Summons for Confirmation of a Grant with One House and Five Equal Beneficiary Shares

Educational sample 266 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

SUCCESSION CAUSE NO [reference]

IN THE ESTATE OF [DECEASED]

SUMMONS FOR CONFIRMATION OF GRANT

1. LET [all affected beneficiaries and persons] attend the High Court at Mombasa in Succession Cause [number] at the appointed time for hearing of this summons under section 71 of the Law of Succession Act and the applicable Probate and Administration Rules. The prescribed form and supporting evidence must be completed.

2. The Applicant asks for confirmation of the grant issued to [actual personal representative] on [verified date]. The proposed surviving beneficiaries are [five actual identified persons in the confidential filing], with age, capacity, relationship and any representative stated. No omitted beneficiary is assumed away.

3. The asset proposed for distribution is the proved estate house at [confidential title description]. The corrected inventory explains why other initially listed properties are excluded or remain disputed, with searches and source records. Any asserted beneficial interest in another property is identified without declaring it established.

4. The proposed allocation is one fifth to each of the five entitled beneficiaries, subject to the applicable succession law and Court determination. The supporting affidavit discloses any will, spouse, dependant, gift, liability, continuing trust or prior partial confirmation material to those shares.

5. If the house cannot appropriately be divided, the Applicant seeks a specifically authorised sale by [court-approved method] and distribution of net proceeds according to the confirmed shares, with valuation, notice, accounting and safeguards the Court directs. No sale is undertaken merely on this proposed prayer.

6. The Applicant requests service, protest-hearing and consent directions as necessary, confirmation on the proved distribution and appropriate costs. The source ordered public auction; any different method in an actual case requires its own justification and order. Historical ninety-day directions do not prove a later sale occurred.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

Check section 71, Probate rule 40, the required confirmation form and affidavit, full estate inventory, all beneficiaries, ages, capacity, consent and protest procedure. Give proper service and hearing directions and disclose earlier partial confirmation. Proposed sale, equal shares and reporting require a valid order; they are not authority to dispose of property on a draft alone. Substantive wording for the proper prescribed confirmation summons and affidavit, not a completed form. Check rule 40 and section 71, all beneficiaries, age/capacity, consents and any protest. The source equal shares depended on that estate, not every estate with five children. Apply the Probate and Administration Rules and the actual succession Court directions, rather than assuming ordinary civil motion procedure. Protect any minor or person lacking capacity.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

Five children disagreed over administration, leading to appointment of the Public Trustee. An initial inventory listed nineteen properties. A beneficiary protested that most belonged to other persons or had been distributed, producing fourteen supporting annexures. One house was agreed to belong to the estate and partially confirmed in 2021. After unsuccessful mediation, the administrator and submitting respondents accepted that this was the sole proved estate asset.

The Court confirmed the grant and directed the one house to devolve equally to the five children, each receiving one fifth. Because physical division might be impracticable, it ordered public-auction sale and distribution of proceeds within ninety days, with a historical compliance mention. The Court expressly left uncertain post-death transfers without further enquiry because they were not contested; it did not certify every such transfer as lawful.

A confirmation protest is part of the confirmation hearing under section 71 and Probate rule 41, not an automatic revocation proceeding. Verify whether property is truly an estate asset, identify every beneficiary and distinguish a registered third-party interest from an alleged beneficial interest requiring proper determination. A one-fifth gross share differs from actual net distribution after lawful sale expenses, liabilities and orders.

[2024] KEHC 15900 (KLR) - 13 December 2024. Source decision: https://new.kenyalaw.org/akn/ke/judgment/kehc/2024/15900/eng%402024-12-13

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/public-trustee-v-kamina-3-others-2024-kehc-15900-klr.pdf

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.