



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**SUCCESSION CAUSE NUMBER 64 OF 1994**

**IN THE MATTER OF THE ESTATE OF THE ELI JOHN MBURE (DECEASED)**

**RULING**

1. This ruling is in respect of the petition dated 12/9/2018 in which Sabina Wairimu Mbure in her capacity as a widow and one of the beneficiaries of the estate of the deceased seeks a grant of probate of assets unadministered of the estate of Eli John Mbure who died on 20/3/1993 limited to that part of the said estate remaining unadministered and further that the rectified certificate of confirmation of grant issued herein to Jeremiah Kibe Mureu be further rectified.
2. It is the applicant's case that on 26/2/2015 Jeremiah Kibe Mureu was appointed as executor of the deceased's estate in substitution of Amos Njoroge Ndegwa, the original executor who died on 28/10/2008.
3. The said Jeremiah Kibe Mureu has since died (date of death 2/5/2018) leaving part of the estate of the deceased unadministered. A copy of death certificate is exhibited.
4. It is averred that only assets devolving to the estate of Susan Kabon Bure also known as Susan John Bure remain to be administered.
5. The applicant intends to distribute the assets aforesaid on terms approved by court in the proceedings relating to the estate of Susan Kabon Bure in the following manner;

**NAME DESCRIPTION OF PROPERTY SHARE**

Mary Wambui Mbure Gilgil/Gilgil Block 1/31276 To hold in trust for the

& AnnRose Muthoni Wainaina (Kikopey) following minors till their

(in place of Jeremiah Kibe age of majority:-

Muriu, deceased) EKK

SKK

NJK

Jeremiah Kibe Mureu Gilgil/Gilgil Block 1/31271 Whole

(Kikopey)

Francis Maina Njoroge Gilgil/Gilgil Block 1/31270 Whole

(Kikopey)

Mary Wambui Mbure Rare/Teret/Block 1/2313 Whole

6. It is prayed that the applicant be appointed as executor of the deceased's estate in place of Jeremiah Kibe Mureu (deceased) and that Mary

Wambui Mbure and Annrose Muthoni Wainaina be appointed as trustees of the minor beneficiaries in place of Jeremiah Kibe Mureu with regard to Gilgil Block 1/31276 Kikopey.

7. I have considered the petition and the affidavit in support. There is evidence that Jeremiah Kibe Mureu has since passed on. There is evidence too that part of the estate remains unadministered thus the need to appoint an executor to complete the administration of the estate.

8. It has also been established that there is need to substitute Mary Wambui Mbure and Annrose Muthoni Wainaina as trustees for EKK, SKK and NJK in place of Jeremiah Kibe Mureu.

9. The orders sought are necessary and merited to give effect to the grant of probate and complete the administration of the estate.

10. I accordingly allow the petition and make the following orders;

- 1. Sabina Wairimu Mbure is appointed as executor of the estate of Eli John Mbure in place of Jeremiah Kibe Mureu.**
- 2. Mary Wambui Mbure and Annrose Muthoni Wainaina are appointed trustees of EKK, SKK and NJK (all minors).**
- 3. The appointed executor is to proceed with the administration of the unadministered part of the estate within the terms approved by court in proceedings related to the estate of Susan Kabon Bure.**
- 4. Costs of the petition be in the cause.**

**Dated and Delivered at Nakuru this 13<sup>th</sup> day of February, 2019.**

**A. K. NDUNG'U**

**JUDGE**