**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT …………….**

**SUCCESSION CAUSE NO. H.C. ……….. OF 20…..**

**IN THE MATTER OF THE ESTATE OF MKENYA HALISI (Deceased)**

**CERTIFICATE OF URGENCY**

I, WAKILI SHUPAVU, an Advocate of the High Court of Kenya practicing as such in the Firm of WAKILI SHUPAVU ADVOCATES do hereby certify this matter as urgent and deserving to be heard in the earliest opportunity for reasons that:-

1. This Application seeks an order for a special limited grant to enable the administrators of the Estate of the deceased to access funds from the deceased’ Bank A/c No. …………….. to use in the construction of a residential house on Land Title Number ……
2. That before the Deceased could embark on the proposed construction project he was taken ill and admitted at the …………….. Hospital after which he passed on.
3. That the approval requires that the implementation of the plan commence within twelve months and construction be done within two years and the proposed administrators are left with one year within which to complete the construction but they cannot do so for lack of funds.
4. That a similar application was made on the ………………………… but the same was never heard as the application was mixed up with the summons for letters of administration intestate over the estate of the deceased
5. That we urge the court to certify this matter as urgent and grant an order for special limited grant to enable them start on the construction on construct the access funds from the deceased’ s Bank A/c No. ……………………… to use in the construction of a residential house on Land Title Number ………………………….. .

 Dated at ……….. this day of 20….

**WAKILI SHUPAVU**

**ADVOCATES FOR THE APPLICANTS**

**DRAWN AND FILED BY:**

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT …………….**

**SUCCESSION CAUSE NO. H.C. ……….. OF 20…..**

**IN THE MATTER OF THE ESTATE OF MKENYA HALISI (Deceased)**

# SUMMONS FOR PARTIAL CONFIRMATION OF GRANT

**[Under Rule 40(1) of the Probate and Administration Rules]**

LET ALL PARTIES CONCERNED attend the Judge in Chambers on the …………. day of ……………….20… at 9.00 O’clock in the forenoon on the hearing of an application on the part of FFF,GGG and HHH the Administrators of the Estate of the above named MKENYA HALISI who died on the ……………. day of …………….. 20……, for Orders:

1. **THAT** the application herein be certified urgent and service of the same be dispensed with in the first instance.
2. **THAT** the Grant of Letters of Administration Intestate made to the said FFF,GGG and HHH in this matter on ………….. of ………….. 20…. are partially confirmed in respect of a share of 1/9 of the Property Land Reference Number ………………………
3. THAT the costs of this application be costs in the cause.

WHICH APPLICATION is grounded upon the supporting affidavit of FFF,GGG and HHH filed herewith, the nature of the case and the reasons to be offered at the hearing.

Dated at ………………. this day of 20……

**WAKILI SHUPAVU**

### **ADVOCATES FOR THE APPLICANTS**

Drawn and Filed by:-

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT ………………….**

**SUCCESSION CAUSE NO. H.C. ………………….**

**IN THE MATTER OF THE ESTATE OF MKENYA HALISI (Deceased).**

# AFFIDAVIT IN SUPPORT OF SUMMONS FOR PARTIAL CONFIRMATION OF

# GRANT OF LETTERS OF ADMINISTRATION INTESTATE

We, **FFF, GGG and HHH** all of Post Office Box …………………….,Kiambu aged over 18 years, the Administrators of the Estate of MKENYA HALISI who died on …………..of …………….,20….. intestate make oath and say as follows:-

1. A Grant of Letters of Administration of the said estate was made to us in this matter on ……………………………………..
2. The deceased was survived by the following:-
3. **FFF -Wife ( Yrs)**
4. **GGG -Son ( yrs)**
5. **HHH - Daughter ( Yrs)**
6. **AAA - Daughter ( Yrs)**
7. **BBB -Son ( yrs)**
8. **CCC - Daughter ( Yrs)**
9. **DDD - Daughter ( Yrs)**
10. **EEE -Son ( yrs)**

3. The deceased was survived by no other dependants.

4. No application for provision for dependants is pending;

5. The following is a full inventory of all assets and liabilities of the deceased at the date of his death (including such assets as have arisen or become known since that date):-

|  |  |
| --- | --- |
| **ASSETS**  | **ESTIMATED VALUE** |
| GATAMAIYU/GACHOIRI/………. | **KES 27,000,000**  |
| 10,000 SHARES AT EAST AFRICAN BREWERSIES LIMITED  | **KES 10,000,000** |
| NAIROBI BLOCK 80/506 BURUBURU PHASE III | **KES 13,000,000** |
| RUIRU/RUIRU EAST BLOCK 2/1523 | **KES 7,000,000** |
| MONEY AT ABSA BANK- KIAMBU BRANCH A/C NO. ………………… | **KES 23,000,000** |
| MONEY AT EQUITY BANK-THIKA BRANCH A/C NO………………. | **KES 7,000,000** |

LIABILITIES

NIL

\_\_\_\_\_\_\_\_\_\_\_

Total estimated value KES 87,000,000

6.The identification and shares of all persons beneficially entitled to the said estate have been ascertained and determined and the entire estate shall as follows:

|  |  |
| --- | --- |
| **PROPERTY** | **BENEFICIARY** |
| GATAMAIYU/GACHOIRI/………. | **……………… & ………………..**  |
| 10,000 SHARES AT EAST AFRICAN BREWERSIES LIMITED  | **……………… & ……………………** |
| NAIROBI BLOCK 80/506 BURUBURU PHASE III |  **………………………………** |
| RUIRU/RUIRU EAST BLOCK 2/1523 | **………………………..** |
| MONEY AT ABSA BANK- KIAMBU BRANCH A/C NO. ………………… | **………………………………**  |
| MONEY AT EQUITY BANK-THIKA BRANCH A/C NO………………. | **…………………………………..**  |

1. The facts herein deposed to are known to us of our personal knowledge respectively

SWORN at ……….. }

This …………..day of…………..20……. }

By the said } \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FFF } FFF

 }

GGG }\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 }GGG

 }

 }

HHH }\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 } HHH

 }

 }

 }

Before me }

 }

 }

 }

COMMISSIONER FOR OATHS }

Drawn and Filed by:-

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. H.C. 612 OF 2014**

**IN THE MATTER OF THE ESTATE OF MKENYA HALISI (Deceased).**

**CONSENT TO PARTIAL CONFIRMATION OF GRANT**

**[Under Rule 40(7) of the Probate and Administration Rules]**

We, AAA, BBB, CCC, DDD and EEE all of Post Office Box ……,Kiambu dependants within the meaning of Section 29 of the Law of Succession Act of the above-named MKENYA HALISI who died on the……….of…………….., 20….. do hereby consent to the partial confirmation of the Grant of Letters of Administration Intestate made to FFF,GGG and HHH by this Honourable Court on the ……………………………………………………………… in respect of a share of 1/9 of the Property Land Reference Number ……………...

DATED AT ……………. THIS day of 20…..

Signed by the said }

**AAA**  } -------------------------------------

In the presence of } **AAA**

 **}**

 }

Signed by the said }

**BBB**  } ---------------------------------

In the presence of } **BBB**

 }

 }

Signed by the said }

**CCC**  } ---------------------------------

In the presence of } **CCC**

Signed by the said }

**DDD**  } ---------------------------------

In the presence of } **DDD**

 }

Signed by the said }

 }

**EEE**  } ---------------------------------

In the presence of } **EEE**

 }

**Commissioner for Oaths**

Drawn and Filed by:-

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT ………….**

**SUCCESSION CAUSE NO. H.C. …….OF ……….**

**IN THE MATTER OF THE ESTATE OF MKENYA HALISI (Deceased).**

**CONSENT TO THE MODE OF DISTRIBUTION OF ESTATE**

**[Under Rule 40(7) of the Probate and Administration Rules]**

We, AAA,BBB,CCC,DDD and EEE, all of Post Office Box …………,………… dependants within the meaning of Section 29 of the Law of Succession Act of the above-named MKENYA HALISI who died on the …… of ……….., 20….. do hereby consent to the mode of distribution of the proceeds of the sale in respect of a share of 1/9 of the Property Land Reference Number ……………. as proposed in the affidavit of FFF,GGG and HHHH sworn on the …………………day of………………..20….

That we are of full age and consent to the application.

DATED AT ………………..THIS day of 20………

Signed by the said }

**AAA**  } -------------------------------------

In the presence of } **AAA**

 }

 }

Signed by the said }

**BBB**  } ---------------------------------

In the presence of } **BBBBBBB**

 }

 }

Signed by the said }

**CCC**  } ---------------------------------

In the presence of } **CCC**

Signed by the said }

**DDD**  } ---------------------------------

In the presence of } **DDD**

 }

Signed by the said }

**EEE**  } ---------------------------------

In the presence of } **EEE**

 }

**Commissioner for Oaths**

Drawn and Filed by:-

Deputy Registrar,

High Court of Kenya,

Family Division,

**Nairobi.**

Dear Sir,

**RE: SUCCESSION CAUSE NO. H.C …………….OF 20…..**

**IN THE MATTER OF THE ESTATE OF MKENYA HALISI (Deceased)**

Kindly certify 2 copies of the letters of administration.

We undertake to pay your charges.

Yours Faithfully

**For: WAKILI SHUPAVU ADVOCATES**

**WAKILI SHUPAVU**