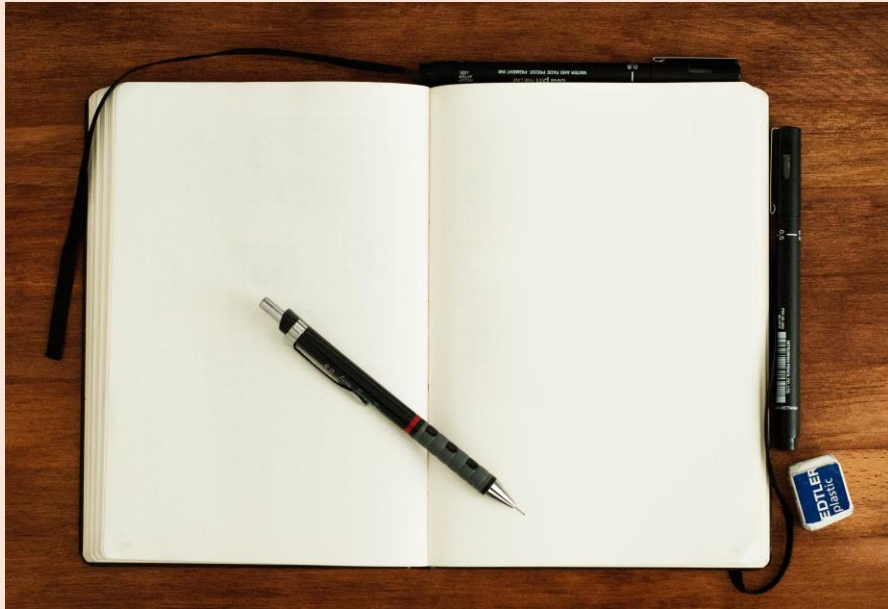


Duties of a Personal Representative in Estate Administration



A personal Representative is the person charged with dealing with the property of a deceased person. He can be appointed either by the deceased in his will or by the court upon application for a grant of administration where the deceased died without a will. Important to note is that an executor appointed by a will can begin undertaking any valid action with the deceased's estate before confirmation of grant. However, where the will does not appoint an executor or the deceased dies intestate, the personal representative is prohibited by law from dealing with the deceased's property before confirmation of a grant as this would amount to intermeddling which is an offence

under the Law of Succession Act . The following are the duties of a Personal Representative:

1. To pay out of the deceased's estate the expenses of a reasonable funeral for the deceased and collect all property belonging to the deceased. This includes taking account of debts owed to the deceased and moneys payable to his personal representatives due to his death.
2. To pay out of the estate of the deceased, all expenses of obtaining the grant and all other reasonable expenses of administration.
3. To ascertain and pay, out of the estate all his debts and to produce to the court a full and accurate inventory of the assets, liabilities and all dealings of the deceased up to the date of the account within six months from the date of the grant.
4. To distribute or to retain on trust all assets remaining after payment of expenses and debts and the income, according to the respective beneficial interests in the estate.
5. To complete the administration of the estate within six months from the date of confirmation of the grant. This applies to all matters concerning the estate except continuing trusts. The personal representative is also required to produce to the court a full and accurate account of the completed administration. Where the personal representative is unable to complete the administration within six months, they can approach the court for extension of time.
6. To complete the administration of the estate in respect of all matters other than continuing trusts and if required by the court and to produce to the court a full and accurate account of the completed administration.

Email: mail@aip-advocates.com
Tel: +254 722367647

