



**STATUTORY DECLARATION OF HUSBAND AND WIFE
THAT PROPERTY IS A FAMILY HOME WHERE THE
PROPERTY IS OWNED BY ONLY ONE OF THEM**

FORM 4

Precedent
(To be adapted as
circumstances
require)

We, _____ (“owner spouse”)
and _____ (“consenting spouse”)
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. The property is owned by owner spouse.
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, 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.
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



FORM 4

(Contd.)

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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 9 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. I consenting spouse have given my prior written consent to the assurance of the property to the party or parties named in paragraph 9 hereof pursuant to Section 3 of the said Family Home Protection Act, 1976. I consenting spouse fully understand the nature and import of this consent. I consenting spouse have been advised that I have the right to be independently advised in connection therewith, and I have waived this right.
- 8. We understand the effect and import of this Declaration which has been fully explained to us by our Solicitor.
- 9. 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 ____.