



In re Estate of Joseph Toroitich Cheron (Deceased) (Probate & Administration 46 of 2020) [2025] KEHC 12762 (KLR) (17 September 2025) (Judgment)

Neutral citation: [2025] KEHC 12762 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
PROBATE & ADMINISTRATION 46 OF 2020
RN NYAKUNDI, J
SEPTEMBER 17, 2025
IN THE MATTER OF THE ESTATE OF THE LATE
JOSEPH TOROITICH CHERONO (DECEASED)**

BETWEEN

PATRICK CHERONO 1ST PETITIONER

KENNETH KIPTOO CHERONO 2ND PETITIONER

AND

RUTH JERONO CHERONO OBJECTOR

JUDGMENT

1. This Court has rendered four substantive rulings in the matter of the Estate of Joseph Toroitich Cheron (Deceased), each addressing distinct but interconnected challenges that have prolonged this succession beyond reasonable bounds. My ruling of 9th August 2024 definitively rejected the application of the *Matrimonial Property Act* to this estate, determining instead that Section 40 of the *Law of Succession Act* governs distribution among seventeen identified beneficiaries across two polygamous houses, with equal distribution being the legislative mandate despite the evident inequities this may create between spouses who contributed differently to asset acquisition. The subsequent ruling of 26th May 2025 dismissed multiple applications seeking to frustrate this determination through procedural maneuvers including stays of proceedings, removal of administrators, and injunctive relief, finding these to be tactical delays rather than genuine legal concerns warranting judicial intervention. Most recently, my ruling of 25th July 2025 addressed what can only be characterized as a desperate attempt to challenge the paternity of five beneficiaries from the second house, applying the doctrine of judicial estoppel to prevent the applicants from contradicting their own previous representations that had induced this Court to recognize these individuals as legitimate heirs throughout years of litigation.



2. These successive rulings reveal a pattern wherein certain beneficiaries have systematically weaponized court processes to maintain control over estate assets while denying others their rightful inheritance, transforming what should have been straightforward succession proceedings into protracted warfare that serves no legitimate purpose and wastes both judicial resources and family patrimony. While acknowledging the complexity of polygamous family dynamics and the genuine grievances that may exist regarding contributions to asset acquisition, the law provides clear guidance through Section 40 of the [Law of Succession Act](#), and this Court cannot permit emotional or strategic considerations to override statutory mandates that were deliberately crafted by Parliament to address precisely these situations.
3. What is pending before this court for determination is the objector's chambers summons dated 20th June, 2025 expressed to be brought under the provisions of Rule 63 and 73 of the Probate and Administration Rules. The applicant seeks orders as follows:
 - a. The Honorable court be pleased to deliver judgment in this succession cause by distributing the assets of the estate of Joseph Toroitich Cherono (deceased) amongst all the beneficiaries based on the evidence tendered by the parties during hearing of this case.
 - b. Costs of this application be in the cause.
4. The orders as sought are supported by an affidavit sworn by Ruth Jerono Cherono together with the following grounds:
 - a. That the beneficiaries of the estate of Joseph Toroitich Cherono (deceased) have already been determined by this Court vide the ruling delivered on 9.8.2024.
 - b. That the properties forming part of the estate of Joseph Toroitich Cherono (deceased) have not been distributed among the beneficiaries; the Court having directed vide its ruling of 9.8.2024 that parties should come up with the matrix on distribution of the estate equally amongst the beneficiaries and prepare certificate of confirmation of grant in accordance with the Provisions of Section 38 and 40 of the [Law of Succession Act](#).
 - c. That on 4.10.2024, this Honorable Court referred this matter to Court annexed mediation for distribution purposes.
 - d. That the beneficiaries of the estate of Joseph Toroitich Cherono (deceased) held three mediation sessions vide Eldoret High Court Mediation No. E359 of 2024 but failed to agree on the distribution matrix as directed by this Court.
 - e. That the estate has therefore not been distributed and the same is being wasted by some of the beneficiaries who are intermeddling.
 - f. That the matter has not been concluded as there is no judgement that has been delivered in this succession cause.
 - g. That it is therefore necessary that the Court delivers its judgement in the matter by distributing the estate so that the same can be transmitted to the respective beneficiaries and the Court file be closed.
 - h. That the administrators of the estate have become uncooperative.
 - i. That the Objector/Applicant sought leave of the Court to have the administrators substituted but the Court declined to grant the orders.



- j. That the Objector/Applicant sought leave of the Court to have the administrators substituted but the Court declined to grant the orders.
 - k. That it is only fair that this Honorable Court distributes the estate to all the beneficiaries pursuant to its ruling of 9.8.2024 and the evidence tendered in Court during the hearing so that they can enjoy usage and ownership of their respective shares of the estate.
 - l. That the Objector/Applicant and other beneficiaries of the estate will suffer prejudice in the event the orders sought herein are not granted as the estate is being wasted by a few beneficiaries and the administrators.
 - m. That we humbly request the Court to consider the domicile of the beneficiaries and the usage of the properties in distributing the estate as demonstrated by evidence tendered in Court and the inventory dated 13.2.2025 the beneficiaries in the two houses do not see eye to eye and therefore they cannot live on the same property.
5. In support of the application, the objector swore an affidavit stating as follows:
- a. That I am the surviving widow and a beneficiary of the estate of Joseph Toroitich Cheronon (deceased) who was polygamous and died intestate on 18.12.2019.
 - b. That Joseph Toroitich Cheronon (deceased) left behind seventeen (17) beneficiaries as follows: -
 - 1ST HOUSE
 - 1. Patrick Cheronon - Son
 - 2. Kenneth Kiptoo - Son
 - 3. Jepkosgei Cheronon - Daughter
 - 4. Rael Jerotich Cheronon – Daughter
 - 5. Chelimo Cheronon - Daughter
 - 6. Raymond Cheronon – Son
 - 7. Erick Kimutai (deceased) - Son
 - 2ND HOUSE
 - 8. Ruth Jerono Cheronon – Widow
 - 9. Christopher Kipkemboi Cheronon – Son
 - 10. Kibiwot Toroitich Cheronon – Son
 - 11. Ian Kwambai Cheronon – Son
 - 12. Kevin Kibet Cheronon – Son
 - 13. Jackline Jepkoech Cheronon – Daughter
 - 14. Susan Jelagat Cheronon – Daughter
 - 15. Josyline Toroitich Cheronon – Daughter
 - 16. Viola Chepchumba Cheronon – Daughter



17. Cynthia Cheruto Cherono – Daughter

- c. That Erick Kimutai (deceased) died in the year 2004 leaving behind three children namely; Tony Kipchirchir, Collins Kipkoech And Sharleen Jepkemboi.
- d. That the beneficiaries of the estate of Joseph Toroitich Cherono (deceased) have already been determined by this Court vide the ruling delivered on 9.8.2024.
- e. That the estate of Joseph Toroitich Cherono (deceased) has also been determined by this Honorable Court vide the ruling of 9.8.2024 as follows: -
 - i. Uasin Gishu/Kaptagat/214 measuring 13.4 Ha.
 - ii. Uasin Gishu/Kaptagat/228 measuring 37.5 Ha.
 - iii. TEMBELEO/Illula Block 1(Muyengwet)/74 measuring 33.52 Ha.
 - iv. Uasin Gishu/Illula/1 measuring 40.5 Ha.
 - v. Eldoret Municipality/Block 21(KINGONGO)/650 measuring 0.12 Ha.
 - vi. Eldoret Municipality Block 7/26 (25%) Shares Of The Plot.
 - vii. Kosyin Nabao Area Centre Plot measuring 1/16.
 - viii. Kap Apollo Centre Plot measuring 1/16.
 - ix. Kapjagir Land Measuring 2.8 Ha.
 - x. Kap Francis Land measuring 0.4 Ha.
 - xi. Elgeyo Border Plot (Building near society offices).
 - xii. Elgeyo Border Plot (Posho mill and house near Soko).
 - xiii. Emsea Ancestral Land.
 - xiv. Motor Vehicle Reg. No. KCF 646 T Toyota Vanguard.
 - xv. Tractor Reg No. KLR 148 (John Deere).
 - xvi. Tractor Reg No. KSA xxx (Ford).
 - xvii. Tractor Reg No. KLF xxx (Massey Ferguson).
 - xviii. Tractor Reg No. KAE xxxE (Same Laser).
 - xix. Class Dominator 68 Series wheat combine harvester Reg No. KUX xxx.
 - xx. Fertilizer Top-dressing machine.
 - xxi. Gyro mower.
 - xxii. Two flatbed trailers.
 - xxiii. One semi-scrap tractor.
 - xxiv. One semi scrap trailer.
 - xxv. Wheat planter.



- xxvi. Maize Planter.
 - xxvii. Two harrows.
 - xxviii. Two chisels.
 - xxix. Two tillers
 - xxx. Two farm sprayers.
 - xxxi. Two water tanks.
 - xxxii. Two mold board ploughs.
 - xxxiii. Two lister engines.
 - xxxiv. Two semi scrap lorries.
 - xxxv. 56 Cows.
 - xxxvi. 20 goats and 50 Sheep.
 - xxxvii. Access Bank account No. 00301000xxxx.
 - xxxviii. Paramount Bank Account No. 06000616xxxx.
 - xxxix. Equity Bank account No. 03011009xxxx.
 - xl. Shares at Kenya Airways.
 - xli. Shares at Safaricom.
 - xlii. Money in Mpesa mobile phone No. 0721 23xxxx.
- f. That the properties forming part of the estate of Joseph Toroitich Cherono (deceased) have not been distributed among the beneficiaries; the Court having directed vide its ruling of 9.8.2024 that parties should come up with the matrix on distribution of the estate equally amongst the beneficiaries and prepare certificate of confirmation of grant in accordance with the Provisions of Section 38 and 40 of the *Law of Succession Act*.
- g. That on 4.10.2024, this Honorable Court referred this matter to Court annexed mediation for distribution purposes.
- h. That the beneficiaries of the estate of Joseph Toroitich Cherono (deceased) held three mediation sessions vide Eldoret High Court Mediation No. E359 of 2024 but failed to agree on the distribution matrix as directed by this Court.
- i. That estate has therefore not been distributed and the same is being wasted by some of the beneficiaries who are intermeddling.
- j. That the matter has not been concluded as there is no judgement that has been delivered in this succession cause.

Analysis and determination

6. The time has come for this Court to exercise its constitutional mandate under Article 159 to administer justice without undue regard to procedural technicalities, recognizing that the beneficiaries have endured sufficient uncertainty and that the estate requires immediate protection from further



dissipation through continued litigation. Having comprehensively addressed all legal challenges raised by the parties and having provided multiple opportunities for mediation and consensual resolution, this Court now proceeds to deliver final judgment on distribution, guided by the principles of equality enshrined in our Constitution while respecting the specific provisions of succession law that govern intestate estates in polygamous marriages.

7. To start with, the provisions of section 40 of the [Law of Succession Act](#) provide for where an intestate was polygamous. It states as follows;

“ where intestate was polygamous

- (1) Where an 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.
- (2) The distribution of the personal and household effects and the residue of the net intestate within each house shall then be in accordance with the rules set out in sections 35 to 38.”

8. The mode of distribution of the estate of a person who dies ‘intestate’ is provided for by Sections 66 and 39 of the [Law of Succession Act](#) as follows: -

Section 66 of the Law of Succession provides that: -

When a deceased has died intestate, the court shall, save as otherwise expressly provided, have a final discretion as to the person or persons to whom a grant of letters of administration shall, in the best interests of all concerned, be made, but shall without prejudice to that discretion, accept as a general guide the following order of preference –

- a. surviving spouse or spouses, with or without association of other beneficiaries;
- b. other beneficiaries entitled on intestacy, with priority according to their respective beneficial interests as provided by Part V;
- c. the Public Trustee; and
- d. creditors

Provided that, where there is partial intestacy, letters of administration in respect of the intestate shall be granted to any executor or executors who prove the will.

Section 39 of the Act provides:

1. Where an intestate has left no surviving spouse or children, the net intestate estate shall devolve upon the kindred of the intestate in the following order of priority -
 - (a) Father; or if dead
 - (b) Mother; or if dead
 - b. Brothers and sisters, and any child or children of deceased brothers and sisters, in equal shares; or if none.



- c. Half-brothers and half-sisters and any child or children of deceased half-brothers and half-sisters, in equal shares; or if none.
 - d. The relatives who are in the nearest degree of consanguinity up to and including the sixth degree, in equal shares.
- (2) Failing survival by any of the persons mentioned in paragraphs (a) to (e) of subsection (1), the net intestate estate shall devolve upon the state, and be paid into the Consolidated Fund.
9. The Constitution of Kenya 2010 at Article 27 enshrines the principle of equality and non-discrimination. Article 27(3) specifically provides that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. This constitutional imperative finds expression in succession law through the equal treatment of all children regardless of gender, as affirmed in numerous decisions of our superior courts. On inheritance rights Art. 27 guarantees non-discrimination ensuring that laws do not favor sons over daughters and in this later class of heirs there is no distinction on being married or unmarried.
10. The Court of Appeal in in the case of Stephen Gitonga M’murithi v Faith Ngira Murithi [2015] eKLR, observed as follows:
- “Section 38 enshrines the principle of equal distribution of the net intestate estate to the surviving children of the deceased irrespective of gender and whether married and comfortable in their marriage or unmarried.
- Section 40 on the other hand enjoins the inclusion of a surviving spouse as an additional unit to each house hold of a polygamous deceased. Applying the above principles it is our finding that the learned trial Judge fell into an error when he failed to accord equal distribution to all the children of the deceased in violation of section 38 of the Law of Succession Act by discriminating against the married daughters of the deceased...”
11. The law of Succession Act though enacted in 1981 before the dawn of the new constitution dispensation expressly makes provisions which take into account women in the distribution of the intestate estate whether married or unmarried unless there is renunciation of the estate by the daughters to the deceased. This is what the courts had a discussion on in the following cases: In the matter of the Estate of Mariko Marumbi Kiuru (deceased) Nairobi High Court Succession Cause Number 2011 of 1997: “ The dispute was on the mode of distribution of the estate between the two house of the deceased intestate polygamist who died in 1997. The court after identifying the assets making up the estate and the persons who survived the deceased and entitled to a share in the estate, stated that the estate was to be shared out in accordance with sections 40 and 41 of the Law of Succession Act, all the children of the deceased were to get an equal share in the estate (including daughters) and daughters are entitled to a share unless they renounce their right. The court postponed the decision on appointment of the estate pending the disclosure of all the children of the deceased, especially the daughters”
- This was also the dictum in the matter of the Estate of Grace Nguhi Michobo (Deceased) High Court Succession cause number 1978 of 200 which states that “A married daughter filed an affidavit in protest to a confirmation application on the grounds that she had not been included in the distribution of her father’s estate. Her brothers countered by saying that as a married daughter she was not entitled to inherit her father’s estate as per customary law, as she was expected to inherit from her husband’s side of the family. It was held that the intestacy provisions in the law of succession Act do not discriminate between sons and daughters, and the marital status of a daughter is no bar to their inheritance from their father’s estate.



12. Since the promulgation of the *Law of Succession Act*, way back in 1981 the scheme of inheritance and property rights in Kenya upon death of either of the parents has been deeply embedded in the notions of culture, traditions, and customary law given the multi-ethnic composition of our society. The devolution of the movable and immovable property rights more so on intestate succession remains one of the controversial areas of litigation as if that is not enough, disputes surrounding death and burials they are always tied to succession. The new constitution in Art. 2 (5&6) expressly provides as follows: (5) The general rules of international law shall form part of the law of Kenya. (6) Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this constitution. The case in *Rono v Rono & Another*, 2008 1 KLR though decided before the new constitution the court held as follows: “ Kenya subscribes to international customary laws and has ratified various international covenants and treaties. In particular, it subscribes to the International Bill of Rights, which is the Universal Declaration of Human Rights (1948) and two International Human Rights Covenants: the covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights (both adopted by the UN General Assembly in 1966). In 1984, it also ratified, without reservations, the Convention on the Elimination of All Forms of Discrimination Against Women in short “CEDAW”. Article 1 thereof defines discrimination against women as: “Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in political, economic, social, cultural, civil or any other field”.
13. It is in this respect, inheritance under constitutional and International Law emphasizes non-discrimination, equal rights for all children of the deceased and the protection of widows survived of the deceased. The CEDAW Convention particularly is tailored to deal with elimination of all forms of discrimination against women. It serves as a framework for ensuring women rights, including in property and inheritance, which informs constitutional interpretation and court decisions in our legal system. In elaborating on discrimination in the area of property rights to include a concern on inheritance the UN committee on CEDAW remarked: “There are many countries where the law and practice concerning inheritance and property result in serious discrimination against women. As a result of this uneven treatment, women may receive a smaller share of the husband’s or father’s property at his death than would widowers and sons. In some instances, women are granted limited and controlled rights and receive income only from the deceased’s property. Often inheritance rights for widows do not reflect the principles of equal ownership of property acquired during marriage. Such provisions contravene the Convention and should be abolished”
14. The other compressive guide is Art. 21 of the African Charter on Human and people’s rights and on the rights of women in Africa as enabled by the Maputo Protocol. It is double pronged, combining two sub-sections. The first sub-section is specific to widows, guaranteeing them the right to an equitable shares in the inheritance of the property of their deceased husbands. The second sub-section assures the equal right of women and men to inherit from their parents.
15. Therefore, inheritance is conceptualized broadly in our constitutional and statutory context to mean intergeneration of transfer of property that occurs at different life circles upon death by registered owner of both immovable and movable assets and to those entitled to succeed it. It remains to be one of the highly and largely litigated branch of law for it is a major means for the transfer or exclusion from the transfer of adults accumulated physical capital to the heirs as provided for under Section 29 of the *Law of Succession Act*. As in many African countries, the primary means of production is land and inheritance is one of the most common means by which land rights are transferred from one generation to another. That is the very reason that it remains to be a critical area of litigation as between both sexes



and gender so as one can realize housing and property rights. The land use remains one of the primary sources of the social, cultural, and economic rights of our society.

16. What the above legal principles demonstrate, is that Kenya as a constitutional Republic guarantees equal rights to both male and female children of the deceased and upon his or her demise, they have a right to inherit the net estate survived of the deceased regardless of whether the female child comes from a matrilineal or patrilineal consanguinity and affinity blood line. The superior courts in the various jurisprudential decisions have ruled that any culture, tradition or custom, that tends to limit inheritance of property rights to the sons or male descendants in exclusion of the daughters is unconstitutional or is repugnant to justice and morality.
17. I have had a review of the historical litigation of this Succession dispute, eligible beneficiaries to the intestate estate of the deceased and the net estate put together during his lifetime for the benefit of the heirs. The doctrine of equality provides the legal landscape upon which adjudication of inheritance rights is anchored drawing inspiration from the provisions of Art. 27 (1) &(4) of *the constitution* as read conjunctively with section 40 and 38 of the *Law of Succession Act*. Formal equality as infused with substantive equality as doctrines or legal concepts in their application consistently requires that all persons who are in the same situation be accorded the same treatment and that such class of persons should not be treated differently because of arbitrary characteristics such as marital, sex, gender or race. In essence the sameness of sex or marital or gender in the distribution of the intestate estate must not lose sight in affirming and recognizing diversity and differences even in the two sets of class of persons. The notion that everyone is equal before the law and has the right to equal protection and benefit of the law should mirror the distribution metrics geared to an outcome of non-discrimination in this estate.
18. The dictum in the *National Coalition v Minister of Justice & Others 1999 (1) SA 6* case by the Constitutional Court of South Africa encapsulated the conceptual framework that sometimes treating people identically does not foster equality but inequality as exacting in the following passage:

“We need therefore to develop a concept of unfair discrimination which recognizes that although a society which affords each human being equal treatment on the basis of equal worth and freedom is our goal, we cannot achieve that goal by insisting upon identical treatment in all circumstances before that goal is achieved. Each case, therefore, will require a careful and thorough understanding of the impact of the discriminatory action upon the particular people concerned to determine whether its overall impact is one which furthers the constitutional goal of equality or not. A classification which is unfair in one context may not necessarily be unfair in a different context.”
19. Having regard to the principle of equality enshrined in Section 40 of the *Law of Succession Act* and Article 27 of *the Constitution*, this Court observes that while the beneficiaries from each house are currently domiciled on separate properties; the first house on Uasin Gishu/Kaptagat/214 (13.4 Ha) and the second house on Uasin Gishu/Illula/1 (40.5 Ha); the significant disparity in land sizes (totaling 53.9 Ha) creates an inherent inequality that must be addressed to ensure fair distribution. The combined area of these two residential properties measures 53.9 hectares, and applying the principle of equal distribution would entitle each house to 26.95 hectares. To remedy this imbalance and ensure substantive equality rather than mere formal equality, the first house beneficiaries shall be allocated an additional 13.55 hectares from the Uasin Gishu/Illula/1 property, thereby ensuring each house receives approximately equal residential land allocation.
20. All other land parcels including Uasin Gishu/Kaptagat/228 (37.5 Ha), TEMBELEO/Illula Block 1(MUYENGWET)/74 (33.52 Ha), Eldoret Municipality/Block 21(KINGONGO)/650 (0.12 Ha), Eldoret Municipality Block 7/26 (25% shares), Kosyin Nabao Area Centre Plot, Kap Apollo Centre



Plot, Kapjagir Land (2.8 Ha), Kap Francis Land (0.4 Ha), Elgeyo Border Plots, And Emsea Ancestral Land shall be distributed equally among all seventeen beneficiaries, with each beneficiary receiving a 1/17th undivided share.

21. As a consequence of the above analysis and the legal principles as discussed, and having regard to the comprehensive inventory of assets, the following orders shall abide:
 - a. A partial Certificate of confirmation grant shall be issued in the following terms:



No.	PROPERTY	TOTAL SIZE	BENEFICIARIES	SHARE
Uasin Gishu/ Kaptagat/214 + Additional 13.55 Ha from Illula/1	26.95 Ha	FIRST HOUSE ONLY: 1. Patrick Cherono, 2. Kenneth Kiptoo Cherono, 3. Jepkosgei Cherono, 4. Rael Jerotich Cherono, 5. Chelimo Cherono, 6. Raymond Cherono 7. Estate of Erick Kimutai	Equal share	
Uasin Gishu/ Illula/1 (Remaining after reallocation)	26.95 Ha	SECOND HOUSE ONLY: 1. Ruth Jerono Cherono, 2. Christopher Kipkemboi Cherono, 3. Kibiwot Toroitich Cherono, 4. Ian Kwambai Cherono, 5. Kevin Kibet Cherono, 6. Jackline Jepkoech Cherono,	Equal share	



		<p>7. Susan Jelagat Cherono,</p> <p>8. Josyline Toroitich Cherono,</p> <p>9. Viola Chepchumba Cherono,</p> <p>10. Cynthia Cheruto Cherono</p>	
Uasin Gishu/ Kaptagat/228	37.5 Ha	<p>ALL 17 BENEFCIARIES:</p> <p>Patrick Cherono,</p> <p>Kenneth Kiptoo Cherono,</p> <p>Jepkosgei Cherono,</p> <p>Rael Jerotich Cherono,</p> <p>Chelimo Cherono,</p> <p>Raymond Cherono,</p> <p>Estate of Erick Kimutai</p> <p>Ruth Jerono Cherono,</p> <p>Christopher Kipkemboi Cherono,</p> <p>Kibiwot Toroitich Cherono,</p> <p>Ian Kwambai Cherono,</p> <p>Kevin Kibet Cherono,</p>	Equal share



		<p>Jackline Jepkoech Cherono,</p> <p>Susan Jelagat Cherono,</p> <p>Josyline Toroitich Cherono,</p> <p>Viola Chepchumba Cherono,</p> <p>Cynthia Cheruto Cherono</p>	
<p>TEMBELEO/ Illula Block 1(MUYENGWET)/74</p>	<p>33.52 Ha</p>	<p>ALL 17 BENEFICIARIES:</p> <p>Patrick Cherono,</p> <p>Kenneth Kiptoo Cherono,</p> <p>Jepkosgei Cherono,</p> <p>Rael Jerotich Cherono,</p> <p>Chelimo Cherono,</p> <p>Raymond Cherono,</p> <p>Estate of Erick Kimutai</p> <p>Ruth Jerono Cherono,</p> <p>Christopher Kipkemboi Cherono,</p> <p>Kibiwot Toroitich Cherono,</p> <p>Ian Kwambai Cherono,</p>	<p>Equal share</p>



		Kevin Kibet Cherono, Jackline Jepkoech Cherono, Susan Jelagat Cherono, Josyline Toroitich Cherono, Viola Chepchumba Cherono, Cynthia Cheruto Cherono	
Eldoret Municipality/ Block 21(KINGONGO)/650	0.12 Ha	ALL 17 BENEFICIARIES: Patrick Cherono, Kenneth Kiptoo Cherono, Jepkosgei Cherono, Rael Jerotich Cherono, Chelimo Cherono, Raymond Cherono, Estate of Erick Kimutai Ruth Jerono Cherono, Christopher Kipkemboi Cherono, Kibiwot Toroitich Cherono,	Equal share



		<p>Ian Kwambai Cheronoh,</p> <p>Kevin Kibet Cherono,</p> <p>Jackline Jepkoech Cherono,</p> <p>Susan Jelagat Cherono,</p> <p>Josyline Toroitich Cherono,</p> <p>Viola Chepchumba Cherono,</p> <p>Cynthia Cheruto Cherono</p>	
Eldoret Municipality Block 7/26	25% share	<p>ALL 17 BENEFICIARIES:</p> <p>Patrick Cherono,</p> <p>Kenneth Kiptoo Cherono,</p> <p>Jepkosgei Cherono,</p> <p>Rael Jerotich Cherono,</p> <p>Chelimo Cherono,</p> <p>Raymond Cherono,</p> <p>Estate of Erick Kimutai</p> <p>Ruth Jerono Cherono,</p> <p>Christopher Kipkemboi Cherono,</p>	Equal share



		<p>Kibiwot Toroitich Cherono,</p> <p>Ian Kwambai Cherono,</p> <p>Kevin Kibet Cherono,</p> <p>Jackline Jepkoech Cherono,</p> <p>Susan Jelagat Cherono,</p> <p>Josyline Toroitich Cherono,</p> <p>Viola Chepchumba Cherono,</p> <p>Cynthia Cheruto Cherono</p>	
KOSYIN NABAO AREA CENTRE PLOT	1/16 acre	<p>ALL 17</p> <p>BENEFICIARIES:</p> <p>Patrick Cherono,</p> <p>Kenneth Kiptoo Cherono,</p> <p>Jepkosgei Cherono,</p> <p>Rael Jerotich Cherono,</p> <p>Chelimo Cherono,</p> <p>Raymond Cherono,</p> <p>Estate of Erick Kimutai</p> <p>Ruth Jerono Cherono,</p>	Equal share



		<p>Christopher Kipkemboi Cherono,</p> <p>Kibiwot Toroitich Cherono,</p> <p>Ian Kwambai Cherono,</p> <p>Kevin Kibet Cherono,</p> <p>Jackline Jepkoech Cherono,</p> <p>Susan Jelagat Cherono,</p> <p>Josyline Toroitich Cherono,</p> <p>Viola Chepchumba Cherono,</p> <p>Cynthia Cheruto Cherono</p>	
KAPAPOLLO CENTRE PLOT	1/16 acre	<p>ALL 17 BENEFICIARIES:</p> <p>Patrick Cherono,</p> <p>Kenneth Kiptoo Cherono,</p> <p>Jepkosgei Cherono,</p> <p>Rael Jerotich Cherono,</p> <p>Chelimo Cherono,</p> <p>Raymond Cherono,</p> <p>Estate of Erick Kimutai</p>	Equal share



		<p>Ruth Jerono Cherono,</p> <p>Christopher Kipkemboi Cherono,</p> <p>Kibiwot Toroitich Cherono,</p> <p>Ian Kwambai Cherono,</p> <p>Kevin Kibet Cherono,</p> <p>Jackline Jepkoech Cherono,</p> <p>Susan Jelagat Cherono,</p> <p>Josyline Toroitich Cherono,</p> <p>Viola Chepchumba Cherono,</p> <p>Cynthia Cheruto Cherono</p>	
KAPJAGIR LAND	2.8 Ha	<p>ALL 17 BENEFICIARIES:</p> <p>Patrick Cherono,</p> <p>Kenneth Kiptoo Cherono,</p> <p>Jepkosgei Cherono,</p> <p>Rael Jerotich Cherono,</p> <p>Chelimo Cherono,</p> <p>Raymond Cherono,</p>	Equal share



		<p>Estate of Erick Kimutai</p> <p>Ruth Jerono Cherono,</p> <p>Christopher Kipkemboi Cherono,</p> <p>Kibiwot Toroitich Cherono,</p> <p>Ian Kwambai Cherono,</p> <p>Kevin Kibet Cherono,</p> <p>Jackline Jepkoech Cherono,</p> <p>Susan Jelagat Cherono,</p> <p>Josyline Toroitich Cherono,</p> <p>Viola Chepchumba Cherono,</p> <p>Cynthia Cheruto Cherono</p>	
KAP FRANCIS LAND	0.4 Ha	<p>ALL 17 BENEFICIARIES:</p> <p>Patrick Cherono,</p> <p>Kenneth Kiptoo Cherono,</p> <p>Jepkosgei Cherono,</p> <p>Rael Jerotich Cherono,</p> <p>Chelimo Cherono,</p>	Equal share



		<p>Raymond Cherono, Estate of Erick Kimutai Ruth Jerono Cherono, Christopher Kipkemboi Cherono, Kibiwot Toroitich Cherono, Ian Kwambai Cherono, Kevin Kibet Cherono, Jackline Jepkoech Cherono, Susan Jelagat Cherono, Josyline Toroitich Cherono, Viola Chepchumba Cherono, Cynthia Cheruto Cherono</p>	
<p>ELGEYO BORDER PLOT (Building near society offices)</p>	<p>undetermined</p>	<p>ALL 17 BENEFCIARIES: Patrick Cherono, Kenneth Kiptoo Cherono, Jepkosgei Cherono, Rael Jerotich Cherono,</p>	<p>Equal share</p>



		Chelimo Cherono, Raymond Cherono, Estate of Erick Kimutai Ruth Jerono Cherono, Christopher Kipkemboi Cherono, Kibiwot Toroitich Cherono, Ian Kwambai Cherono, Kevin Kibet Cherono, Jackline Jepkoech Cherono, Susan Jelagat Cherono, Josyline Toroitich Cherono, Viola Chepchumba Cherono, Cynthia Cheruto Cherono	
ELGEYO BORDER PLOT (Posho mill and house near Soko)	Undetermined	ALL 17 BENEFICIARIES: Patrick Cherono, Kenneth Kiptoo Cherono, Jepkosgei Cherono,	Equal share



		<p>Rael Jerotich Cherono,</p> <p>Chelimo Cherono,</p> <p>Raymond Cherono,</p> <p>Estate of Erick Kimutai</p> <p>Ruth Jerono Cherono,</p> <p>Christopher Kipkemboi Cherono,</p> <p>Kibiwot Toroitich Cherono,</p> <p>Ian Kwambai Cherono,</p> <p>Kevin Kibet Cherono,</p> <p>Jackline Jepkoech Cherono,</p> <p>Susan Jelagat Cherono,</p> <p>Josyline Toroitich Cherono,</p> <p>Viola Chepchumba Cherono,</p> <p>Cynthia Cheruto Cherono</p>	
EMSEA ANCESTRAL LAND	Undetermined	<p>ALL 17 BENEFCIARIES:</p> <p>Patrick Cherono,</p> <p>Kenneth Kiptoo Cherono,</p>	Equal share



		Jepkosgei Cherono,	
		Rael Jerotich Cherono,	
		Chelimo Cherono,	
		Raymond Cherono,	
		Estate of Erick Kimutai	
		Ruth Jerono Cherono,	
		Christopher Kipkemboi Cherono,	
		Kibiwot Toroitich Cherono,	
		Ian Kwambai Cherono,	
		Kevin Kibet Cherono,	
		Jackline Jepkoech Cherono,	
		Susan Jelagat Cherono,	
		Josyline Toroitich Cherono,	
		Viola Chepchumba Cherono,	
		Cynthia Cheruto Cherono	

- b. That this Court recognizes that certain properties, particularly those of smaller dimensions or unique characteristics, may not be practically amenable to physical subdivision among seventeen beneficiaries without resulting in economically unviable portions that would ultimately diminish rather than preserve the estate's value. In such circumstances, the beneficiaries are at liberty to explore alternative arrangements that best serve their collective



and individual interests, whether through sale and equitable distribution of proceeds, buyout arrangements among themselves, or other mutually agreed commercial arrangements.

- c. That all movable assets including farm machinery (tractors, combine harvester, farming equipment), motor vehicles, and other chattels shall be valued by a qualified County mechanical engineer within forty-five (45) days of this order. Concurrently, the livestock inventory comprising 56 cattle, 20 goats, and 50 sheep shall be assessed by the County Veterinary Officer to determine their current health status, market value, and physical custody arrangements, ensuring accurate documentation of their condition and location for purposes of equitable distribution. Upon completion of these professional assessments, the movable assets shall either be distributed in kind among the beneficiaries where practically feasible, taking into account the veterinary assessment for livestock welfare and management considerations, or sold at fair market value with proceeds distributed equally among all seventeen beneficiaries.
- d. That the administrators shall convene a meeting of all beneficiaries within thirty (30) days of receiving the valuation report to determine the preferred method of distribution.
- e. That all bank accounts, shares, and mobile money balances shall be liquidated and the proceeds distributed equally among all seventeen beneficiaries, with each receiving a 1/17th share of the total financial assets.
- f. Each party shall bear their own costs in these proceedings.
1. It is so ordered.

DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 17TH DAY OF SEPTEMBER, 2025

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R. NYAKUNDI

JUDGE

In the presence of:

Mr. Nabasenge, Advocate

Mr. Omwenga, Advocate s

