**In re Estate of Cheptoo arap Koisum (Deceased) (Succession Cause 97 of 1999) [2024] KEHC 14248 (KLR) (15 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14248 (KLR)

**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT ELDORET**

**SUCCESSION CAUSE 97 OF 1999**

**RN NYAKUNDI, J**

**NOVEMBER 15, 2024**

**IN THE MATTER OF THE ESTATE OF CHEPTOO ARAP KOISUM (DECEASED)**

**BETWEEN**

**MONICA JEPKEMOI CHERUIYOT ..... 1ST PETITIONER**

**RAPHAEL KIPKIRUI KIPTOO ..... 2ND PETITIONER**

**AND**

**ANNA KIMOI KIPTOO ..... OBJECTOR**

**AND**

**KIMOI TABYOTIM KIPLALAM ..... BENEFICIARY**

**RULING**

1. Before this court is an application dated 2nd August 2023, seeking review of this court's ruling delivered on 5th July 2023. The application is expressed to be brought under the provisions of Rule 63 of the Probate and administration Rules and Order 45 of the Civil Procedure Rules seeking primarily to review the orders of this court.

2. In order to put the matter to context, a historical background is necessary. On June 1, 1997, the deceased passed away. Subsequently, on July 18, 2000, John Sirma Cheruiyot Maika filed a petition for Letters of Grant of Administration, which faced no objections. Later, on April 23, 2001, some of the beneficiary; Anna Kimoi Kiptoo, Tapyotin Kimoi Kiptalam, Emmanuel Kiptoo, Gladys Kiptoo, and Maurice Kiptoo—filed an application seeking reasonable provisions as dependents of the deceased. These applicants, comprising daughters and grandchildren of the deceased, stated that prior to his death, the deceased had gifted various properties to them. They further claimed that the Petitioners were now attempting to deprive them of these properties.

3. The affidavit in support of the said application as sworn by Anna Kimoi Kiptoo and Tapyotin Kimoi Kiptalam; daughters of the deceased, contained the following averments which I find important to highlight verbatim:

a. That the petitioners have excluded us from the estate of the deceased and have also excluded the following dependants:

i. Emmanuel Kiptoo

ii. Glady's Kiptoo

iii. Maurice Kiptoo

b. That prior to the death of the deceased, we depended on him together with the named Grandchildren.

c. That the deceased was married to 2 wives and had 2 houses namely:

House 1 – Soti Kiptoo

i. John Sirma Cheruiyot Maika – son

ii. Julian Lelmet – daughter

House2 – Maria Kabon Kiptoo

1. Tapyotin Kimoi Kiptalam – daughter

2. Taplilei Koech – Daughter

3. Raphael Kiptoo – son

4. Rose Tabarno – daughter

5. Francis Kipkosgei Kiptoo – son

6. Melenia Michael – daughter

7. Cecilia Koech – daughter

8. Regina Edward – daughter

9. Sivilina Barsosio – daughter

10. Jane Cheruiyot – daughter

a. That the deceased had given land parcel No. Irong/Iten/1977 to Tapyotin Kimoi Kiptalam, and the same ought remain with her.

b. That the following parcels of land had been given out the deceased as follows:

i. Maurice Kiptoo – Irong/Iten/1979

ii. Gladys Kiptoo – Irong/Iten/1985

iii. Emmanuel Kiptoo – Irong/Iten/1975

iv. Cecilia K. Koech – Irong/Iten/1976

And being dependenants of the deceased, the said parcels of land ought be given to them as their provision from the estate.

f. That the Petitioners ought be given the following properties:

John S.C. Maika land parcel Nos.

i. Irong/Iten 2065

ii. Irong/Iten 1973

iii. Irong/Iten 1986

iv. Irong/Iten 1987

v. Irong/Iten 1988

vi. Irong/Iten 1978

a. Francis Kiptoo – Land Parcel Nos.

i. Irong/Iten 2066

ii. Irong/Iten 1982

b. Raphael Kiptoo – Land Parcel Nos.

i. Kruger Farm

SUBPARA ii.

Irong/Iten 1981

4. In response to the application, vide a replying affidavit filed on 28th May 2001, John Sirma deposed that the application is premature as he has not distributed the property yet. That there was no time Anna Kimoi Kiptoo was in possession of parcel land No. Irong/Iten 2067 as alleged. That the late Soti Kiptoo, of the late Cheptoo Arap Koisum was the one who was in occupation and use of the said parcel of land.

5. Fast forward, on 22nd November, 2004, the Objector proposed that the estate be distributed as follows:

John Sirma Cheruiyot Maika

Irong/Iten/2065 – 20 acres

Irong/iten/1973 – 0.05 Ha.

Irong/Iten/ 1974 – 0.05 Ha (sold by him)

Irong/Iten/1987 – 0.05 Ha

Irong/Iten/1988 – 0.05 Ha

Irong/Iten/1978 – 0.05 Ha.

Francis Kipkosgei Kiptoo

Irong/Iten/2066 – 15 acres

Irong/Iten/1982 – 0.05 Ha.

Rapahel Kiptoo

Kruger Farm – 10 Acres

Irong/Iten/1981 – 0.05 Ha.

Anna Kimoi Kiptoo

Irong/Iten/2067 – 5 Acres

Irong/Iten/1976 – 0.05 Ha.

Tapyotin Kimoi Kiptalam

Irong/Iten/1977 – 0.05 Ha

Maurice Kiptoo

Irong/Iten/1979

Gladys Kiptoo

Irong/Iten/1985 – 0.05 Ha.

Emmanuel Kiptoo

Irong/Iten/1975 – 0.05 Ha

Cecilia Koech

Irong/Iten/1986 – 0.05 Ha.

Kangogo Koisum (brother to deceased)

Irong/Sergoit/723 – 2 Acres

6. The Petitioner, John Sirma Cheruiyot Maika in response only had a quarrel with the inclusion of grandchildren as beneficiaries of the estate of the deceased. He deposed that Maria Kabon Kiptoo is the second widow and has not been relegated as the estate will be shared between the two houses and each house will take care of its own children. That in view of that parcel number IRONG/ITEN/2065 should be distributed to him and half of IRONG/SERGOIT/722.

7. That IRONG/ITEN/2066 should be distributed to Francis Kipkosgei Kiptoo. That IRONG/ITEN/2067 should be distributed to Raphael Kiptoo. He also proposed that IRONG/ITEN/723 should be distributed to Kangogo Koisum. That half of IRONG/SERGOIT/722 be distributed to the house of the second widow who in turn will distribute to her children as they deem fit. That the center plots parcels Number ITEN/IRONG/969 will be distributed as it had been directed by the deceased to proper dependants and the purchaser.

8. Unfortunately, the Petitioner did not live to conclude the distribution of the state which necessitated his daughter to make an application for substitution, which appears to have been allowed.

**The instant application**

9. This court delivered its ruling on 5th July, 2023 in which the free property forming part of the estate of the deceased was distributed amongst the beneficiaries. Shortly after, on 2nd August, 2023 the Petitioners filed an application seeking for orders inter alia: -

    a. Spent

    b. Spent

    c. Spent

    d. That the honourable court be pleased to review its ruling dated 5th day of July, 2023.

e. Costs of the application be provided for.

10. The application is premised on the grounds set out therein and the contents of the affidavit in support of the same.

11. The Petitioners contend that there are errors apparent on the face of the record. That Land Parcel No. Irong/Iten/1974 belonging to a 3rd party was considered and distributed as part of the estate.

12. The Petitioners/Applicant further averred that Land Parcels Irong/Iten/1973,1977,1979,1982,1985,1986,1987 and 1988 were properties which were sold by the deceased intervivos, were therefore not assets for distribution but were liabilities to the estate, yet they have been distributed as assets.

13. The Petitioners stated that the estate of Anna Kimoi stands to benefit twice, through herself and through her 3 children. That Coreti Chesang who is a daughter of Kimoi Tabyotim Kiptalam cannot inherit directly from her grandfather when her mother is alive and also inheriting separately. That the deceased had pointed out to other beneficiaries where they were to occupy, they had put up a permanent homes and the deceased had subdivided his property with a view to transferring them to the beneficiaries when he met his death.

14. In response to the application, Philip Kangogo Talam in his capacity as the son to Kimoi Tabyotim Kiptalam and a grandchild to the deceased deposed as hereunder:

a. That the application has not met the threshold of the law as stipulated under Order 45 of the Civil Procedure Rules.

b. That the applicants have lodged an appeal against the judgment of this court hence their claim should lie with the Court of Appeal.

c. That during petitioning of this court for Letters of Administration the father of the Applicants did not mention any liabilities.

d. That no properties were sold by the deceased to third parties as alleged by the applicants and if any land was sold then the said properties were sold by John Sirma without the consent of the other beneficiaries of the estate which amounts to intermeddling and the said sales are null and void ab initio.

e. That no agreements have been produced by the applicants to support their claim of the land having being sold by the deceased to the alleged 3rd parties.

f. That the receipts attached on the supporting affidavit of Monica Jepkemoi Cheruiyot were signed by the Applicants father John Sirma as evidenced by all the documents signed by the John Sirma in the course of the hearing of this cause and the same were signed for and not by the deceased as claimed by the Applicants.

g. That all properties sold by the deceased during his lifetime were transferred to the individual purchasers who hold the titles and their properties are not part of the estate being distributed as the titles are in third parties' names. The properties include Irong/Iten/1983 and Irong/Iten/1984 registered in the name of Peter Kipkoech Kurgat, Irong/Iten/1972 and Irong/Iten/1971 registered in the name of Thomas Chemursoi and Irong/Iten/1980 in the name of William Kimutai.

h. That during the institution of the petition for letters of administration, there were no liabilities to the estate of the deceased.

i. That the allegations by the applicants that the deceased had sub-divided the properties and had gifted them is not only untrue but also a way for the Applicants together with a few beneficiaries to disown other beneficiaries by claiming more shares than others.

j. That the parcel of land known as IRONG/SERGOIT/722 was transferred to ANNA KIMOI KIPTOO in 1993 by the deceased as a form of gratitude for the hard work and the good care she was providing for her father.

k. That ANNA KIMOI KIPTOO stayed with the deceased together with her 3 children as direct dependents to the deceased.

l. That the children of ANNE KIMOI KIPTOO are entitled to the share of their mother as a child of the deceased.

m. That the transfer of the land IRONG/ITEN/1974 to Andrew Kiprotich Cherangan by John Maika in 2000; long after the death of the deceased herein was fraudulent which is clear that John Maika intermeddled in the estate of the estate.

n. That Coret Chesang is not inheriting from her grandfather but rather the property belongs to her late husband William Cheptalam who owned IRONG/ITEN/1978.

o. That the properties of the deceased were not divided by the deceased but rather were divided by John Maika who had disinherited some of the beneficiaries and did not distribute the estate equally.

p. That the consent to the land board and consent to transfer were obtained fraudulently by the Applicant's father John Sirma, as the said attached documents MC-10, MC-11 and MC-12 do not have the signatures of our deceased grandfather to show his will.

q. That the estate of the deceased ought to be divided equally among the beneficiaries, hence the court should not alter its verdict on the basis of forged documents and untrue allegations by the applicants.

r. That the proposed mode of distribution is an afterthought as the applicants were given an opportunity to give their proposals which they did and which were considered by the court thoroughly before a judgment was given.

s. That the court considered the relationship between the deceased and all the beneficiaries named as it was disclosed and there is no error apparent on the record and if there was an error the same ought to be deliberated on by the Court of Appeal and not Reviewed by the same court.

15. The applicant filed his skeleton submissions dated 13th June, 2024 and supplementary submissions dated 29th October, 2024. The applicant categorized the errors as follows:

a. The estate property which had been sold out to 3rd parties and therefore because liabilities of the estate were distributed to beneficiaries.

b. The estate of Ann Kimoi (one of the deceased beneficiaries has benefited twice in the distribution.

c. A daughter of a beneficiary called Kimoi Tabyotim Kiptalam has illegally benefitted directly from the estate of grandfather.

d. The distribution went against the doctrine of legitimate expectation, that whereas the deceased had subdivided and allocated each of his beneficiaries parcel of land who developed the same, these beneficiaries found themselves in other parcels and others were imported to theirs.

16. On the first issue, learned counsel Mr. Kimutai submitted that the deceased was not legally competent freely to dispose off these properties because he had already disposed off the same to 3rd parties earlier. The proprietary interest cannot pass to the beneficiaries as the same has already passed on to 3rd parties. He further submitted that the said properties could then have been described properly as liabilities to the estate and not free properties. Their distribution to the beneficiaries herein was therefore erroneous. Counsel identified the said errors on the strength of the decision in Muyodi v Industrial and Commercial Development Bank & Another (2006) I EA 243 and in the case of Nyamogo & Nyamogo v. Kogo (2001) 1 EA 174.

17. It was also submitted for the applicant that the estate of ANN KIMOI has benefited twice in the distribution by the court. He stated that the deceased was the registered owner of land parcel IRONG/SERGOIT/35 which land the deceased himself sub-divided into 2 portions being land parcels IRONG SERGOIT 722 and 723. The deceased then gifted ANN KIMOI (now deceased) with land parcel IRONG/SERGOIT 722 and 723. The deceased then gifted ANN KIMOI (now deceased) with land parcel IRONG/SERGOIT/722, the parcel which measures 8 acres is still now registered in the name of ANNA KIMOI. Counsel cited the provisions of Section 42 of the *Law of Succession Act*. He submitted that the honourable court was not brought to the attention of this property and ended up distributing directly to the children of ANNA KIMOI KIPTOO i.e. Maurice Kiptoo, Gladys Kiptoo and Emmanuel Kiptoo which is contrary to the above law. The said children were properly provided for by the land gifted to their mother.

18. It was counsel's submission that the deceased having sub-divided his property and taken beneficiaries to the land board for consent to transfer the properties, the beneficiaries having legitimate expectations that they would inherit those very properties given to them by their father, they went ahead and developed the same by putting up permanent structures. That this court has distributed these properties i.e. IRONG/ITEN 2065, 2066, 2067 to other beneficiaries in disregard of the developments thereon.

19. Learned Counsel stated further that a beneficiary named KIMOI TABYOTIM KIPTALAM is the mother of CORET CHESANG. KIMOI KIBYOTIM KIPTALAM is alive and this court provided for her 1 acre of land parcel IRONG/ITEN 2065, 7 acres of land parcel IRONG/ITEN/2066, ½ acre of IRONG/ITEN/1976 and 1977, the said daughter has also been provided for against the law ½ an acre of land in parcel IRONG/ITEN 1978. He submitted that CORET CHESANG can only inherit from her mother KIMOI TABYOTIM KIPTALAM and not from the grandfather who is the deceased herein.

20. The Respondent on the other hand in his submissions dated 18th September, 2024 submitted that the applicant has not met the threshold required in granting order of review. Learned Counsel submitted on what constitutes an error apparent on the face of the record and cited the decision in Paul Mwaniki v NHIF Board of Management (2020) eKLR and the case of John Mundi Njoroge & 9 others v Cecilia Muthoni Njoroge & Another (2016) eKLR.

21. It was submitted for the Respondent that the relief for review is unavailable as the application is akin to asking the court to sit on its own appeal of its decision and reverse it. Further he submittd that with regard to sale to 3rd parties after the death of Cheptoo Arap Koisum, Section 82 (b)(iii) of the *Law of Succession Act* outlaws the sale of immovable property of an estate before the confirmation of the grant.

That by dint of Section 79 as read with section 82, the disposals so referred by the Petitioners herein are null and void ab initio amounting to intermeddling of the estate herein and this is not a ground for review. He cited the decisions in Re Estate of Barasa Kanenje Manya (deceased) (succession cause 263 of 2002) (2020) KEHC 1 (KLR) (30th July, 2020).

**Analysis & Determination**

22. The power of review in succession matters is governed by Rule 63 of the Probate and Administration Rules read together with Order 45 Rule 1 of the Civil Procedure Rules. Rule 63 provides as follows:

> "63. Application of Civil Procedure Rules and High Court (Practice and Procedure) Rules
>
> (1) Save as is in the Act or in these Rules otherwise provided, and subject to any order of the court or a registrar in any particular case for reasons to be recorded, the following provisions of the Civil Procedure Rules, namely Orders V, X, XI, XV, XVIII, XXV, XLIV and XLIX (Cap. 21, Sub. Leg.), together with the High Court (Practice and Procedure) Rules (Cap. 8, Sub. Leg.), shall apply so far as relevant to proceedings under these Rules.
>
> (2) Subject to the provisions of the Act and of these Rules and of any amendments thereto the practice and procedure in all matters arising thereunder in relation to intestate and testamentary succession and the administration of estates of deceased persons shall be those existing and in force immediately prior to the coming into operation of these Rules."

The substantive provisions of Order 45, state as follows:

> "1.
>
> (1) Any person considering himself aggrieved—
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> (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred; or
>
> (b) by a decree or order from which no appeal is hereby allowed, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or the order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree or order, may apply for a review of judgment to the court which passed the decree or made the order without unreasonable delay.

23. At the outset, it is important to establish the legal basis for this court's review jurisdiction in succession matters. Rule 63 of the Probate and Administration Rules incorporates certain provisions of the Civil Procedure Rules to apply pari materia to succession proceedings.

24. Section 80 of the *Evidence Act* and Order 45 of the Civil Procedure give courts wide discretion to review their own decisions. Order 45(1) states that a person who is aggrieved by a decision from which an appeal is allowed, but no appeal has been preferred; or by a decision from which no appeal is allowed, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge, or could not be produced by him at the time when the decree was passed or the order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, may apply for a review of judgment or order without unreasonable delay.

25. A key limitation of review power was articulated in Republic v Principal Secretary, Ministry of Internal Security & another Ex Parte Schon Noorani & another [2020] eKLR: "The court cannot sit in appeal against its own judgment. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error."

26. In National Bank of Kenya Ltd v Ndungu Njau [1997] eKLR, the Court of Appeal held that:

> "A review may be granted whenever the court considers that it is necessary to correct an apparent error or omission on the part of the court. The error or omission must be self-evident and should not require an elaborate argument to be established. It will not be a sufficient ground for review that another Judge could have taken a different view of the matter. Nor can it be a ground for review that the court proceeded on an incorrect exposition of the law and reached an erroneous conclusion of law. Misconstruing a statute or other provision of law cannot be a ground for review".

27. The petitioners contend that Land Parcels Irong/Iten/1973, 1979, 1982, 1985, 1986, 1987 and 1988 were sold by the deceased during his lifetime. Section 3 of the *Law of Succession Act* defines "free property" as: "Property of which that person was legally competent freely to dispose during his lifetime, and in respect of which his interest has not been terminated by his death."

28. The court notes that if these properties were indeed sold during the deceased's lifetime, they cannot form part of the distributable estate. The respondents through Philip Kangogo Talam have raised significant counterarguments: That no agreements evidencing these sales have been produced, that the alleged sales receipts were signed by John Sirma, not the deceased, that Properties actually sold by the deceased during his lifetime are properly registered to third parties and were not included in the distribution. At this point, I pause to take note of the fact that Section 82(b)(iii) of the *Law of Succession Act* explicitly prohibits the sale of immovable property before the confirmation of grant. Any purported sales after the deceased's death would be void ab initio and amount to intermeddling with the estate.

29. Having perused the record, the application, submissions and the pieces of evidence filed by the parties, I am of the considered view that this succession cause has wandered through the corridors of justice for an inordinately long time. Since its inception, multiple judges have handled the matter, leading to various, and at times, conflicting positions especially from the parties. The original administrator has since passed on, necessitating substitution. Throughout this period, the beneficiaries have aged, some have passed on, and the true purpose of succession; to provide for the deceased's dependants, risks being lost in prolonged litigation.

30. The court reminds all parties that succession is not merely about property distribution, it is about honouring the deceased's legacy and ensuring family welfare. The time has come to bring this matter to a close, allowing the beneficiaries to move forward with their lives and put their inheritance to productive use as the deceased would have wished.

31. The genealogy of this litigation up to the stage of the instant application dated 22nd August 2023 presents a mixed grill of issues which are unlikely to be resolved within the scope of Section 80 of the *Civil Procedure Act*, Rule 73(1) of the Probate and Administration Rules and Order 45 Rule 1 of the Civil Procedure Rules. As a way of highlighting, first, the proper parties to this cause of action on inheritance as to the heritage of Cheptoo Arap Koisum is indeed in question given the rival affidavits in support of the mode of distribution, one dated 4th April, 2023 and another dated 12th April, 2023, which gave rise to the ruling of this court dated 5th July, 2023. In contradistinguishing the averments in the two affidavits, the instant application challenged the locus standi of some of the beneficiaries who became beneficiaries of the estate of the deceased in reliance of section 29(b) of the *Law of Succession Act*. In relation to this claim, the Petitioner contends that none of the grandchildren had established by way of probative evidence that they were maintained by the deceased during his lifetime to bring them within the threshold of Section 29(b) of the Act. In essence, the applicant urged this court to review the decision to give effect to the letter of the law that the named grandchildren were not entitled to anything at all from the estate of the deceased. My interpretation of Section 29(b) of the Act was to provide maintenance for those who qualify to inherit the estate of the deceased as being persons or heirs incapable of maintaining themselves though they do not belong to the first degree consanguinity and affinity to the deceased's lineage. There is evidence on record that the grandchildren claiming right of benefit to the share of the intestate estate by dint that they were taken in as children of the deceased and therefore the provisions in section 29(a) of the Act should apply mutatis mutandis to the class of beneficiaries defined in sub-section (b) of the aforesaid section. What is in dispute is that at the time this decision was made, the facts on distribution of the estate were not in contestation but it appears from the application dated 22nd August, 2023, their identity as beneficiaries and suitability to inherit is questionable. It has been the position of the law generally that grandchildren are not proper parties to the claim on inheritance from their grandparents. It is my considered view that this new evidence being pleaded in the instant application ought to be interrogated further for reasons that the grandchildren are laying a claim over the estate on grounds that the deceased had pronounced himself on the matter during his lifetime. By way of comment and purposive interpretation of the Act, the law could not be used to rest a burden on the grandparents to take care of a child when there is at least surviving biological parents who can do so as of right. Hence the spirit of the law is that where there is a parent who is able to maintain his/her own child, a grandparent cannot be called upon his/her death to do so. I don't think it is the purpose of the Succession Act to provide legacies or rewards for meritorious conduct of a grandchild. In my judgment, the Claimant under the category of grandchildren has got to meet the threshold that the property of the deceased should be passed or conveyed to him/her not as a gratuity, or being a child to the daughter or son to the deceased but to the extent that indeed the inheritance is justified with regard to the circumstances outlined in Section 29(b) of the Act. In analysing the evidence presented before this court as contained in several affidavits, this issue of the grandchildren as direct beneficiaries on the same fulcrum with their biological parent requires further additional evidence from the parties.

32. There is yet another factor worthy of consideration and emphasis in this succession cause; the size and nature of the of the net estate of the deceased. The applicant in the application dated 22nd August, 2023 focused her evidence on the disposition of the estate to known purchasers, which by dint of that sale is not available for distribution to the beneficiaries. It is my considered opinion that a determination be made as to the exact value of the estate before a court can exercise discretion with finality as to the free

estate survived of the deceased capable of being distributed to the ranking members of his family. This factor rests primarily on the need to establish that there are sufficient assets within the estate that can actually be shared without comprising either the gift to the named beneficiaries or the applicants' need for maintenance. In the context of the Succession Act, the net estate in relation to a deceased person is defined as property which the deceased had power to dispose off by his/her will or testamentary or vide intestate estate distribution less the amount of his funeral, testamentary and administration expenses, debts and liabilities. These questions have not been squarely addressed by either parties in the original mode of distribution or the so called new evidence in the current justiciable application. This is a major point of contention between the parties and it cannot be wished away by this court invoking review jurisdiction under Section 80 and Order 45 Rule 1 of the Civil Procedure Rules. It should not be stonewalled by way of affidavits.

33. In the end, I make orders as follows:

    a. The ruling dated 5th July 2023 is hereby reviewed and set aside

    b. A fresh hearing on distribution shall be conducted within 21 days to: Verify status of allegedly sold properties, account for prior benefits received by beneficiaries, consider developments on the various properties forming part of the estate of the deceased person.

    c. The current administrator is hereby directed to provide a comprehensive and accurate inventory of ALL properties forming part of the deceased's estate, Account for any properties that may have been disposed of since the death of the deceased, present all relevant documentation supporting claims of valid transfers or dispositions and Clarify the current status of each property.

    d. Also by way of a court order the administrators be very precise within the doctrine of consanguinity and affinity as to the first degree dependants of the deceased.

    e. That any other Claimant to the 2nd degree genealogy or lineage to the deceased must adduce cogent evidence that he/she is entitled to a share from the deceased estate.

    f. Costs of this application shall be costs in the cause

    g. A status conference shall be held on 15th December, 2024.

**DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 15TH DAY OF NOVEMBER 2024**

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**R. NYAKUNDI**

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**JUDGE**

In the Presence of:

Monicah Cheruiyot

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| *SUCCESSION CAUSE NO. 97 OF 1999* | 0 |