**Statutory Declaration in Relation to Established Easement**

**County [Insert County if Applicable] Folio [Insert Folio if Applicable]**

I / We, **[Declarant Name(s)]**, of **[Declarant(s) Address(es)]** aged 18 years and upwards **do solemnly and sincerely declare** that:

1. I / We, is / are the owner(s) of the property more particularly described in **Schedule 2** (the "**Dominant Land**") which has enjoyed the easements[[1]](#footnote-1) specified in **Schedule 1)** (the **“Easements”**), continuously (without force, interruption, permission or objection) and openly [*for upwards of [●] years][since time immemorial*].
2. I am / We are entitled for my / our own benefit to the Dominant Land which, *[and for the avoidance of any doubt each and every part of the Dominant Land[[2]](#footnote-2)],* enjoys the benefit of the Easements.
3. The property over which the Easements are exercised (the "**Servient Land**") is set out in **Schedule 3***.*
4. *(Describe how and when the user period began (if known) and set out such facts as are relied upon in support of the applicant's claim to have established the Easements. The applicant must establish that the exercise of the Easements has been continuous and without force, interruption, permission or objection, and openly).*
5. *[The Dominant Tenement and each and every part thereof enjoyed the benefit of the Easements before I / we acquired the Dominant Tenement on [●] and since that date to the date hereof the Dominant Land has enjoyed the benefit of the Easements continuous and without force, interruption, permission or objection, and openly].*

*or*

*[Since the date on which I / we acquired the Dominant Land on [●] to the date hereof the Dominant Land has enjoyed the benefit of the Easements continuously (without force, interruption, permission or objection) and openly.]*

1. I am / We are not aware of any question or doubt affecting the exercise of the Easements, or any part thereof, or of any matter or thing whereby the Easements are, or may be impeached, affected, or called in question in any manner whatsoever.
2. There is not to my / our knowledge any person interested in the entitlements described in this Declaration and / or the Servient Land who is under the age of 18 years, or is of unsound mind, [*except - give name and address of any person interested who is a minor or of unsound mind and of his / her guardian or committee, or trustees under* *Section 57 of the Succession Act, 1965, if any*) and no proceedings are pending in anycourt relating to the said entitlements [*except - give particulars of any pending action or suit*)].
3. I / We understand the effect and import of this declaration which has been fully explained to me / us by my / our solicitor.
4. I / We make this solemn declaration conscientiously believing it to be true for the satisfaction of **[Insert Name of Purchaser/s]** and pursuant to the provisions of the Statutory Declarations Act, 1938.
5. The Easement(s)

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| --- |
| Description of Easement(s) |
| 1. A right [*set out a detailed and comprehensive description of the easements*] for the benefit of the Dominant Lands [*and each and every part thereof*][[3]](#footnote-3), and the owner of the Dominant Lands [*and each and every part thereof*][[4]](#footnote-4) from time to time, over [*that part of*] the Servient Lands [*shaded in [yellow] on the map attached*, *upon which and marked with the letter "[●]" I have signed my name prior to the declaring hereof*]  2. [*Describe all ancillary rights, such as rights for passage of services, rights to inspect, repair, replace, etc.][[5]](#footnote-5)* |

1. The Dominant Land

|  |
| --- |
| Description of Dominant Land |
| **All that and those** [●] |

1. The Servient Land

|  |
| --- |
| Description of Servient Land |
| **All that and those** [●] |

**Declared** before me                           a commissioner for oaths / practising solicitor / peace commissioner **\*** by **[Declarant Name]** [who is / are personally known to me] [or: who is / are identified to me by                           who is personally known to me] [or: see **\*\*** below} at                           in the City / County of                           this       day of                           20

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

\*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.

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1. Amend throughout if only one easement [↑](#footnote-ref-1)
2. Omit if not applicable [↑](#footnote-ref-2)
3. See footnote 1 [↑](#footnote-ref-3)
4. See footnote 1 [↑](#footnote-ref-4)
5. Precedent language in respect of easements can be found in the Precedent Building Estate Transfer on the Law Society website [↑](#footnote-ref-5)