

AW/SC/E40/5144

**STATUTORY DECLARATION OF HUSBAND AND WIFE
THAT PROPERTY IS NOT A FAMILY HOME OR A SHARED HOME**

We, **Patrick Elliott** and **Ranjit Elliott** both of Hollyglen House, Drumelis, Cavan in the County of Cavan both aged 18 years and upwards SOLEMNLY AND SINCERELY DECLARE as follows:

1. This declaration relates to the lands situate at Farnham, Cavan in the County of Cavan (hereinafter called "the property").
- 2.1 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.
- 2.2 The property is not a shared home within the meaning of the term "shared home" in Section 27 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 ("the 2010 Act").
- 2.2.1 Neither we, nor any other married couple, nor any civil partner within the meaning of the term "civil partner" in Section 3 of the 2010 Act, nor any cohabitant or qualified cohabitant within the meaning of the terms "cohabitant" and "qualified cohabitant" respectively in Section 172 of the 2010 Act have ordinarily resided therein since we acquired an interest therein.
Our family home is at 16 Arranmore Close, Cavan, Co. Cavan.
3. We have been married once and once only, namely to each other, on the 27th day of November 2004. 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. Neither of us has ever been the civil partner of any other person within the meaning of the term "civil partner" in Section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 ("the 2010 Act").
4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981") apply 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. None of the provisions of Part 15 of the 2010 Act apply to the property and neither of us is or ever has been a cohabitant or a qualified cohabitant with any other person within the meaning of the terms "cohabitant" and "qualified cohabitant" respectively in Section 172 of the 2010 Act.
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"), the

Family Law (Divorce) Act, 1996 (" the 1996 Act") or the 2010 Act, and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposition for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act, Section 37 of the 1996 Act), and Section 137 of the 2010 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 the Purchaser and pursuant to the provisions of the Statutory Declaration Act, 1938.

DECLARED before me a Peace Commissioner /Commissioner/
for Oaths/Practising Solicitor

by **Patrick Elliott** and **Ranjit Elliott**

[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 20....

Patrick Elliott

Ranjit Elliott

**Peace Commissioner / Commissioner for Oaths/
Practising Solicitor**