



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Towett Taita (Deceased) (Succession Cause 189 of 2011)
[2024] KEHC 15995 (KLR) (16 December 2024) (Directions)**

Neutral citation: [2024] KEHC 15995 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 189 OF 2011**

HM NYAGA, J

DECEMBER 16, 2024

IN THE MATTER OF THE ESTATE OF THE LATE TOWETT TAITA (DECEASED)

IN THE MATTER OF

**JAMES KIPROTICH BIAGON 1ST ADMINISTRATOR
CHRISTOPHER KIPTOO TOWEETT 2ND ADMINISTRATOR
PETER KIPTOO TANNUI 3RD ADMINISTRATOR
ANNA KAMAYA TOWEETT 4TH ADMINISTRATOR**

DIRECTIONS

1. On July 12, 2024, this court issued the following orders: -
 - i. That it is apparent that the estate is vast and the status of some properties is unknown.
 - ii. That I think that the best place to start, even before the confirmation begins, is to ascertain the status of each property.
 - iii. That the Joint Administrators to propose an expert to identify and value the land. If there is no agreement on the joint valuer, then the 2nd House can get a valuer of their own.
 - iv. That in the meantime the families are to remain in their respective places where they were settled as they await the next steps to be undertaken.
 - v. That consequently, no subdivision, survey or excision of any property should take place until the court has issued further orders.
 - vi. That the exercise to be carried out in 3 months.
 - vii. That the costs to be borne by the estate.
 - viii. Further mention on 18th September, 2024.



2. On 18th September, 2024, the Counsel for the 1st, 3rd and 4th Administrators told court that pursuant to the above orders, they appointed Applecross Ltd as their valuer and it provided a quotation for its fees. That her clients secured three sponsors who are ready to sponsor the exercise and identify all the estate's assets but the 2nd Administrator was opposed to the same and as such the process has stalled.
3. The 2nd Administrator herein told court that his reasons for opposition was that the agreement included non-administrators. He also stated that he has provided his proposal and he is not opposed to the valuer being appointed but proposed that valuer of the second house be appointed too.
4. It is apparent from order no.3 above that parties were to appoint a joint valuer to identify and value the land and the 2nd house was to appoint their valuer if they couldn't agree on a joint one. It is also apparent the parties herein cannot agree on a single valuer to carry out the joint valuation. Therefore, the 2nd administrator needs to move with haste to secure their choice of valuer.
5. I had also directed that the costs of valuation are to be borne by the estate. In view of the above, it is not clear why the 1st, 3rd and 4th Administrators secured three sponsors to finance the exercise of identification and valuation of the estate's assets.
6. There is a clear need to expedite the process given that this matter has already been in court for a long time. Long delays in estate administration can result in increased costs, frustration among the parties involved, and potential damage to the estate's value.
7. In the circumstances therefore I direct the 2nd House to appoint their valuer within 14 days from the date hereof and thereafter the respective valuers appointed to file their reports in court within 30 days of appointment.
8. Since there is an apparent lack of resources on the part of the beneficiaries, I further direct that the administrators agree on the sale of one of the known properties of the deceased in order to finance the exercise. Leave will be granted by the court to dispose of the said property once agreed. Should they not agree, they can give proposals for the court to make a determination. That amount will be used to source for an investigator to locate all the other property forming the estate.
9. I believe these directives will go a long way to resolve the matter so that the beneficiaries can get their respective share of the estate.
10. Orders accordingly.

SIGNED AND DELIVERED (VIRTUALLY) AT MERU THIS 16TH DAY OF DECEMBER 2024

H. M. NYAGA

JUDGE.

In the Presence of;

