenditure shall be permitted provided owners representing in number two-thirds and a majority in value as before mentioned, shall assent thereto and such sum as at said meeting shall be set apart for such expenditure shall be demanded from and payable at such times and by such instalments as may be settled on at said meeting as aforesaid by each owner or his executors, administrators or assigns in the proportion hereinbefore set forth and shall be a first charge and incumbrance on the lands owned by such owners respectively or his, her or their executors, administrators or assigns and shall be recoverable by said trustees by action.

And the parties of the first, second, third, fourth and fifth parts hereby for themselves, their and each of their heirs, executors, administrators and assigns, mutually covenant and agree to and with the trustees their successors and assigns and with each other their and each of their heirs, executors, administrators and assigns that the parties of the first, second, third, fourth and fifth parts their and each of their heirs, executors, administrators and assigns, will keep reserved for the benefit of the trustees and their successors and for the benefit of the said owners, their executors, administrators and assigns, the reservation of one foot wherever shown on said plan and will not for a period of twenty years from the day of the date hereof use or permit or allow to be used the said properties or any portion of the said properties respectively owned by them or their or any of their heirs, executors, administrators or assigns and described on plans 854 and 1092 for trading, manufacturing or mercantile purposes and will not carry on or allow the sale or disposal of spiritous liquors thereon and will not erect or permit to be erected thereon any house of the value of less than \$3000.00 or any stable of the value of less than \$500.00 exclusive of the value of the land and that said house or stable shall not be constructed of any other material than brick, stone, tiles, slate or iron except in cases where architects are in the habit of using shingles or wood for the upper stories of houses of a good class for ornamental purposes and except where wood is generally used for joists, door and window frames, etc., and said houses shall be only used for residential purposes and shall not be used as hotels or inns or for boarding houses but any resident shall be entitled to keep boarders not exceeding four in number in any one house and none of said houses, stables or any portion thereof

shall be constructed within fifteen feet of any of any of the roadways or drives unless a lot reserved in red on the Davenport Road and no detached house shall have less than 30 feet frontage and no house shall be built in rows but semi-detached houses shall be allowed having a frontage of not less than fifty feet for each pair and no stable shall be erected within a hundred feet of Braemore Avenue and upon any sale of any portion of said property similar restrictions shall be imposed to continue during the balance of said period upon any purchaser or purchasers thereof by the party or parties owning the said parcel or parcels conveyed or by the heirs, executors or administrators of such owner, the said restrictions being also hereby imposed on said land for said period.

SEVENTH: The trustees their successors and assigns shall with the consent in writing of two-thirds in number and majority in value as aforesaid of the owners of said property at a meeting called as aforesaid convey the said roadways, drives, reserves and reservations or any portion thereof to the municipality in which same are situated at the time of such conveyance or to dedicate said property to the public upon such terms as may be agreed upon.

And the parties of the fifth and sixth parts hereby bar their dower in the said roadways, drives, reserves and reservations.

In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed sealed and delivered in  
the presence of

"Alexander Fasken"

) "Alexander Jardine"  
) "Marmaduke Matthews"  
) "Agnes Litster"  
) "Jeanie Hunter"  
) "Carolina J. Matthews"  
) "Agnes Jardine"  
)  
)  
)

Lawyers:

Cassels & Standish