

SECTION A

1. Mr. Lozi, a seventy five year old businessman owns properties in Nairobi, Mombasa, Nakuru and a bank account in H.S.B.C Bank in London.

Two months ago he was diagnosed with a brain tumor. Since then, he has been on very strong medication as a result of which he suffers loss of memory. On going to see his doctor about a week ago, he was advised that his treatment needed to be changed as there was no improvement in his condition.

Upon reaching his residence Mr. Lozi decided to put his house in order by writing a will. Consequently he sent his Advocate an e-mail detailing his instructions as follows:

Firstly, he listed his assets and beneficiaries then stated that he wished to bequeath all his properties to his last born son, Johnny because Johnny had been taking care of him since the onset of his illness. Secondly, he informed the Advocate that he would go to his chambers the following day to sign the will.

However, Mr. Lozi died that night survived by his wife, Mary, two sons and two daughters. During the funeral arrangements three women appeared laying claims to Lozi's estate. The first one stated that she was married to the deceased under African Customary Law, but he divorced her because she was childless.

The second woman appeared with two children saying that she had been cohabiting with the deceased for ten years, during which time he used to maintain her and the children.

The third came with a three month old baby girl who was a spitting image of the deceased stating that the deceased was her boyfriend and apart from paying her rent, he used to pay her college fees. However, he had stopped seeing or supporting her upon the delivery of her child.

After the burial, the widow and the three women have sought legal advice from their respective advocates.

Advise each of the four women on their and their children's entitlement to the deceased's estate and the specific steps required in pursuing their respective claims.

(15 Marks)

2. (a) Miss Kalii was a soldier based at Langata Barracks. She was sent to Sierra Leone on a three-month peace keeping mission. Before her departure she called her cousin Mweni and informed her that she would wish to leave all her property to her fiancée Jude. She later left the country and completed her service period without any incident. A week after arrival back to Langata Barracks, Kalii got a bout of Malaria and died.

Kalii's mother and fiancée have come to you for legal assistance. Assist them accordingly.

(7 marks)