Separate Estates and Unadministered Property Share Schedule

Educational sample 348 | 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]

EVIDENCE OR COMPUTATION SCHEDULE

1. This schedule distinguishes the original deceased estate from the two deceased children estates. For each estate enter the deceased identity, death date, representation status, cause reference and verified property interest. A shared property does not make the estates one administration.

2. The original deceased reported interest was one-third undivided in the Mombasa parcel. Enter the certified share and exact register entry at [page]. Do not list the entire property as available for distribution under the replacement grant.

3. The original unconfirmed grant and sole administrator death are [certified records]. List assets collected, liabilities paid, income received and property still unadministered. Missing accounts or transfer evidence are marked missing and any question for the Court is identified.

4. For each claimant to appointment or beneficial status identify the relationship asserted, supporting evidence, dispute and representation of a deceased parent estate. The reported objector family status remained unresolved; that uncertainty is preserved without declaring a universal rule about foster relationships.

5. Separate the appointment request from any later confirmation proposal. Record the applicable substantive law for the 1972 death and the required administration procedure. The new grant authorises lawful administration, not immediate distribution or disposal of another estate share.

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

This is an evidential or accounting aid, not an originating process or independent proof. Give dates, authors or custodians, admissibility status, actual document pages and transparent calculations. Label missing and disputed items. Obtain the applicable leave or directions for supplementary evidence, serve it and prevent duplicate credits or recovery. 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.