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| Case Number:                                                                                                                                                                                                                                                                                                             | Succession Cause 268 of 2007                                          |
| Date Delivered:                                                                                                                                                                                                                                                                                                          | 14 Dec 2009                                                           |
| Case Class:                                                                                                                                                                                                                                                                                                              | Civil                                                                 |
| Court:                                                                                                                                                                                                                                                                                                                   | High Court at Kericho                                                 |
| Case Action:                                                                                                                                                                                                                                                                                                             | Ruling                                                                |
| Judge:                                                                                                                                                                                                                                                                                                                   | Mary Atieno Ang'awa                                                   |
| Citation:                                                                                                                                                                                                                                                                                                                | IN RE THE MATTER OF THE ESTATE OF LANGOK TIONI (DECEASED) [2009] eKLR |
| Advocates:                                                                                                                                                                                                                                                                                                               | -                                                                     |
| Case Summary:                                                                                                                                                                                                                                                                                                            | -                                                                     |
| Court Division:                                                                                                                                                                                                                                                                                                          | -                                                                     |
| History Magistrates:                                                                                                                                                                                                                                                                                                     | -                                                                     |
| County:                                                                                                                                                                                                                                                                                                                  | -                                                                     |
| Docket Number:                                                                                                                                                                                                                                                                                                           | -                                                                     |
| History Docket Number:                                                                                                                                                                                                                                                                                                   | -                                                                     |
| Case Outcome:                                                                                                                                                                                                                                                                                                            | -                                                                     |
| History County:                                                                                                                                                                                                                                                                                                          | -                                                                     |
| Representation By Advocates:                                                                                                                                                                                                                                                                                             | -                                                                     |
| Advocates For:                                                                                                                                                                                                                                                                                                           | -                                                                     |
| Advocates Against:                                                                                                                                                                                                                                                                                                       | -                                                                     |
| Sum Awarded:                                                                                                                                                                                                                                                                                                             | -                                                                     |
| <p>The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.</p> |                                                                       |

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KERICHO Succession Cause 268 of 2007**

1. Family Law

2. The Law of Succession Act Cap 160 Laws of Kenya

**Subject of application**

**i) De Bonis non**

a) Deceased female adult aged 64 years old on 6<sup>th</sup> January, 1987.

b) Grant of letters intestate taken out by three nephews

i) Kipkemoi Arap Soi

ii) Kiprono Arap Cheruiyot

iii) Kiplongo Arap Chepkowny

c) Assets Kericho/Kipchimchim/1942 (Title deed 16<sup>th</sup> June, 1986).

d) Deceased had no children nor spouse

e) Letters granted on 14<sup>th</sup> November, 2007 (Koome J).

f) Letters granted

Confirmation on 4<sup>th</sup> December, 2008 (Ang'awa J)

g) All assets to Kipkemoi Arap Soi absolute

3. Kipkemoi Arap Soi passes away on 15<sup>th</sup> December, 2008.

4. Application 10<sup>th</sup> November, 2009 for *De Bonis non*

5. Held

- i) Application granted
- ii) Separate grant be done for deceased
- iii) Unique position

6. Case Law - Nil

7. Advocate –

Applicants in person

**IN THE MATTER OF THE ESTATE OF THE LATE**

**LANGOK TIONI ..... DECEASED**

**AND**

**KIPKEMOI ARAP SOI .....1<sup>ST</sup> PETITIONER**

**KIPRONO ARAP CHERUIYOT .....2<sup>ND</sup> PETITIONER/APPLICANT**

**KIPLONGO A. CHEPKWONY .....3<sup>RD</sup> PETITIONER/APPLICANT**

**RULING**

**De Bonis Non**

**I: Background**

1. The late Langok Tioni became the registered proprietor of land parcel Kericho/Kipchimchim/1942 on the 16<sup>th</sup> June, 1986. A land title certificate was issued to her on 17<sup>th</sup> June, 1986. The land was 0.07ha. Unfortunately on the 6<sup>th</sup> January, 1987 she passed away aged 64 years old at Nyagacho – Matobo, Kericho. She had no children nor spouses, but she was survived by three nephews being
  - i) Kipkemoi Arap Soi
  - ii) Kiprono Arap Cheruiyot
  - and iii) Kiplongo A. Chepkwony
  
2. The three jointly applied for letters of grant administration intestate on 17<sup>th</sup> September, 2007. This was granted by this Court, after due formalities were fulfilled on 14<sup>th</sup> November, 2007 (*Koome J*). On the 4<sup>th</sup> December, 2008 almost a year later the letters of grant were confirmed (*Ang'awa J*) whereby the assets of L.R. Kericho/Kipchimchim/1942 was given absolute to Kipkemoi Arap Soi the 1<sup>st</sup> administrator.

**II: De Bonis non**

3. Unfortunately, on the 15<sup>th</sup> December, 2008 the said Kipkemoi Arap Soi being the 1<sup>st</sup> administrator passed away. By an application dated 3<sup>rd</sup> September, 2009 later withdrew and another of 10<sup>th</sup> November, 2009 filed, the applicant and son to the said Kipkemoi Arap Soi prayed that he may be permitted to take over the administration of the estate in place of his late father.
  
4. The application known as *De Bonis non* is simply to complete the estate. There are two other administrators who make complete the estate. What is unique in this case is that Kipkemoi Arap Soi is also the heir absolute to the estate. It would mean after the deceased estate of Langok Tioni is complete another probate must be done for Kipkemoi Arap Soi touching on his estate as he now has two positions to be dealt with namely an administrator and an heir.
  
5. The application for *De Bonis non* is granted to Stanley Kipkoech Kirui.

6. Costs to the Estate.

DATED this 14<sup>th</sup> day of December, 2009 at KERICHO

**M.A. ANG'AWA**

**JUDGE**

Applicants in person



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