Auctioneer Supporting Affidavit on Sale Proceeds and Restoration Exposure

Educational sample 482 | Kakamega

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 KAKAMEGA

CIVIL APPEAL NO [reference]

[APPELLANT] v [RESPONDENT]

AFFIDAVIT

1. I am [auctioneer or authorised officer] and identify my role in execution against [actual judgment debtor]. The warrants and instructions are [genuine exhibits]. I do not treat a named beneficial owner as the same person as the financier without proof.

2. The vehicle was attached and sold on [dates verified from the file]. I identify the auction record, sale amount, purchaser and release documentation. Any conflict between purchase and auction dates in the report is expressly resolved from authentic documents.

3. Proceeds were remitted as [proved recipients, amounts and dates]. Receipts and account entries are [identified]. I distinguish remitted money from sums still held and disclose fees or deductions, rather than asserting that no funds remain without records.

4. The impugned decree requires [exact restoration or payment terms]. I state the vehicle present location and practical ability to comply only to the extent I know them, identifying the source of information.

5. The opposing parties rely on [registered title and hire-purchase documents]. I disclose those adverse documents and their position. This affidavit supports temporary protection; it does not finally prove lawful attachment or determine disputed ownership.

6. I explain the actual filing interval and offer [genuine security source]. I request conditional stay on terms safeguarding the decree holders and acknowledge that failure to satisfy the ordered deposit may cause the stay to lapse.

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

An auctioneer sold a Toyota Hiace for KES 900,000 in execution of accident decrees and said proceeds were remitted. A purchaser and financier challenged attachment, relying on hire-purchase interests and registered ownership. A restoration or monetary decree led to this stay application in a Kakamega High Court appeal from Small Claims Court proceedings.

The Court granted conditional stay requiring half the decretal sum in a joint interest-earning account within 14 days; on default the stay would lapse. Costs awaited the appeal. The ruling weighed the purchaser lack of the vehicle and continued instalments against the auctioneer asserted repayment exposure.

This was an interim ruling, not a final determination that attachment was lawful or ownership proved. The report has inconsistent purchase, auction and motion dates and party numbering. Verify the certified chronology, ownership records and operative decree before asserting sequence or calculating security.

[2026] KEHC 7225 (KLR) - 26 May 2026. Source decision: https://new.kenyalaw.org/akn/ke/judgment/kehc/2026/7225/eng@2026-05-26

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/sikulu-ta-handshake-big-auctioneers-v-sumba-4-others-2026-kehc-7225-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.