



**FORM 1**

Precedent  
(To be adapted as  
circumstances  
require)

**STATUTORY DECLARATION OF HUSBAND AND WIFE  
THAT PROPERTY IS A FAMILY HOME**

We \_\_\_\_\_  
and \_\_\_\_\_  
both of \_\_\_\_\_

\_\_\_\_\_ in the County of \_\_\_\_\_ both aged 18 years and upwards SOLEMNLY AND SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in folio \_\_\_\_\_ County \_\_\_\_\_ ) (hereinafter called "the property").

2. The property is our family home within the meaning of that term in the Family Home Protection Act, 1976, as amended by the Family Law Act, 1995.

3. We have been married once and once only, namely to each other, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. We are each the lawful spouse of the other. We refer to a photocopy of our Civil Marriage Certificate upon which we have endorsed our names prior to making this Declaration.

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981") applies to the property because neither of us has been party to an agreement to marry which has terminated within the past three years, and no proceedings of any kind have been threatened or instituted in relation to the property under any of the provisions of the Act of 1981.



**FORM 1**

(Contd.)

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5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989 , the Family Law Act, 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 (" the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).

6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by either of us, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.

7. We understand the effect and import of this Declaration which has been fully explained to us by our solicitor.

8. We make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_  
and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
and \_\_\_\_\_  
who are personally known to me (or who are identified to me by \_\_\_\_\_  
who is personally known to me)  
at \_\_\_\_\_  
in the County of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_

\_\_\_\_\_  
COMMISSIONER FOR OATHS/PRACTISING SOLICITOR