



REPUBLIC OF KENYA



**In re the Estate of Lode Gilgert Pieter Vanhoutte alias Lode Vanhoutte
alias Lode Gilbert P Vanhoutte (Deceased) (Succession Cause
E1296 of 2022) [2024] KEHC 9658 (KLR) (Family) (26 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9658 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE E1296 OF 2022
H NAMISI, J
JULY 26, 2024**

RULING

1. Before the Summons for Confirmation of Grant within Six Months dated 24th May 2024. The same is brought under section 71 (3) of the *Law of Succession Act*, and is supported by an Affidavit sworn on even date by Thomas Filip Catharinus Vanhoutte, Mathew Robert Christopher Vanhoutte And Jane Ann Marcia Vanhoutte, the Executors.
2. The Application relates to a Grant of Probate made on 9th April 2024 to three Executors in respect of the Deceased's estate. The Deceased died testate on 18th October 2023, leaving behind a Will dated 1st March 2023. The estate comprises of one property in Nairobi (LR No. 7785/56), one property in Belgium, a Bank Account in USA and shares in Vanlo Investments Ltd.
3. The Executors have filed this Summons seeking confirmation of the Grant before the lapse of six months. The main reason being that the Deceased was the Managing Director and shareholder in Vanlo Investments Ltd and was charged with the day-to-day operations of the company. Upon his demise, the company has been left with only one director and a minority shareholder, thus hindering the possibility of holding the company's annual general meeting to pass crucial resolutions, including the appointment of persons to manage the daily affairs of the company.
4. The Summons was argued orally. The three Executors confirmed that there was need to confirm the Grant in order to allow the company continue its operations. They also indicated that most of the finances used in the operations of the company came from the Deceased's personal accounts, which they cannot access until the Grant is confirmed. It was their testimony that the Grant needs to be confirmed urgently to ensure that the company, which is in the agricultural fertilizer industry, continues to run and remains competitive.
5. I have considered the Summons, the Affidavit and annexures thereto, as well as the oral evidence presented by the Executors. With respect to the confirmation of Grants, section 71 of the *Law of Succession Act* provides as follows:



1. After the expiration of a period of six months, or such shorter period as the court may direct under subsection (3), from the date of any grant of representation, the holder thereof shall apply to the court for confirmation of the grant in order to empower the distribution of any capital assets.
2. The court may, on application of the holder of a grant of representation, direct that such grant be confirmed before the expiration of six months from the date of the grant if it is satisfied –
 - a. That there is no dependent, as defined by section 29, of the deceased or that the only dependents are of full age and consent to the application;
 - b. That it would be expedient in all circumstances of the case so to direct.
6. I am satisfied that the requirements of section 71 (3) have been met. I, therefore, allow the Summons. The Grant issued on 9th April 2024 is confirmed as per the Will dated 1st March 2023.

DATED AND DELIVERED AT NAIROBI THIS 26 DAY OF JULY 2024

HELENE R. NAMISI

JUDGE

