



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
Succession Cause 184 of 2007**

**IN THE MATTER OF THE ESTATE OF THE LATE
JACKSON KIPROTICH TERERDECEASED
AND
LIZA CHEPNGENO TERER1ST PETITIONER
EMMY CHEPKORIR TERER2ND PETITIONER**

RULING

Application for confirmation of grant of letters intestate

I: Background

1. Jackson Kiprotich Terer passed away on the 17th July, 1999 aged 51 years of age of Pneumonia.
2. A male adult who had two houses. The first being that of Liza Chepngeno Terer with five children of whom one was and may still be a minor. The second house Emmy Chepkorir Terer having only two minor children.
3. The only assets of the deceased so disclosed is land parcel Kericho/Litein/1834 measuring 3.54 ha.
4. Letters of grant intestate were issued to both of them on the 20th February, 2008 (*Koome J*). The Kenya Gazette Notice was issued on 22nd June, 2007. This should not have been so issued unless there is a form P&A 30 that is issued by the Principal Registry to confirm that no other grant has been issued to other parties.
5. I accordingly hold that under rules 41(2) of the Probate and administration rules that enquiry be made by the Deputy Registrar as to this form and why it is not on the court file (*i.e. form P&A 40*).
6. In the event that is on the court file the other documentation are in order. Where there are/minors there must be more than one administrator to the estate to comply with Section 58 of the Law of Succession that deals with the resulting trust.

DATED this 14th day of July, 2009 at KERICHO

M.A. ANG'AWA

JUDGE

Advocates

J.J. Onyango Advocate from M/S Jamsumbah Onyango & Co. Advocate instructed to hold brief for M/S V.K. Bii & Co. Advocates for the Petitioners/Applicants – present.