Auctioneer Motion to Stay a Vehicle Restoration or Monetary Decree

Educational sample 481 | 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]

NOTICE OF MOTION

1. The Appellant auctioneer requests stay of execution of the certified [restoration or monetary order] made in [Kakamega Small Claims proceedings] on [verified date], pending this appeal. The exact executable obligations and beneficiaries are [identified from the decree].

2. The vehicle [bracketed registration] was sold under [genuine execution process] for [proved amount], and the Appellant says proceeds were remitted to [actual recipients]. Warrants, attachment, sale and payment records are [supporting exhibit references].

3. The Appellant identifies substantial loss as [proved exposure from the restoration or payment obligation], rather than the mere existence of lawful execution. The current whereabouts and ability to restore the vehicle are [truthfully stated].

4. The purchaser and financier assert hire-purchase and registered interests. Their absence of the vehicle and ongoing obligations are adverse facts requiring fair consideration. No final conclusion on title or legality is sought by this motion.

5. The application follows after [verified interval], with full disclosure of earlier orders and any delay. Security is offered as [actual proposal]; the operative decree and credited payments must be established before a fraction is calculated.

6. The Appellant seeks a conditional stay on proportionate deposit and default terms, expeditious appeal directions and appropriate costs. Dates inconsistent in a published report must be checked against the original file, not silently reordered.

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

Use the actual existing cause, applicable power and precise interim or substantive prayers with genuine supporting evidence. Disclose adverse facts, earlier applications, current orders and delay. Complete affidavit, exhibits, urgency certificate only where justified, fee and service under current directions. A proposed corrected motion does not establish that the missing facts or procedural permission exist.

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.