



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**SUCCESSION CAUSE NO. 51 OF 2019**

**IN THE MATTER OF THE ESTATE OF FERDINARD BARAZA MUNYANI (DECEASED)**

**RULING**

This is a ruling in respect of Summons for Confirmation of the Grant of letters of administration intestate made to Consolata Monday Oteba and Cynthia Omina Munyani the administrators on 17<sup>th</sup> June 2018 in respect of the Estate of the late Ferdinard Baraza Munyani who died intestate on the 5<sup>th</sup> of August 2018. The deceased left behind the following persons:

- (a) Consolata Monday Ateba – widow aged 42 years
- (b) Cynthia Omina Munyani – daughter aged 21 years
- (c) FOB – son aged 17 years
- (d) CNM – daughter aged 13 years

The application is supported by the affidavit of the two administrators named herein sworn on the 6<sup>th</sup> February 2020. The said affidavit lists the following as assets forming the estate of the deceased:

- (a) Benefits from Kenya Pipeline Ltd;
- (b) Insurance benefits;
- (c) Retirement benefits;
- (d) Pension, Kenya Pipeline Sacco contributions;
- (e) NSSF contributions and Motor vehicle registration number KBJ 668E.

The affidavit of 6<sup>th</sup> February 2020 was not clear on the distribution of the assets especially to the minor children. This court directed that the administrators file a further affidavit with clarity on the issue of distribution. They filed a further affidavit dated 15<sup>th</sup> December 2020. I have considered the same. I note that the shares to the minor children have been clarified. I therefore confirm the grant issued by this court on 17<sup>th</sup> June 2018 and order distribution of the estate as contained in paragraphs 3 and 4 of the Affidavit dated 15<sup>th</sup> December 2020. For avoidance of doubt the distribution of shares shall be as follows:

- (f) That Kshs 600,000 shall be set aside to cater for the University education and related expenses for FOB.
- (g) That Kshs 1,000,000 shall be set aside to cater for Secondary and University education for CNM.
- (h) That the administrators shall open an estate account at Kenya Commercial Bank, Busia Branch wherein the sum of Kshs 1,600,000 being the total of (a) and (b) above for both beneficiaries shall be deposited by the Kenya Pipeline Company Limited.
- (i) That in respect of the remaining assets, being benefits from Insurance, Retirement, Pension, Kenya Pipeline Sacco contributions and NSSF Contributions as well as Motor vehicle No. KBJ 668E, the net estate shall vest on the administrators Consolata Monday Oteba and Cynthia Ominah Munyani as tenants for life and thereafter to FOB and CNM as tenants in common.

Orders shall issue accordingly.

**Dated, signed and delivered this 19<sup>th</sup> January 2021.**

**S. N. MUTUKU**

**JUDGE**