

SECTION A

1. Mr. Jenó, a wealthy man, died testate a month ago survived by two widows, one married under the Marriage Act, Cap. 150 Laws of Kenya and the other married under customary law. The widows had three children each of majority age.

During the funeral arrangements, a woman and her two daughters came to attend the meeting but were chased away by the two widows. However, she shouted that she was the deceased's widow as she used to cohabit with the deceased in Shambani Estate, Westlands.

Furthermore, another woman came to the deceased's premises with a young child. She claimed that she was the deceased's girlfriend and that the deceased used to give her money for the child's upkeep.

Finally the deceased's mother appeared screaming loudly stating that she would now be destitute since the deceased was her only son and used to take care of her.

Whilst mourners were outside the house, the deceased's brother took the deceased's clothes, shoes, an Omega Watch and some household goods and drove off with the deceased's car.

The deceased had left a will in which he had named only his two widows and six children. After the burial of the deceased the two widows and their six children have come to you with the will.

In the meantime, the deceased's mother, the cohabitee and the deceased's girlfriend have gone to see another Advocate for advice.

- a) Discuss the advice that you and the other Advocate would give each of the persons involved. **(9 marks)**

- b) Discuss the specific steps that you and the other Advocate would take to ensure that your clients get their respective shares of the estate if at all. **(6 marks)**

2. Asker comes to your chambers and tells you the following:

"My father had two wives and he died without leaving a will. I have three younger brothers aged 10 to 16 years. My step-sister Mary who is an adult took out letters of administration of my late father's estate. She did not mention me, my brother and my mother in any of the documents. Mary only mentioned her mother and brother aged 10. Mary is the sole administrator of the estate. I don't think this is fair. Please help me."

- i) Asker needs your advice on the issues and what actions can be taken to ensure that she, her mother and her brother get their rightful share. **(10 marks)**

- ii) Asker's mother owns a house together with her late father. Asker noticed that it is among the properties that have been listed as part of the deceased's estate. Asker wants to know the implications of this with regard to the Law of Succession. **(5 marks)**