



**STATUTORY DECLARATION OF HUSBAND AND WIFE
THAT PROPERTY IS A FAMILY HOME WHERE EITHER
OF THEM WAS PREVIOUSLY MARRIED,
BUT THAT PREVIOUS MARRIAGE WAS DISSOLVED**

FORM 12

Precedent
(To be adapted as
circumstances
require)

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.

3. We were lawfully married 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. _____ (either spouse,
as applicable) was never previously married. _____
(either spouse, as applicable) was previously married, namely to
_____ (former spouse) on the _____ day of
_____ 19____. We refer to a photocopy of the Civil Certificate of the said
earlier marriage upon which marked with the letter "B" we have endorsed our names prior
to making this Declaration. A Decree of Dissolution of the said former marriage was
granted by the Circuit Court/High Court on the _____ day of
_____ 19____ and we refer to a photocopy thereof upon which marked
with the letter "C" 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



FORM 12

(Contd.)

Precedent
(To be adapted as
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require)

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. Apart from the proceedings leading to the Decree of Dissolution mentioned in paragraph 3 hereof, 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 .