Brother Supporting Affidavit for Direct Registration of a Family Trust Share

Educational sample 457 | Nyeri

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 NYERI

ENVIRONMENT AND LAND CASE NO [reference]

[CLAIMANT] v [RESPONDENT]

AFFIDAVIT

1. I am [brother beneficiary], competent to depose to my family relationship and the dealings described below. The registration history of [two parcels] appears in the certified records marked [genuine exhibit references].

2. The family arrangement was that [registered trustee] held the land for [three identified interests]. My knowledge arises from [participation, named conversation or genuine document]. I separate that knowledge from information received from another person.

3. The Respondent has admitted a trust at [record reference], but proposes registration of my share directly to my children. I seek registration to myself under the actual beneficial arrangement. The children position is recorded in [genuine statements, if available].

4. I do not rely on the children consent to create a beneficial interest absent a proved trust. I disclose any agreement, transfer, disclaimer or other document said to alter my entitlement at [complete references].

5. The other Applicant claims as the widow within the third family interest. I state only what I actually know about that relationship. I cannot prove remarriage or dowry arrangements through hearsay and do not assert a universal inheritance entitlement.

6. I request determination of the actual beneficiaries and shares, termination of the trust and registration under lawful survey and transfer directions. This affidavit supports the summons; genuine exhibits and a valid jurat remain to be completed before use.

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

Two parcels previously belonging to the family mother were registered to a son who admitted holding for himself, his brother and another brother family. He resisted transfer to the surviving brother and widow, preferring registration to the brother children and alleging the widow remarried. The widow and brother sought determination by originating summons. The trustee did not testify.

The Court determined the trust and ordered the two parcels divided into three equal shares for the registered trustee, the brother and the widow, with costs against the trustee. Alleged remarriage was not proved and did not justify the exclusion on this record.

The admitted trust and its actual beneficiaries controlled this result. Equal thirds are case-specific, not a universal inheritance formula. Trust determination under the relevant Order 37 procedure is distinct from adverse possession and a general succession grant application.

[2025] KEELC 552 (KLR) - 14 February 2025. Source decision: https://new.kenyalaw.org/akn/ke/judgment/keelc/2025/552/eng@2025-02-14

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/ndiritu-another-v-ndiritu-2025-keelc-552-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.