

FOLIOS -

TY2795F

TY13531F

TY10489

TY10490

TY10488 (part)

TY10361 (part)

**STATUTORY DECLARATION OF LEGAL PERSONAL REPRESENTATIVE THAT
PROPERTY IS NOT A FAMILY HOME OR A SHARED HOME**

I, Yvonne O'Meara of Clonfert Avenue, Portumna in the County of Galway in the County of aged 18 years and upwards SOLEMNLY AND SINCERELY DECLARE as follows:

1. This declaration relates to the property situate in the Townlands of Ballyhaden and Killeen in the County of Tipperary (being all of the property comprised in folios 2795F, 13531F, 10489 and 10490 County Tipperary and being part of the property comprised in folios 10488 and 10361 County Tipperary) (hereinafter called "the property").

2.1.1 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.

2.1.2 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".)

2.1.3 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 have ordinarily resided therein since the death of Donal O'Meara (hereinafter called "the deceased"), who was the owner of the property, on the 3rd day of February 2023.

2.1.4 The property is not a "dwelling" within the meaning of that term in the Family Home Protection Act 1976 as amended by the Family Law Act 1995 or within the meaning of the term "dwelling" in Section 27 of the 2010 Act.

2.2 I refer to a photocopy of the death certificate of the deceased upon which marked with the letter "A" I have endorsed my name prior to making the declaration.

3. I am the legal personal representative of the deceased, and I am assuring the property to the party or parties mentioned in paragraph 8 hereof as such. My family home is at Clonfert Avenue, Portumna in the County of Galway.

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981 ") apply to the property because the deceased was not party to an agreement to marry which 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 the deceased was not 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 the deceased, 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 by the said Yvonne O'Meara at _____ in the City of Galway before me a Commissioner for Oaths/ Practising Solicitor and the deponent has been identified to me by Patrick Keane who is personally known to me thisday of 20

Commissioner for Oaths/ Practising Solicitor

I certify that I know the deponent

