



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**SUCCESSION CAUSE NO.531 OF 1995**

**IN THE MATTER OF THE ESTATE OF THE LATE EDWARD KAMAU KARIUKI - (DECEASED)**

**SUMMONS FOR THE SETTLEMENT OF THE SHARE OF PROPERTY GIVEN TO THE HOUSE OF MIRIAM WANJIRU KAMAU**

**RULING**

1. The 1st House (the house of Miriam Wanjiru Kamau, (hereinafter the applicant) has moved this court for orders:
  1. THAT the share of the estate of the late Edward Kamau Kariuki which was bequeathed to the 1st house (the house of Miriam Wanjiru Kamau) be settled in terms of the consent attached hereto.
  2. THAT once the share is settled as aforesaid, all the properties be held in trust in the names of DAVID MAATHAI pending the distribution to the other beneficiaries.
  3. THAT costs of this application be in the cause.
2. The application is premised on grounds:
  1. THAT the estate of the late Edward Kamau Kariuki was shared equally amongst two of the widows of the deceased. The grant of letters of administration was confirmed and the court directed that most of the property be held jointly between the two administrators. The effect of the order is to create a joint tenancy between the administrators which made it difficult to share the section of the property granted to the first house.
  2. THAT the 1st house wishes to have its separate share of the property so that they can share amongst themselves or agree on the manner of distribution of that share.
  3. THAT the sharing will only be possible if the joint registration is severed and each unit allowed to take its separate shares. Members of the 1st house have agreed to have their share held by DAVID MAATHAI pending the distribution and supported by the sworn affidavit of David Maathai.
3. The application is not opposed.
4. The gist of the application is that the family in this particular house has agreed to have their share of the estate severed from the joint ownership as earlier ordered in the confirmed grant and have their share registered in the names of David Maathai as a trustee for and on behalf of the other members of the family.
5. It is prayed that the court dissolves the joint ownership and directs that the share bequeathed to the house of Miriam Wanjiru Kamau be registered in the names of David Maathai as trustee of his other siblings.
6. This will enable the family to administer the estate of their late mother and determine what share each gets from the property.
7. As stated above, the application is not opposed. I have considered the application, the supporting grounds and affidavit. I have specifically noted that a consent is duly executed by all the interested parties/beneficiaries.
8. I am persuaded that the orders sought are necessary to further the interests of the members of the house of Miriam Wanjiru Kamau.

9. I accordingly allow the summons dated 1st August, 2015 in terms of prayers 1 and 2.

Costs be in the cause.

**Dated, Signed and Delivered at Nakuru this 21st February, 2017.**

**A. K. NDUNG'U**

**JUDGE**