



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIVASHA
SUCCESSION CAUSE NO. 161 OF 2015

IN THE MATTER OF THE ESTATE OF NDIRITU WAITITU (DECEASED)

MARY NJOKI NDERITU.....1ST ADMINISTRATOR

ISAAC MAINA NDERITU.....2ND ADMINISTRATOR

AND

MARY WAMBUI NDERITU.....3RD ADMINISTRATOR

NDERITU KIARIE NDERITU.....4TH ADMINISTRATOR

R U L I N G

1. On 23/2/2017 the four Administrators herein were, subsequent to discussions, able to record a consent order concerning the management of rental property which forms part of the estate of the deceased. The property includes rental houses erected on land parcels number **L. R. DAGORETTI/KANGEMI/509, DAGORETTI/KANGEMI/678** and two market stalls at Kangemi market.
2. The parties were subsequently unable to jointly carry out the agreed activities as set out in their consent. Their reports to this court on 20/4/2017 indicated that they were not able to jointly carry out agreed the activities. They blamed each other for the failure to comply with the consent order, whose purpose was to establish a system for managing the rental properties
3. The court therefore directed each set of administrators to propose two names of estate management companies, accompanied by their respective profiles to enable the court appoint a company to manage the properties. This has now been done.
4. The 1st and 2nd Administrators have proposed **Skylink Commercial Agency and Promast Enterprises Limited**. For their part the 3rd and 4th Administrators have proposed **Rank Global Management Limited**.
5. I have scrutinized the profiles of each of the proposed companies and the attached documentation. In my view, **Rank Global Management Limited** appears professional and therefore is best placed to manage the properties in question for the following reasons:-
 - a) the company has tendered its certificate of incorporation.
 - b) the company is tax compliant.

c) its director **Francis Waweru Nderitu** is licensed individually as an estate agent and also licensed to conduct the business of estate agency in Rank Global Management Limited.

d) the company office is located in Nairobi and therefore in close proximity to the rental properties.

e) Rank Global Management Limited appears to have broad experience, with a variety of corporate and other clientele.

6. In contrast, the entities proposed by the 1st and 2nd Administrators have not demonstrated whether they are duly incorporated or registered as business firms. Their legal standing is therefore unknown even if individual agents are licensed. Nor have they produced evidence that they are tax compliant. None of them have demonstrated present or past clients or their experience in the estate management business.

7. In the circumstances, I do appoint **Rank Global Management Limited** to manage the rental properties in question. As earlier ordered, all income from the properties will be deposited into the estate account that was opened by the four Administrators, net of management and incidental expenses. The management company will be expected to file into court, by every 10th day of the month, a statement of accounts in respect of the property placed under their management. The first such statement will be filed not later than the 10th June, 2017.

8. In order to expedite this matter, I direct that, pursuant to the consent order of 21/9/2016 a grant of letters of Administration does issue in the names of the four administrators, pending the agreed valuation of all the estate properties for purposes of distribution during the confirmation process.

Delivered and signed at Naivasha this **4th** day of **May, 2017**.

In the presence of:-

Ms Kithinji holding brief for Mr. Njuguna for the 1st and 2nd Administrators

Mr. Ngechu holding brief for Mr. Chege for the 3rd and 4th Administrators, and appearing for beneficiary Muguongo Nderitu

Court Assistant – Barasa

C. MEOLI

JUDGE