Spouse Affidavit Identifying a Construction Loan and Household Contribution Record

Educational sample 142 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

PETITION OR APPLICATION NO [reference]

[APPELLANT OR APPLICANT] v [RESPONDENT]

AFFIDAVIT

1. I am [spouse reference] and identify the contribution evidence already admitted below. Parcel numbers, children’s identities and private financial account details are omitted from this public specimen.

2. M1 contains the property acquisition and development records. The home and rental units are identified separately from other assets whose matrimonial status was not established.

3. M2 contains the evidence concerning the KES 200,000 construction loan. The existence, recipient and use of the loan must be stated according to the documents; a disputed assertion is not described as an admission.

4. M3 identifies the domestic and financial contributions described in the trial evidence, including care and household expenditure to the extent actually proved. I do not attach a fabricated hourly valuation to domestic work.

5. M4 contains the earlier judgments and relevant transcript references. This affidavit identifies the appellate record and does not introduce a new contribution theory or fresh asset claim.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. This sample has not been sworn.

Use and evidence notes

This is an illustrative affidavit identifying existing records, not permission to add fresh appellate evidence. State the deponent’s authority, personal knowledge and source of information. Verify each exhibit and page reference. Obtain leave or directions where an additional affidavit is required; new evidence requires the applicable admission procedure. Complete the jurat before a competent Commissioner for Oaths. The public sample is unsworn and contains no exhibits. An affidavit is not legal submissions.

Exhibit schedule: [label]; [document date]; [description]; [existing record pages or basis of admission]. Do not append invented or missing records.

Source and procedural limits

Former spouses disputed a home and rental units in Nairobi. The wife relied on monetary and domestic contributions, including a contested KES 200,000 construction loan. The High Court awarded a smaller share; the Court of Appeal divided the relevant property equally. The Supreme Court considered a certified question about contribution, equality and applicable law.

The Supreme Court dismissed the appeal and upheld equal division on the particular evidence, with costs against the appellant. Article 45(3) does not prescribe an automatic equal share of every matrimonial asset. The Matrimonial Property Act 2013 was not retrospectively applied to the earlier proceedings.

Constitution Articles 45(3) and 163(4)(b); evidence of direct and non monetary contribution; distinction between equal marital rights and property allocation. The old originating summons relied on repealed legislation. Use current legislation and procedure for a new claim.

[2023] KESC 4 (KLR) — 27 January 2023. Original judgment: https://supremecourt.judiciary.go.ke/wp-content/uploads/2025/01/Supreme-Court-Law-Reports-2023-Vol-1.pdf#page=666

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.