



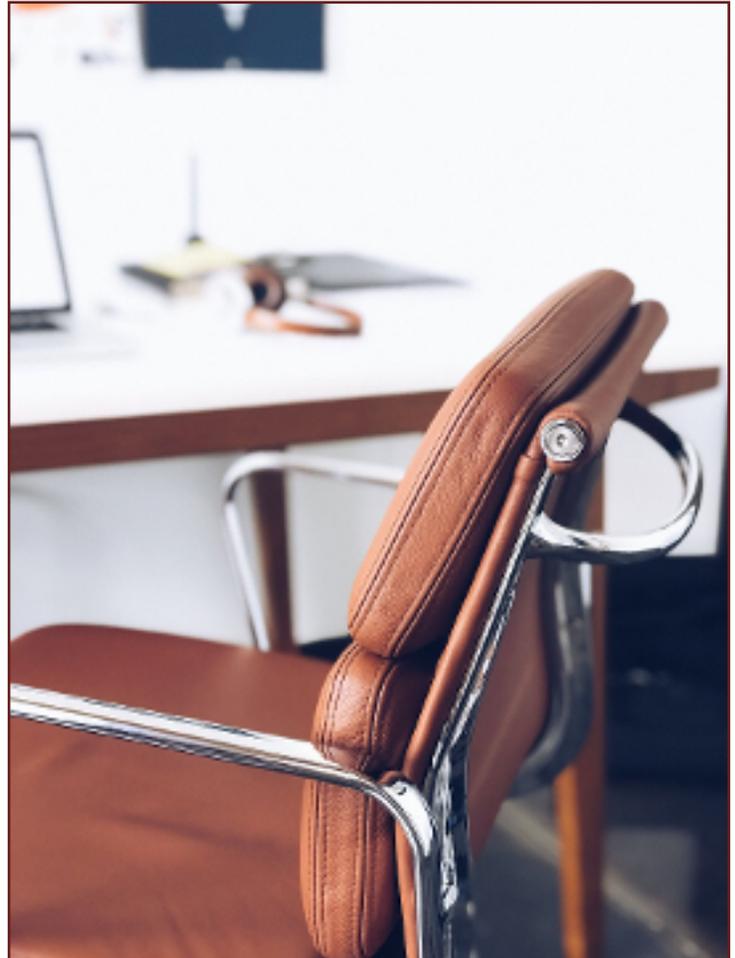
# Starting the Process of Administration of the Estate of a Deceased Person in Kenya

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It is prudent to administer the Estate of a deceased person within a reasonable time to avoid disputes that invariably arise when the process is delayed. The process starts as follows:

- A Petition is filed in Court by surviving dependants of the deceased such as a spouse or child in order to obtain letters of administration over the property of a deceased person.
- The Petition filed in Court is accompanied by the following documents:
  - I. A letter from the local area administration such as Area Chief giving particulars of the deceased dependants.
  - II. An affidavit giving sufficient details to identify the assets and liabilities of the deceased together with particulars of the deceased dependants, their relation to the deceased and their ages.
  - III. An affidavit of justification of proposed administrator(s) which states the net worth of the proposed administrators.
  - IV. An affidavit of justification of proposed sureties sworn by two people acting as sureties of the proposed administrator(s) with the sureties executing a guarantee that they will make good any loss which the estate of the deceased may suffer if the administrator breaches his/her duties in the administration of the estate to a set limit.
  - V. A Consent by all persons that are also legally entitled to obtain the grant of letters of administration indicating that they have agreed to the Petition.

- Once filed in court, a Petition is published in the Kenya Gazette as notice to members of the public of an application for grant of letters of administration.



A 30 day period is provided during which an objection may be made to the grant of the letters of administration to the Petitioner.

- Such grant gives the administrator power to manage the assets of the deceased but not the power to distribute the assets.
- To get the power to distribute the assets, the letters of administration have to be confirmed by the Court. Such confirmation is done after the lapse of a period of six months from the date of issue. However, the courts will in compelling cases (depending on the circumstances of the case) confirm a grant before the lapse of six months.