



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT KERICHO**

**PROBATE AND ADMINISTRATION NO. 96 OF 2008**

**KIMELI BETT TUEI alias KIMELI BETT ARAP TUEI.....APPLICANT**  
**Vs.**  
**CHRISTINE CHEPKOECH TUEI.....PETITIONER**

**RULING**

The Grant of letters of Administration intestate in the estate of the late **KIMELI BETT TUEI** was made to Messrs **Christine Chepkoech Tuei, Willie Kipkoech A. Kikwai, and Vincent Kipngetich Cheruiyot** on 29<sup>th</sup> July 2010. The deceased had left a “will” that did not confirm with the provisions of the **Law of Succession Act, Cap 160**. Among the beneficiaries of the estate of the deceased are two minors, namely Ivy Chepchirchir Tuei and Purity Chepkorir Tuei. As they are not sui juris, they cannot give their consent to the distribution of the estate. At any rate, the estate is expected to meet the cost of their education and upkeep and the administrators are enjoined to ensure that they are properly catered for in this regard.

In the circumstances, it is premature for there administrators to distribute the estate. It is desirable that the Administrators hold the properties that constitute estate in trust for the beneficiaries and once the minors attain majority age, the estate can then be distributed.

Accordingly, I order that the administrators shall be registered as trustees of the nine beneficiaries whose names shall be reflected in the titles. It is so ordered.

**DATED at KERICHO this 16<sup>th</sup> Day of FEBRUARY, 2011**

**G B M KARIUKI, SC**  
**RESIDENCE JUDGE**

**COUNSEL APPEARING**

Mrs. Bett, Advocate, for the Petitioner  
Mr. R. Koech, Court clerk