Trustee Replying Affidavit Proposing Registration to Children Unsuccessful Position

Educational sample 458 | 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 [registered trustee] and acknowledge that [two parcels] are registered in my name. I admit the trust to the extent [precise admission], comprising my interest and those of [identified family branches]. The certified registers are [actual exhibits].

2. I oppose the proposed registration to [brother] and seek consideration of registration to [identified children] on the asserted basis [genuine trust term or arrangement]. The exact document or first-hand event supporting that position is [identified].

3. I distinguish my preference for younger beneficiaries from a legally binding variation of the trust. I disclose whether the adult brother consented and any document relied on. No consent, gift or disclaimer is invented by this reconstruction.

4. My objection to the widow is [actual pleaded allegation]. Any allegation of remarriage or dowry has the following admissible support [complete truthfully or state none]; suspicion does not prove exclusion from an admitted beneficial arrangement.

5. I disclose all restrictions, occupation and interests affecting transfer. If no lawful variation or exclusion is established, the beneficial rights must be determined on the proved trust rather than on my preference as registered proprietor.

6. I request only relief supported by that evidence and the actual pleadings, with implementation directions protecting all proved interests. The source court rejected the proposed exclusion and ordered equal registration; this affidavit does not represent a successful trustee argument.

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 source trustee did not testify and the proposed substitution and exclusion failed. This is newly drafted reply wording, not a recovered sworn affidavit.

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.