



**STATUTORY DECLARATION THAT PROPERTY IS NOT
A FAMILY HOME WHERE A HUSBAND AND WIFE
HAVE SEPARATED**

FORM 8

Precedent
(To be adapted as
circumstances
require)

I, _____
of _____

in the County of _____ 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 not a family home within the meaning of that term in the Family Home
Protection Act, 1976 as amended by the Family Law Act, 1995. No married couple has
ordinarily resided therein since I acquired an interest in the property.

3.1 I have been married once and once only, namely to _____
_____ (hereinafter called "my estranged spouse") on the _____ day of
_____ 19___. I refer to a photocopy of our Civil Marriage Certificate upon which
marked with the letter "A" I have endorsed my name prior to making this Declaration. I
separated from my estranged spouse on the _____ day of _____ 19__
and I refer to a photocopy/ certified extracts from a Deed of Separation/Deed of Waiver
which my estranged spouse and I entered into dated the _____ day of
_____ 19__ upon which marked with the letter "B" I have endorsed my
name prior to making this Declaration. I have not married or entered into an agreement to
marry any person since the date of the said Deed of Separation/Deed of Waiver.

3.2 My estranged spouse never resided in the property, nor is it intended that he/she should ever
reside therein. I purchased the property after the date of the said Deed of Separation out of
my own resources. There has been no reconciliation between my estranged spouse and I.
He/she has never made any financial or other contribution to the purchase of the property,
nor to any mortgage or similar payments relating thereto. He/she has no claim whatever to
the property under common law, statute law, equity or otherwise.



FORM 8

(Contd.)

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4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981") applies to the property because I have not 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.

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 me, 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. I understand the effect and import of this Declaration which has been fully explained to me by my solicitor.

8. I 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 _____
 who is personally known to me (or who is 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