



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

Succession Cause 71 of 2006

IN THE MATTER OF THE ESTATE OF AMBROSE ADEYA ADONGO

MARGARET DOREEN ATIENO ADONGO.....PETITIONER

VERSUS

BENJAMIN ADONGO ADEYA & OTHERS.....OBJECTORS

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RULING

This Estate relates to the late **Ambrose Adeya Adongo (deceased)** who died intestate on 2nd March 2001. The deceased was at the time of his death the Secretary General of the Kenya National Union of Teachers (KNUT) and thus his death just as in life attracted tremendous public interest as evidenced by the very wide media coverage of the events following his death and funeral.

On 24th October, 2003 **Margaret Doreen Atieno Adongo** and **Janet Adongo** while describing themselves as the surviving widow and daughter of the deceased petitioned this court for the grant of Letters of Administration in respect of the estate of the late **Ambrose Adeya Adongo**. They provided a list of the survivors of the deceased estate as enumerated under paragraph 4 of the affidavit in support of the petition for Letters of Administration as follows;

1. **Winfred Atieno Adeya 1st wife - (deceased)**
2. **Benjamin Adeya 1st son Adult - 36 years**
3. **Catherine Adeya Weya - daughter - 37 years**
4. **Annette Grace Adeya - daughter - 34 years**
5. **Karen Ouma - daughter - 32 years**
6. **Arthur Adeya - son - 30 years**
7. **Zablon Adeya – son - 26 years**
8. **Margaret Doreen Atieno Adongo – 2nd wife – adult**

9. **Beatrice Anyango – daughter – adult – 30 years**
10. **Ronald Omondi – son adult – 24 years**
11. **Janet Adongo – daughter – 23 years**
12. **Suan Adongo – daughter – 19 years**
13. **J Ad – son – 14 years**
14. **Bendetta Ajwang Adongo (deceased mother)**

Citations to accept or refuse the issuance of the Letters of Administration pursuant to the provisions of section 70(c) of the Law of Succession were issued to the objectors who immediately upon service entered appearances. Benjamin Adeya, Catherine Adeya Weya, Zablon Adeya, Arthur Adeya and Annette Grace Adeya were represented by the firm of Aminga Opiyo, Masese & Co. Advocates while Karen Ouma was represented by Lumumba & Mumma & Co Advocates.

On 22nd December, 2003 the petitioners filed summons for Provision of dependancy under section 26 of the law of Succession seeking for provision for reasonable provision for maintenance, College fees for Susan Adongo and school fees for Joe Trevor Otieno Adongo. This application by way of summons for dependency came up for hearing before Hon. Waweru – Judge on 18th May, 2004.

By a ruling delivered on 28th day of May, 2004 the court noted that there are certain issues that needed to be determined and one critical issue was whether the 1st petitioner (*hereinafter referred to as Margaret*) was the widow of the deceased as at the time of his death. The Judge also noted that this issue will also be one of the main issues in the objection proceedings and he directed the objection together with the summons for dependency be heard together and then proceeded to give the following directions.

“Summons dated 18th December 2003 under section 26 of Cap. 160 be heard together with the objection and the papers filed by the parties shall constitute their respective pleadings, and they shall be at liberty to lead and call oral evidence. The following will be the main issues to be determined.

1. *Whether the 1st petitioner, Margaret Doreen Atieno Adongo, was the wife of the deceased at the time of his death.*
2. *If not, whether the said 1st petitioner is under the Law of Succession Act. A person who would qualify as a dependant of the deceased and whether in the same vein she would qualify to take out a grant of representation in respect of the deceased estate.*
3. *Whether or not the named children of the 1st petitioner or any of them are dependants of the deceased.*
4. *If they are, or some of them are, what reasonable provision should the court make for them under Section 26.*
5. *To whom should the court issue a grant of representation be made*

The Judge who gave the above directions was transferred to another station and the hearing of the matter by way of **viva voce** evidence to determine the above issues proceeded before me. I too was transferred to another station before the matter was concluded but the parties requested that the file be transferred to Nakuru High Court so that I could finalize the matter.

During the hearing Margaret gave very lengthy evidence and gave details of how she met the deceased in 1979 and they became friends. At the time she was a mother of two children the

first child was born when she was a teenager 16 years old. Her parents took care of the child while she continued with her education. She completed school and was employed by the Anglican Church in Kisumu. In 1980 she started cohabiting with the deceased as man and wife and the deceased took care of her needs and in 1983, he asked Margaret to move closer to him, and she moved to Nairobi’s Jamhuri estate. She looked for employment in Nairobi and was employed as an Administrative Secretary with the All African Conference of Churches (A.A.C.C). Margaret testified that in 1987 the deceased introduced himself to her family and paid the initial dowry under the Luo Customary Law of Marriage being Kshs.10,000/= known as “**Ayier**” or acceptance.

In 1993 the deceased also paid further dowry in form of 3 heads of cattle, 2 goats and money and in 1997, April a further 3 heads of cattle and money was paid to Margaret’s parents.

In October, 2000 a further 6 herds of cattle and money was paid and some of these occasions are captured in photographs where the deceased is seen with members of the family of Margaret alongside his own delegation.

According to Margaret she continued to cohabit with the deceased and eventually he constructed for her a house at Kahawa Sukari where his contribution was about 60%. The deceased also constructed for Margaret a modern house in his rural area at Nyajuok Achaye and the house was formerly launched by the deceased who invited the family of Margaret for a further ceremony in accordance to the Luo culture.

Margaret said she sired three children with the deceased in the course of the cohabitation namely;-

However, in the submissions by counsel for Margaret she tends to state that the first three children out of principle want nothing from the estate. “*They consider themselves as having earned their father’s benefits in education and are grateful for that*”. I will revisit this issue later in this judgement but for now on the issue of marriage, Margaret detailed how they related with the deceased who introduced her to his colleagues at **KNUT** and she accompanied him to various official functions. She said she was recognized as the second wife of the deceased. The deceased educated Margaret’s children without discrimination even when her first daughter Beatrice was going abroad for further studies he organized a fund raising “*harambee*” where he invited his friends from **KNUT** who presided over the fund raising. The deceased duly gave the financial undertaking that he would be able to meet all the educational expenses of Beatrice S. Anyango for the duration of her Studies in France. This was by way of an affidavit sworn on 15th September, 1992, In that affidavit he described himself as the father of Beatrice.

The deceased was for all practical purposes the father of Margaret’s children. As regards Margaret’s last born child Joe Adongo the deceased also wrote a letter to his Teacher, this clearly shows that the deceased was involved in the day to day welfare of Margaret’s children.

During cross-examination Margaret was put to task to explain a marriage between her and one Charles Odongo. She said that this was a short cohabitation from which she had gotten the 1st two children namely Ronald Omondi and Beatrice Anyango. Margaret testified that the registration of the marriage was meant to salvage her employment with the Kisumu Church where she was working. It was official that she was unmarried and she had a child out of wed lock and the birth of another child would ruin her employment and thus they decided to register the marriage. She however said the marriage did not last for long as they separated immediately and it was dissolved by an order of the Court made on 15th February, 1990 in Divorce Cause No. 14 of 1988. She said that the deceased was fully aware of this situation and he is the one who encouraged her to regularize her own status.

It was also Margaret’s evidence that the deceased procured the birth certificate for her children and he indicated his name as their father. Margaret had no problems with the deceased family whom she said she recognized but problems emerged immediately after the death of the deceased.

The first family locked Margaret out of the burial arrangement and when she protested the elders intervened and she was duly recognized as a widow. Thus the death announcement duly recognized that the deceased was survived by two widows. The matter also seems to have attracted the attention of the media as can be seen from the wide coverage which highlights the plight of Margaret as a widow who was locked out of the burial arrangements of the deceased. The intervention of elders was once again called upon during the final journey for the burial of the deceased when the 1st widow (Winnie) blocked Margaret from entering the deceased homestead. Once again the elders quelled the skirmishes and Margaret was able to participate in the funeral and even addressed the large gathering of mourners who included the then Head of State, dignitaries and other mourners.

After the funeral Margaret received a letter from the firm of Oraro & Co. who were instructed by Winnie to explore a possibility of an amicable settlement of the succession matters. Although Margaret attended this meeting, there appeared to have been a change of heart by Winnie for reasons that, despite a follow-up on how the two can petition for the grant of Letters of Administration nothing yielded.

Similarly, the **KNUT** where the deceased used to work, called both widows to explore a possibility of settlement but Winnie declined. Margaret was however given a share of Kshs.103,000/= which was the money collected towards the burial of the deceased by **KNUT** but the terminal benefits for the deceased remains unpaid due to the stalemate.

Due to reasons that Margaret was finding it difficult to maintain herself and her children without the deceased support, she applied for the Letters of administration and also applied for provision of reasonable dependency. Just about the same time when Margaret applied for grant the deceased first widow Winnie also passed away.

The evidence of Margaret was supported by **Gabriel Anyiamba PW 2**, an elder and a clan member of the deceased. **Ambrose Rachier (PW 3)** an advocate of the high court gave evidence regarding an affidavit dated 7th October, 1999 which was by the deceased and Margaret to confirm that they underwent a marriage ceremony under the Luo Customary law in March 1987.

Moses Okoth Opondo (PW 4) is a relative of Margaret he is aged 75 years of age a lecture at Kenyatta University the department of Music. He said that he participated in all the ceremonies where the deceased brought dowry to the family of Margaret.

Mitch Odera (PW 5) a veteran journalist told the court that they were working with Margaret at the AACC and it is during that time he met the deceased who revealed to him that Margaret was his wife. Upon the death of the deceased the General Secretary of AACC made an announcement acknowledging the death of the deceased who was indicated in their newsletter as the spouse of Margaret. The institution paid their last respects to Margaret and even attended the burial of a colleague’s spouse at the deceased’s home.

Joseph Owiti (PW 6) also used to work with Margaret and they used to interact socially and he told the court that he knew the deceased as the husband of Margaret.

On the part of the objectors, they too called several witnesses but the lead evidence was given by **Benjamin Adongo Adeya (PW 6)** one of the objectors and also the first born son of the deceased. He told the court that he has assumed the leadership of his family since the demise of his parents. He said that he pays the workers, and also for the education of his other siblings who are still pursuing further education. Benjamin told the court that prior to the death of the deceased he had not had any opportunity of meeting with Margaret either as the second wife of his father or step mother. It is important to capture some of his evidence verbatim.

“I had no opportunity to see my father in the company of the petitioner in any function. I came to know the petitioner when she complained

that she was being sidelined in the preparation of my father's funeral. I played a key role in the committees both at Nairobi and in the rural home. The petitioner was not a member of any of the committees. We were never notified when my father was alive that the petitioner was the second wife.....”

According to Benjamin, Margaret did not participate in the funeral arrangements and she was not even included in the programme but she was allowed by one Mr. William Omondi to address the mourners. He said his relationship with his father was extremely cordial and they shared a lot with the deceased and at one time in 1986 the deceased was very sick and he gave him a written document which indicated how his assets would be shared. This document is dated 29th December, 1989, it does not at all mention Margaret or her children it only deals with Winnie and her children, he therefore urged this court to allow him administer the estate of the deceased, he however confirmed during cross-examination that he recognized Joe Adongo, Margaret's last born son as a dependant of the deceased. As for the other children he disowned them as strangers who are unknown to him.

The evidence of Benjamin was corroborated in all material aspects by that of his sister Karen Ouma. She recalled that in 1990, there were rumours that a certain woman was posing as her stepmother and Mrs. Adongo. This prompted Karen to confront the deceased who assured them that those rumours were politically motivated and sparked by his opponents due to his public office as the secretary general of KNUT. He assured them that if he were ever to marry a second wife he would inform his wife and his children. According to Karen this issue arose once again in 1997 when the deceased was critically ill. Karen wrote to the deceased inquiring about the same person who was posing as his second wife as she felt if anything were to happen to the deceased their position would be compromised.

Apart from these two witnesses they also relied on the evidence of a total of four witnesses.

Joseph Rachier Odongo (DW 1) told the court that he was related to the deceased whom he regarded as a father. The relevance of his evidence was that his sister called Okello is the mother of **Charles Odongo (PW 5)** who had married Margaret. He said that he visited his sister at a place called **Yimbo** whereby Margaret who was married to Charles Odongo cooked for him ugali. On another occasion when the deceased was constructing a house for Margaret (**Margaret was popularly referred to as Nyauhoru**) he confronted the deceased by demanding to know why the deceased had committed an abomination by purporting to marry Margaret who was married to his nephew.

According to this witness a quarrel ensued and the deceased never invited him when the house of Margaret was being launched.

Michael Sade Dallan (DW 2) told this court he was a Luo elder and the chairman of Ger Union of Kenya. He gave a detailed Account of what constitutes a valid marriage under the Luo Customary Laws of marriage and particular emphasize was put on a second marriage. He said that the woman being married as a second wife must be introduced to the 1st wife, and both children of the first and second houses grow up together and the two families are seen as one. He also gave an account of the degrees of consanguinity where there can be no marriages for instance a Luo man cannot marry a wife of a nephew.

George Mboga Ogolla DW 3 is a neighbour of the deceased at the rural home. He is also a member of the local church. He was a close friend to the deceased because he was invited at all the functions especially the wedding ceremonies of the deceased daughters which took place in Nairobi. He said he travelled all the way to Nairobi and spoke on behalf of the deceased's relatives at the rural home.

Apparently this witness knew about Margaret whom he kept referring to as “**Nyauhoru**” and during cross-examination he acknowledged that Margaret had even given him a contribution to purchase a Bench for the Local Church in the memory of the deceased. He admitted he had visited the home of Margaret several times as a friend of the deceased he acknowledged Margaret as a second wife of the deceased.

Charles Odongo (DW 5) gave evidence of how he had married Margaret in a civil ceremony in October 1978 and they bore two children out of that union namely Ronald Omondi born in January 1979 and Janet Athiambo born on 26th April, 1980.

As regards Beatrice he said she was born before he met Margaret but he adopted her. He said that he separated from Margaret in 1983. He confirmed the marriage between him and Margaret was dissolved in 1990. He confirmed that he attended court where he gave evidence in court. During cross-examination this witness confirmed that he has never supported the children of Margaret nor did he pay any dowry to the parents of Margaret except some kshs.1100 when he visited the parents. He had married another woman called Risper who also gave birth to a child at the same time that Margaret gave birth to Ronald. He confirmed that Susan was not his daughter but for Ronald and Janet he said they were his children and he is ready to provide them with inheritance.

That is the summary of the evidence from which the issues stated hereinafter have to be resolved. In considering the issues, I have gone through the written submissions that were filed by the counsel for the parties as well as the authorities cited and I am indeed grateful for their industry in this respect. I will consider the issues in the same order that they have been stated.

Whether Margaret was the wife of the deceased at the time of his death

The issue that was raised about Margaret was that she had no capacity to marry the deceased. The objectors contention was that Margaret had been married in another Union which was not dissolved as the decree absolute was not produced.

From the evidence of **PW 5 Charles Odongo** an order of dissolution of the marriage was made on 3rd May, 1990.

According to the objectors, there was still a marriage in existence as they could not trace the original **file Divorce Cause No. 14 of 1988**. I would disregard this line of argument for reasons that the objectors left it to this court to presume the marriage was never dissolved while the burden of proving this allegation was upon them. The original order that was issued by the Senior Resident Magistrate having been produced by Margaret as an exhibit. This order confirms the evidence given by Margaret and Charles and in any event it is conclusive evidence that the marriage was dissolved. I perhaps need to emphasize here that a marriage is a relationship and if the two parties who were alleged to be

in court say it does not exist, the argument that a decree absolute was not issued is merely academic.

I have further considered the evidence on the relationship between Margaret and the deceased. There were three occasions when the deceased is said to have visited the home of Margaret to pay dowry in 1993, 1997 and the year 2000.

Besides the dowry, there was a general reputation that the deceased was, during his lifetime married to two wives. From the evidence on record it is obvious that Margaret was recognized by the deceased's colleagues as the second wife of the deceased. This is demonstrated by the obituary notice placed in the print media on the death of the deceased. Further Margaret was invited alongside Winnie at the offices of KNUT to resolve the issue of the distribution of the deceased terminal benefits and the fact that the money collected by KNUT towards the funeral expenses of the deceased funeral was equally shared between Margaret and Winnie.

This general reputation can further be demonstrated when the elders who were in charge of the funeral of the deceased recognized Margaret as a widow and accorded her the honour of addressing the mourners during the burial of the deceased. In a ceremony that was said to have been attended by a very large crowd including the Head of State and other dignitaries, I am of the view that if Margaret was a mere imposter, as she is termed by the objectors, the elders and colleagues of the deceased could not have facilitated her to sit amongst family members, and to eulogize the deceased and participate alongside the deceased 1st family in the burial.

Besides this recognition, the deceased had lived with Margaret at her house in Kahawa Sukari and he had even built for her a modern house at his rural home. The Title for that land Siaya/Nyojuok 2113 is in the joint names of the deceased and Margaret. This home of Margaret is said to be only 1 ½ km away from Winnie's home where the deceased was buried. The deceased and Margaret also swore an affidavit to confirm that they were married under the Luo Customary Law of marriage. I am of the view that the deceased clearly knew he was married to Margaret otherwise how else would the deceased who was a prominent personality, swear an affidavit before a senior advocate and state that he was married when indeed he was not. It is clear that if indeed he denied this marriage it is probable that he did so to his 1st family and kept his 1st family in the dark, or the 1st family deliberately choose to live in denial and to wish Margaret away and they have continued to do so to date.

I have looked at the existence of the marriage between Margaret and the deceased in two ways. Firstly under the Luo Customary Law of marriage. I am satisfied there was ample evidence to show that the major steps towards a valid customary marriage were undertaken.

I have also considered the possibility of a presumption of marriage due to a long cohabitation. Our courts have held that the principle of presumption of marriage after a long cohabitation between a man and a woman is applicable in Kenya.

In a recent decision by the Court of Appeal in the case of *Veronica Rwamba Mbogoh –Vs- Margaret Racel Muthoni C.A. NO. 311 of 2002 (Un reported)*.

The Court of Appeal had occasion to determine a similar case where the facts are very similar with the present case. The court of appeal restated the decision in the case of *Hotensia Wanjiku Yaweh –Vs- public Trustees C.A. No. 13 OF 1976* especially the holding that

“Long cohabitation as man and wife gives rise to a presumption of marriage in favour of the appellant. Only cogent evidence to the contrary can rebut such presumption”

On the issue of the appellants capacity to marry the deceased the Court of Appeal held as follows:-

“ If the learned Judge had considered the issue of capacity to marry in favor of the appellant, he would have gone further to consider, what he did not, the evidence on record that the appellant intimately came into the deceased life in 1984 and remained there for 15 years until the deceased's demise in 1999.

There is evidence on both sides that the appellant and the deceased had a publicized function at the home of the appellant's parents where various gifts were given out by the deceased and his extended family to the parents. There is an affidavit on record sworn by both the deceased and the appellant stating that they were husband and wife. There is a national identity card and an employment card, both identifying the appellant with the deceased. There is evidence of joint ownership of some parcels of land, bank account and co-operative union membership.

Ø **When the deceased died ten years later, the appellant actively participated in the funeral arrangement and was publicly acknowledged as the wife of the deceased. There is also evidence that the appellant took care of some of the deceased minor children with his 1st wife.**

Ø **Such evidence of long cohabitation and general repute must surely, in our view, form a strong basis for a presumption of marriage. As stated in the Yawe case (Supra) the burden is on the person alleging that there was no such marriage to prove otherwise. But again the learned judge did not look for such proof as he was preoccupied with the issue of capacity to marry. On our own assessment there was no sufficient evidence to displace the presumption of marriage”**

I find this case similar to the present case and in view of the evidence on record I make a finding that Margaret was the widow of the deceased at the time of his death.

On the second issue;

Whether Margaret qualifies to take out the grant of representation in respect of the deceased estate.

In answer to the above, I wish to refer to section 3(5) of the law of Succession Act:

“Notwithstanding the provisions of any other written law, a woman married under a system of law which permits polygamy is, where her husband has contracted a previous or subsequent monogamous marriage to another woman, nevertheless a wife for the purposes of this Act, and in particular section 29 and 40 thereof, and her children are accordingly children within the meaning of this Act.”

The application of the above section has been interpreted by the court of appeal in several decisions especially the case of **John Ndungu Mubea –Vs- Milka Nyambura Mubea C.A. No. 76 of 1990 where it was held**

“Here the person disputing the entitlement of the children is a step mother who chose to remain silent when the disputed marriage took place and lived with it for almost three decades.. She would have had a case of her resistance was directed to a claim by Wangari to a share in the estate of the deceased. But she cannot be allowed at this point in time to use her own marriage to the deceased to bastardize and in effect disinherit the appellant and his sisters who could never have had any say in the decision by the deceased and Wangari to get married and bring them forth. In our view, the Judge was plainly wrong and showed lack of familiarity with the African way of life when he extended the statutory prohibition under section 37 of the marriage Act to the appellant and his 2 sisters and in holding, as he did, that they were illegitimate and therefore not entitled to a share in the deceased’s estate.”

The application of section 3(5) of the L.S.A. was further explained in the case of **Irene Njeri Macharia –Vs- Margaret Wairimu Njomo & another C.A. No. 129 of 1994** where the court of appeal held

“Our understanding of section 3(5) of the Act is that it was expressly intended to cater for women who find themselves in the situation in which Josephine found herself. Mutua, previous to his union with Josephine had contracted a monogamous marriage which remained undissolved upto the time of his death. But subsequent to that marriage, he purported to marry Josephine under Kamba customary law. Kamba customary Law recognizes polygamy and Josephine was telling the court that she was a woman married under a system which recognizes polygamy, Parliament in its wisdom, and whatever it might have intended to do, provided that ;-

“Notwithstanding the provisions of section 37 of the marriage Act.....”

It is for the above analysis that I come to the conclusion that Margaret was a widow of the deceased and she is entitled to his estate under the law of succession.

On the 3rd issue:

Whether or not the named children of Margaret, or any of them are dependants of the deceased.

It is clear from the evidence that the deceased generally supported Margaret’s children even those that did not belong to him.

However, this court would like to go with the statement by way of submissions by counsel for Margaret that the first three children are not fighting for anything from this estate. If this can be deemed to be a renunciation by the three children of Margaret, it is well and good. This Court has made further consideration that it is clear from the evidence especially **by DW 5** that Ronald and Janet were his children. Beatrice was of course born long ago. This part of evidence coupled with the fact that the deceased had educated them to higher levels of education, I would hold that the children of Margaret who depended on the deceased and who are entitled to his estate are Susan and Joe Trevor Adongo.

As to what provision should be made to Margaret and her two children, I wish to make reference to section 40 of the law of succession the deceased establishing a polygamous household which provides:-

“Where and intestate has married more than once under any system of law permitting polygamy, his personal and household effects and the residue of the net intestate estate shall, in the first instance, be divided among the houses according to the number of children in each house, but also adding any wife surviving him as an additional unit to the number of children.”

A review of the records shows that the deceased kept the two families apart and tried to acquire distinct Properties for each household. Such that the parties have been in occupation of exclusive properties except the properties tabulated on page 29 in the bundle of documents filed by Margaret the middle column of that page contains the assets that belonged to the deceased, and which were not attached to any party. That is to say;

1. **KNUT Terminal dues.**
2. **Siaya Teachers Co-op. Society Shares**
3. **Fixed Deposit Accounts**
4. **Current Account at Standard chartered bank.**

5. **Golden Account at Kenya Commercial Bank**
6. **Bank (KCB) Kisumu Branch**
7. **Current Account (K.C.B.) Siaya Branch**
8. **Farm in Kaplakarwa Kitale**
9. **Plot at Thome Estate be ascertained**
10. **Land at Bondo Teachers CO1.**

These are the properties that should be shared between the two houses.

It is in the interest of justice and for the sake of harmony that the parties should continue keeping the properties they are in possession of, except the above properties which should be shared at the ratio of Margaret **30%** and the 1st family **70%**. The bulk of above assets constitute liquid money the same should be shared at the ration of **30;70** so are the three landed properties. Margaret shall hold the **30%** in trust for her children and for her upkeep and that of her children until they attain the age of majority while the **70%** shares shall go to the objectors in equal shares. The money which was withdrawn by the objectors shall form part of their share and the same shall be deducted as part of their share as they have already benefited.

The house of Winnie shall exclusively retain the following properties:-

1. **High view phase II residence – Nairobi**
2. **High view phase I house (a) – Nairobi**
3. **High view phase I house (b) – Nairobi**
4. **Ole Oduma road house – Nairobi**
5. **Savanna Housing Estate – Nairobi**
6. **Nubian Estate house Kisumu**
7. **A plot at Siaya/Karapal Rumba**
8. **A plot at Siaya Township near guest house.**
9. **Farm at South Teso Angorome**
10. **Nyanjuok Rubuor home approximately 5 parcels.**

Margaret's house shall exclusively retain.....

1. **Siaya/Karapul house**
2. **Kisumu/Rondpieri house**
3. **Kahawa Sukari Resident**
4. **Jamhuri II Estate house**
5. **Mundika/Bubu Farm**
6. **Siaya/Itono plot**
7. **Nyanjuok (Achaye pam house (3 parcels)**

On the last issue of who should administer the estate of the deceased, in order for all the interest of the parties to be catered for, the grant should be issued to Margaret and Benjamin each representing their households. Of course the parties will be at liberty to apply for confirmation of the grant of letters of administration either jointly or singularly so that the certificate of confirmation shall issue and indicate the actual shares of each Beneficiary

This being a family matter each party should bear their own costs.

It is so ordered.

Ruling read and signed at Nakuru on 14th July, 2006.

MARTHA KOOME

JUDGE