



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 2 OF 2017**

**IN THE MATTER OF THE ESTATE OF CHEMWETICH CHEMJOR (DECEASED)**

**RULING**

1. Upon application of confirmation of Grant dated 5/7/2106 and further affidavit of the Administrator sworn on 27/3/2018 and upon hearing the beneficiaries testify on oath before the court and noting the minutes of the family meeting held on 1/7/18 in the presence of the area assistant chief, Kinyo Sub-location dated 11/7/18, the court confirms the beneficiaries of the estate of Chemwetich Chemjor as:

- i. Jacob Cherop Chemwetich
- ii. Peris Kobilo Komen
- iii. Mary Kabon Chemobo

2. The estate is shown to comprise two parcels of land Baringo/Kapropita/281 and 282, and plot No. 4 Solai.

3. It is agreed that the two parcels of land be shared among the 3 sons of Chemwetich Chemjor, two of whom are represented by their widows, Peris Kobilo Komen and Mercy Kabon Chemobo as shown above.

4. It is further agreed by way of distribution that James Chemwetich be given Baringo/Kapropita/282 measuring 1 acre.

5. Jacob Cherop Chemwetich agreed to take the plot No. 4 Solai of 50 x 100 feet only and the remainder 3 acres of the solai plot were to be shared equally between James Chemwetich and Joel Chemwetich each taking 1 ½ acres.

6. It was agreed that a road access would be created to pass through land plots Baring/Kapropita 281 and 282.

7. The court approves this mode of distribution which has been reached by consent of the beneficiaries of the estate of the Deceased Mzee Chemwetich Cherop.

**Orders**

8. Accordingly, the Grant of Letters of Administration herein granted to Jacob Cherop Chemwetich is confirmed for the distribution of the Estate in accordance with the schedule herein -below set out:

1. Baringo/Kapropita/281- to be shared between Jacob Cherop Chemwetich, James Chemwetich and Joel Chemwetich in equal shares.
2. Baringo/ Kapropita/282- to be distributed to James Chemwetich in whole 1 acre share, as already registered.
3. Three acres on Solai Plot No. 4 to be distributed to the three sons with Jacob Cherop Chemwetich in whole share of 50 x 100 feet only and the rest to be shared equally by other two each taking 1 ½ acres.

9. In effecting the distribution on the two plots Baringo/Kapropita/281 and 282, a road of access shall be created to allow road access to Jacob Cherop Chemwetich and Joel Chemwetich.

10. The respective shares of the deceased sons of the deceased Joel Kiplagat Chemwetich and James Chemjor Chemwetich shall be taken by their widows Peris Kobilo Komen and Mary Kabon Chemobo on behalf of their family members.

11. Each party shall bear its own costs.

**DATED AND DELIVERED THIS 31<sup>ST</sup> DAY OF JULY, 2018.**

**EDWARD MURIITHI**

**JUDGE**

**Appearances**

M/s Tarus & Co. Advocates for the Petitioner