Affidavit Supporting Replacement Estate Administration

Educational sample 347 | 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]

AFFIDAVIT

1. I am [grandchild petitioner] of [original deceased]. The documents proving my relationship and the deaths of the original deceased, relevant parent and sole administrator are [exhibit marks]. I identify the source of any family information outside my personal knowledge.

2. The grant issued on [verified date] was held solely by [administrator]. The holder died before confirmation, as shown by [grant, cause record and death certificate]. No surviving joint administrator is omitted, and any earlier administration or distribution is disclosed.

3. The original estate includes [one-third undivided interest] in [property]. The certified register, actual income records and outstanding liabilities are [documents]. The other two shares are not assets of this estate merely because the proprietors are related.

4. The full family and interested-person list is [schedule], including the objector whose claimed relationship is contested. I disclose parallel proceedings concerning the deceased children estates. An unresolved family-status dispute is not presented as already determined.

5. I undertake to collect, preserve and account for the remaining estate under a valid grant and Court directions. I will not distribute before confirmation. Any estimate of value is identified as an estimate, without claiming that a valuation or required consent exists when it does not.

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. 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

An estate originating from a 1972 death included a one-third undivided interest in a Mombasa property. The sole holder of the unconfirmed 2020 grant died in 2021. A grandson sought a de bonis non grant; an objector claiming a foster relationship through another deceased son opposed appointment.

The Court revoked the inoperative grant, appointed the grandson to administer the unadministered estate and dismissed the objection. He was directed to collect and gather assets without distribution before confirmation. The objector contested family status was left for subsequent proceedings; each party bore its costs.

Section 76(e), appointment priority and probate procedure address the death of a sole administrator. Separate estates and their shares must not be conflated. Because the original death predated 1 July 1981, section 2(2) requires checking the applicable historical substantive succession law; administration and confirmation remain distinct. This case does not establish a universal exclusion of foster or adopted children.

[2025] KEHC 9157 (KLR) - 19 June 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/in-re-estate-of-naja-jehangir-austin-deceased-2025-kehc-9157-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/in-re-estate-of-naja-jehangir-austin-deceased-2025-kehc-9157-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.