

IN THE HIGH COURT OF KENYA AT BUSIA

PROBATE & ADMINISTRATION NO. 53 OF 2003

IN THE ESTATE OF:

CRESENT WERE HEZRON WERE..... DECEASED

BETWEEN

MARY MUSIKU WERE.....PETITIONER

AND

MARY KUBENDE WERE.....OBJECTOR

RULING

1. Both the petitioner and the objector are widows of the late Cresent Were Hezron Were. They have disagreed on the mode of distribution of the estate on two grounds:

- a. That some of the properties have higher value than others; and
- b. That the petitioner has already disposed of some of the properties.

2. From my perusal of the record, I have noted that neither party attached any valuation report. This court cannot therefore be able to adjudicate the issue of distribution fairly. I have also not been furnished with details of when the properties disposed of were so done and at what consideration.

3. I am making the following orders:

- a. That all properties available for distribution be valued and a valuation report be filed in court.
- b. That both parties avail documentary evidence of the disposed properties and same to include the dates when the sale agreements were entered.
- c. Both parties have 60 days within which to comply.
- d. The costs to meet both requirements shall be borne by the estate of the deceased or in the alternative, both parties to share the same equally.

DELIVERED and SIGNED at BUSIA this 27th day of November, 2018

KIARIE WAWERU KIARIE

JUDGE