110.

PDF UPLOAD

Para 106(17)(b)(ii) PD 2024

**Affidavit to exercise the Registrar’s Empowerment Clause**

This Form is used to provide evidence in support of your request for the Registrar to sign certain documents. This Affidavit is only required for Court orders that require one party to notify the other party to sign the documents (“notice requirements”), otherwise described as “Category B orders” in the Family Justice Courts Practice Directions[[1]](#footnote-1). This Affidavit must be filed before the Registrar signs any documents[[2]](#footnote-2). This affidavit is not required for Court orders with no notice requirements, known as “Category A orders”[[3]](#footnote-3).

Before completing this Form, ensure that your case satisfies the following conditions:

**A. The Court order**

1. There is a Registrar’s Empowerment Clause (“REC”). RECs are orders which may be granted after the Court deals with ancillary matters or variation of orders. These orders empower the Registrar to sign documents to effect the sale and transfer of matrimonial assets.
2. The timeframe relating to the relevant transaction for which Registrar’s signature is required has not lapsed.

**B. The documents to be signed by the Registrar**

The Registrar will not sign the documents which contain:

1. declarations on matters which are not within the knowledge of the Registrar
2. statements which bind the party to obligations beyond the actual surrender, sale or transfer.

Examples of such documents are declarations, undertakings, documents relating to loan approvals or payment of levy.

This form is only for use in eLitigation.

This form contains Notes to help you in the completion of the form. Please note that the Notes are **NOT** to be construed or regarded as a substitute for legal advice. Please seek legal advice if necessary.

**The Form for completion is from the next page onwards. This cover note need not be included in the filed affidavit.**

[Enter party type here]: [Enter name of maker here]: [Enter ordinal number of affidavit (in relation to previous affidavits filed by the same party) here]: [Enter date of affidavit filed here]: [Enter hearing type and summons no. (if applicable) here][[4]](#footnote-4)

**IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE**

|  |  |
| --- | --- |
| Main Case No.: Enter case no. here  Sub Case No. [number]/[year][[5]](#footnote-5) | Between  [Applicant’s name]  [ID No.]  … Applicant(s)  And  [Respondent’s name]  [ID No.]  … Respondent(s) |

**AFFIDAVIT**

**Section 1: Introduction**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | | Name of maker: | Enter full name as per NRIC/ Passport here. | | Identity No.: | Enter NRIC/ FIN/ Passport no. here. | | Address: | Enter address here. | | Occupation: | Enter occupation here. | | |
|  |  |
| 1a. | I am the  Applicant  Respondent in enter main case number here.[[6]](#footnote-6) |
| 1b. | This affidavit is in support of my request for the Registrar to sign documents to effect the sale / transfer / surrender / state other transaction(s) of the property at (address) / details of asset[[7]](#footnote-7). |
| 1c. | I confirm that I have a valid Court order dated enter date here.[[8]](#footnote-8) |
| 1d. | Where the facts in this affidavit are within my personal knowledge, they are true. Where they are not within my personal knowledge, they are true to the best of my knowledge, information and belief. |

**Section 2: Statement[[9]](#footnote-9)**

|  |
| --- |
|  |
| I set out the reasons for my summons / application:   1. I refer to the Order of Court dated enter date here. 2. In the said Order of Court, it was ordered that the matrimonial property at enter address here shall be state the contents of the Order of Court in relation to the matrimonial property. 3. The Court also made orders for the Registrar or Assistant Registrar of the Family Justice Courts to be empowered to sign the documents relating to the [select an option][[10]](#footnote-10) of the property (the “Documents”) in the event that [select a party type][[11]](#footnote-11) fails to execute the same upon being given [enter 7, 14 or other specified time] days’ written notice. 4. Under the Order of Court, the [select an option]8 is to take place within state the period specified in the Order of Court – e.g. 3 months/6 months/other specified time period from the date of the Order of Court. The time period prescribed in paragraph state paragraph number in the Order of Court of the Order of Court has not been exceeded as at the date of signing this affidavit. 5. The said Order of Court (select the applicable option): 6. states that both parties are to have joint conduct of the sale 7. states that enter party type or name here is to have sole conduct of the sale 8. is silent on who has conduct of the sale. 9. The Order of Court has been served on the  Applicant  Respondent (the “defaulting party”) on enter date here by [manner or service / explain how the defaulting party is aware of the Order of Court]. 10. I have made attempts to obtain the defaulting party’s execution of the following Documents [state the name of the sale/transfer document(s) – e.g. Option to Purchase / Sale and Purchase Agreement / Transfer]. 11. The particulars of my attempts are as follows:-   **PARTICULARS**   |  | | --- | | Set out in numbered paragraphs the number of attempts – e.g.  *Attempt 1*  On [date], I sent a letter to the defaulting party at [address], reminding him/her\* to go down to [place] to sign and execute the Sale/Transfer\* Documents. A copy of the letter is attached herewith as exhibit “A”.] |  1. The defaulting party’s contact details used in the above attempts is the defaulting party’s current contact details. Notifying the defaulting party in the above manner will bring the documents to the defaulting party’s attention because [state basis of belief, e.g. the address belongs to the defaulting party’s parents and the defaulting party currently lives with his/her\* parents]. 2. In response to the above attempts, the defaulting party [failed to respond in any way] / [responded in the following manner: ]. 3. Despite these attempts, the defaulting party has failed to sign and execute the Documents. 4. I have complied with paragraph state paragraph number in the Order of Court of the Order of Court and given the requisite [enter 7, 14 or other specified time] days’ written notice to the defaulting party. 5. **I declare** that as at the date of signing of this affidavit, I am unaware of any pending application(s) affecting the Order of Court, such as   (a) an appeal  (b) an application to stay the execution  (c) an application for variation and/or setting aside.   1. I am aware that **I must make full and frank disclosure of all relevant facts** which may directly or indirectly affect the Registrar’s decision to exercise his/her powers to sign the Documents on behalf of the defaulting party. |

**Section 3: Summary of Claim**

|  |
| --- |
| 1. I am asking that the Registrar exercise his/her powers pursuant to the Order of Court dated enter date here to sign the  Sale  Transfer Documents as the  Applicant  Respondent has defaulted in signing the same. |

**Section 4: Affirmation**

This affidavit is to be sworn / affirmed in accordance with the Form of Attestation (Form 106) of the Family Justice (General) Rules 2024.

**Section 5: Exhibit Content Page**

Please refer to the Generic Affidavit (Form 54) for the exhibit content and cover pages to be included in your affidavit (where applicable).

1. See paragraph 106(15) of the Family Justice Courts Practice Directions 2024. [↑](#footnote-ref-1)
2. See paragraph 106(17)(b) of the Family Justice Courts Practice Directions 2024. [↑](#footnote-ref-2)
3. See paragraph 106(15) of the Family Justice Courts Practice Directions 2024. [↑](#footnote-ref-3)
4. Refer to paragraph 133(5) of the Family Justice Courts Practice Directions 2024 if required. [↑](#footnote-ref-4)
5. To insert sub-case details if relevant. [↑](#footnote-ref-5)
6. You may refer to the Originating Application for your party type. Please state the OA case number i.e. FC/OAD 1/2022 and not the sub-case number. [↑](#footnote-ref-6)
7. Enter the details based on your Court Order. [↑](#footnote-ref-7)
8. Remember to check the validity of your Court order before you request to see the duty Judge; he/she will not accept an order in which the timeframe for sale/transfer has lapsed. For example, if the order states that the sale/transfer of the property is to take place within 6 months of the Final Judgment (“FJ”) but more than 6 months have passed, the Court order is no longer considered valid. In such case, a separate application must be filed to extend the timeframe for the sale/transfer (an oral request is not allowed). [↑](#footnote-ref-8)
9. For easy reference,

   (a) Each paragraph in your statement is to be numbered consecutively.

   (b) Dates, sums and other numbers must be expressed in figures and not in words.

   (c) Facts should be set out clearly and chronologically or in some other logical sequence.

   If you have any exhibits or supporting documents, you may include them in Section 5. [↑](#footnote-ref-9)
10. The options are: sale / transfer / surrender. [↑](#footnote-ref-10)
11. The options are: either party / the Applicant / the Respondent. [↑](#footnote-ref-11)