

**STATUTORY DECLARATION OF SURVIVING SPOUSE THAT PROPERTY IS NOT A  
FAMILY HOME OR A SHARED HOME**

I, Eileen Noctor of  
AND SINCERELY DECLARE as follows:

aged 18 years and upwards SOLEMNLY

1. This declaration relates to the property situate at Curraghnagap Easkey in the County of Sligo (being the property comprised in Folio 18350 County Mayo) (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").
- 2.3 No married couple, or no civil partner within the meaning of the term "civil partner" in Section 3 of the 2010 Act, or no cohabitant or qualified cohabitant within the meaning of the terms "cohabitant" and "qualified cohabitant" respectively in Section 172 of the 2010 Act has ordinarily resided therein since I acquired an interest therein, apart from myself and my late spouse Michael Noctor (hereinafter called "my late spouse").
3. I have been married once and once only, namely to my late spouse on the 6<sup>th</sup> day of February 1982. We were each the lawful spouse of the other. 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. My late spouse died on the 13<sup>th</sup> day of July 2001 and I refer to a photocopy of his/her death certificate 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 death of my late spouse. Neither I nor my late spouse has ever been the civil partner of any other person within the meaning of the term "civil partner" in Section 3 of 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 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. None of the provisions of Part 15 of the 2010 Act apply to the property and neither I nor my late spouse has ever 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 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 ..... (name of commissioner/practising solicitor in capitals)  
a commissioner for oaths / practising solicitor\*

by Eileen Noctor  
[who is personally known to me]

\_\_\_\_\_  
Eileen Noctor

[or: who is identified to me by  
who is personally known to me]

[or: see \*\* below]

at .....

in the City/County of.....

this ..... day of ..... 20....

\_\_\_\_\_  
**Commissioner for Oaths / Practising Solicitor \***

**\*If being declared before another person empowered to take or receive statutory declarations, please refer to Statutory Declarations Act 1938 (as amended) and amend jurat as appropriate.**

**\*\*If using a form of identification per the Civil Law (Miscellaneous Provisions) Act 2008 (i.e. passport / national identity card / Aliens Passport / refugee travel document / travel document other than refugee travel document) please refer to the Act and insert appropriate jurat clause.**

