Community Occupation Evidence Supporting Affidavit for Adverse Possession

Educational sample 287 | 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 ENVIRONMENT AND LAND COURT AT MOMBASA

ENVIRONMENT AND LAND ORIGINATING SUMMONS NO [reference]

[NAMED OCCUPIER APPLICANTS] v [REGISTERED PROPRIETOR]

AFFIDAVIT

1. I am [Applicant and deponent]. I speak to my own occupation and to identified information concerning other Applicants only where I have a lawful basis and explain its source. My authority to depose for any other person is [actual authority].

2. I entered the land identified in [certified register] on or about [truthful date] by [actual circumstances]. I describe the area I occupied, boundaries, residence or cultivation and the manner in which that occupation was visible to the proprietor.

3. My occupation was not under a lease, licence or permission from the registered proprietor, save for any contrary arrangement disclosed here [details]. Any request to leave, recovery proceeding, physical interruption or acknowledgment of title is disclosed with its actual date.

4. The other Applicants and their claimed portions are identified in [schedule]. I do not assume that they all entered when I did. The information within my own observation and information supplied by each named person are separately distinguished.

5. The photographs, sketch and title extract exhibited as [marks] are identified by date, author and the facts they show. Recent photographs demonstrate current features and are not represented as photographs taken decades earlier.

6. The community organisation registration document concerns [actual registration date and purpose]. It is not my evidence that registration created ownership. I provide the occupation evidence for the Court to assess the statutory period and any registration order.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [competent authorised oath administrator]. This specimen has not been sworn.

Use and evidence notes

Complete the deponent identity, authority and actual personal-knowledge or identified-information basis. Index and authenticate genuine exhibits; missing exhibits are not supplied by this text. An affidavit is evidence, not a vehicle for new unpleaded relief or invented expert conclusions. Obtain any required leave for a further affidavit and complete a valid jurat before a competent authorised person. This specimen is unsworn.

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

Forty occupiers sought title to approximately 3.790 hectares through adverse possession. They relied on longstanding occupation, photographs, a sketch of their portions and a title search. The registered proprietor did not appear after court-authorised substituted service; the Court heard formal proof.

The Court declared the occupiers entitled through adverse possession and directed cancellation or rectification of the proprietor entries and registration of the forty successful applicants. There was no costs order. Non-appearance did not replace the applicants obligation to prove their claim.

Limitation of Actions Act sections 7 and 38 and Civil Procedure Order 37 rule 7 govern the substantive and originating-summons issues. Identify each claimant, legal capacity, occupied extent, commencement, continuity, lack of permission and possible interruption. Community registration in 2023 is not the start of each person occupation. The source refers both to over thirty years and entry in 1983; do not manufacture an identical start date for all forty.

[2025] KEELC 5068 (KLR) - 4 July 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/kalama-39-others-under-umoja-family-moja-cbo-v-nahdey-2025-keelc-5068-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/kalama-39-others-under-umoja-family-moja-cbo-v-nahdey-2025-keelc-5068-klr

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.