



IN THE MATTER OF THE ESTATE OF

STEPHEN KIPKOBEL BIEGON DECEASED

AND

GRACE KIMIBEI BIEGON 1ST PETITIONER

DAVID MIBIEI 2ND PETITIONER

RULING

Confirmation of grant

I: Background

1. The deceased, Stephen Kimibei A. Beigon passed away on 31st of December, 1999 at a ripe old age of 86 years old; at St. Leonard's Hospital. The cause of his death is recorded as being C.V.A due to hypertension.
2. He was survived by a widow
 - i) Grace Kimibei Biegon aged 60 years old in 2009.
 - ii) David C. Mibei son aged 37 years old.
 - iii) Charles Mibei son aged 35 years
 - iv) Erick Mibei son aged 33 years
 - v) Henry Mibei son aged 27 years
 - vi) Philemon Mibei son aged 25 years
 - vii) Jane Chemutai daughter aged 30 years
3. Letters of administration intestate was applied by his widow Grace Kimibei Beigon and his eldest son David C. Mibei on the 31st May, 2001. Temporary grant of letters of administration intestate was issued on the 30th October, 2001 Ondeyo (J) (Rtd).
4. The only asset the deceased had was a share and dividend in a co-operative bank and portion of land under the Registration of titles Act grant No. JR 20572 Land Registration No. 10694. Totaling 544 acres.

His portion is said to be 174 acres.

5. An application dated 4th December, 2009 prayed that the grant be confirmed.

II: Confirmation of grant application 4th December, 2009

6. The application stated that the assets of the deceased be registered in the name of Grace Kimibei Beigon to hold in trust of her children/dependents.

III: Findings

7. I wish to begin with the land being registered under the Registration of Titles Act Grant No. JR 20572, Land Registration No. 10694 totaling 544 acres. This parcel of land had been granted to James Fredrick Olitram of Echo farm on 1st March, 1958 being a 999 years lease, for a period up to 31st December, 1960.
8. The property was then transferred to Kipsang Arap Chelal and Joel Arap Cherongin both trading as “Kabianga Echo farm as tenants in common in equal shares (17th June, 1965). On the same day that a transfer was made to the two a change was also made to the land and Agricultural Bank of Kenya caveat by Joseph Ngaruiya Kariuki was placed claiming the rights to lay and keep pipeline as lease (23rd October, 1965).
9. Twelve years later Stephen Arap Beigon (*the estate deceased in this Succession Cause*) placed a caveat claiming a co owner’s interest absolutely. (12th May, 1977). This caveat was withdrawn on 28th August, 1984 and the change on the land and Agricultural Bank of Kenya was

discharged also on 28th August, 1984.

10. On the very same day of 28th August, 1984 a transfer to Stephen Arap Beigon (*deceased*) of an undivided 1/6th /1/3rd right title and interest of Kipsang Arap Chelal and Joel Arap Cheroigin subject to the rights of Joseph Ngaruiya Kariuki, as tenants in common in equal shares.
11. According to the widow to the deceased, the three agreed to sub-divide the land. Unfortunately the deceased passed away before this could be effected. She enclosed a Surveyor's map that showed the portion of one Chelal (*deceased*) 174 acres. The portion of Cheroigin two has 100 acres and another 74 acres. He has extensively sub-divided his portion. Biegon (*deceased portion A 100 acres and portion B 74 acres*). The surveyor confirms the apportionment was done in the process of the deceased demise.
12. I would confirm the grant as to the land to the portion indicated on the Surveyor's map to the widow.
13. As to the bank account, the P&A Form 5 speaks of the Co-operative bank shares and dividends. The application for confirmation of grant speaks of the Kenya Commercial Bank.
14. The court requires to make clear and precise orders under **rule 41(2) of P&A rules** the Court defines this item and orders that the widow/administratrix/administration do provide the correct Bank name account number and sums held in the bank.
15. This matter be mentioned at the convenient of the parties to confirm further clarification of information to this court.

DATED this 14th day of December, 2009 at **KERICHO**

M.A. ANG'AWA

JUDGE