Occupation Affidavit Disclosing the Public and Private Title Chronology

Educational sample 378 | 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

LAND CASE NO [reference]

[CLAIMANT] v [RESPONDENT]

AFFIDAVIT

1. I am [occupier], the applicant, and identify the extent claimed as [parcel and surveyed portion]. I distinguish matters within my personal knowledge from information received from [identified custodian]. I do not swear to facts absent from the genuine records supplied for this actual application.

2. My asserted occupation began in 1995. For each relevant period I identify the actual use, boundaries, structures, persons occupying and any interruption at [evidence references]. The allegation of lengthy occupation is not a declaration that all years are legally capable of accruing adverse possession.

3. The land was part of a settlement scheme. My neighbouring allocation and the asserted change from an earlier plot number to the present parcel must be supported by genuine allocation, survey and registry documents. I do not infer ownership of the disputed parcel merely from adjacency.

4. The certified title extract at [genuine exhibit] records [public proprietor and period] and private registration on [date]. I disclose the December 2023 private-registration date in the source scenario and the respondents objection that the prior public-land years are excluded by section 41.

5. I identify any observed interference, its date and the persons involved at [verified details]. Photographs, police reports and correspondence must be authenticated by competent evidence. None of those exhibits is contained in this educational draft.

6. This affidavit supplies factual evidence for the actual court process; it does not overcome the public-land limitation by assertion. The source claim was struck out on that bar. Complete a truthful affidavit and valid jurat only after checking the complete title history and current procedural position.

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. The specimen is unsworn. The occupation account in the source was alleged; its inclusion does not mean the claim succeeded.

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 occupier asserted occupation from 1995 and sought adverse possession and interim protection over a settlement-scheme parcel. The respondents raised missing certified title evidence, a recent private title and the public-land exclusion. The ruling treated the property as public land until private registration on 15 December 2023, preceding the June 2024 proceedings by about six months.

The ELC upheld the public-land objection, struck out the originating summons and interim motion, and awarded respondents costs. It rejected automatic striking out solely for a missing certified title extract because directions could cure that evidential omission. The Court did not decide the injunction merits after striking out the originating process.

Check Limitation of Actions Act sections 7, 17, 38 and 41, Constitution article 62 and Order 37 rules 7 and 18. Public-land years did not accrue adverse possession in this source. A change of private ownership does not universally restart time: establish the complete public/private title chronology. Source references to settlement bodies are not independent proof of tenure.

[2025] KEELC 312 (KLR) - 31 January 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/lutta-v-mohamed-another-sued-jointly-and-severally-chief-land-registrar-mombasa-district-another-interested-parties-2025-keelc-312-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/lutta-v-mohamed-another-sued-jointly-and-severally-chief-land-registrar-mombasa-district-another-interested-parties-2025-keelc-312-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.