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EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES

REGISTRATION NUMBER:

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CENTRE:  Co-operative University  JKUAT  KASNEB  Kenya School of Law

ATP102: PROBATE & ADMINISTRATION

Examination Series: November 2025

Date: 24<sup>TH</sup> November 2025

Time: 09:00AM - 12:00PM

Duration: 3 hours

Instructions to Candidates:

- Enter your registration number and tick the exam Centre in the space provided.
- Answer **FIVE (5)** questions, including question **ONE**, which is **COMPULSORY**.
- Question **ONE** carries **20 Marks**. All other questions carry **10 Marks** each.
- Attempt each question in the space provided.
- Answers **MUST** be supported by relevant statutory provisions and case law where required.
- Do not write your name in the booklet.
- Ensure your handwriting is **LEGIBLE**.

FOR EXAMINER'S USE ONLY

Question Number	Examiner		Internal Moderator		External Moderator		Quality Assurer	
	Mark	Initials	Mark	Initials	Mark	Initials	Mark	Initials
1.								
2.								
3.								
4.								
5.								
6.								
Total Marks								



## QUESTION ONE

Mr. Burrows, a senior bachelor, owned various movable and immovable assets. He sired a son out of wedlock with Betty when they were in college. He took responsibility then, named the son Lenny Peters Burrows. His name appeared as the father in the child's birth certificate. He parted ways with Betty seven years after college upon finding her red-handed with another man. He had left her with Lenny, indicating that he did not wish to see either of them again. Due to the heartbreak, Burrows decided never to marry.

A few years later when Lenny was set to join a secondary school, having passed the primary school national examinations with flying colors, Betty, who had lost her job, requested Burrows to help her pay Lenny's secondary school fees. Burrows accepted to help on condition that none of them would come near him, and for the four years Lenny was in school, Burrows paid the requisite fees directly to the school, but had no physical contact with him or his mother Betty.

When Lenny subsequently passed his secondary school and was admitted to study Medicine at the University of Mount Pleasant, Betty again approached Burrows for financial help. He obliged and gave her money to cater for the admission and first semester fees, but insisted that Lenny should apply for the government loan and bursary moving forward. Thereafter, he stopped paying Lenny's fees. However, he decided to nominate Lenny as the next of kin in Manhattan Savings and Credit Co-operative Society, where he was a member with 1000 shares. Simultaneously, Burrows made a Will to put his house in order.

Although Burrows never married, he had a long-term relationship with a lady called Lisa that commenced in 2015. Burrows supported Lisa financially and also paid school fees for her daughter Marie. Lisa accompanied him in all family functions, where he introduced her as his personal assistant. Although she never lived with him in the same house continuously, she usually spent weekends in his house and they also went on holidays together. He had financed her to open a signature perfume shop in Brooklyn Mall for which she was registered as the sole proprietor trading as B&L Signature Perfumes. Together, they also jointly owned a sectional property title as tenants in common in apartment number 1401 in same mall.

According to Burrow's will, he bequeathed his property as follows:

- i. Town house in Bridgerton - to my nephew Phil.
- ii. Bungalow in Victoria Lane - to my niece Patience.
- iii. Money in the bank account at Preston Bank - to my sister Emily.
- iv. 50 Acre piece of land in Whispering Hills - to Garden of Eden Charitable organization.
- v. BMW X5 - to my friend and confidant - to Mr. Crawford.
- vi. Suits and clothing - to be shared between my two brothers.
- vii. Household furniture, cutlery and related items - to my P.A. Lisa.
- viii. Shares in Manhattan Savings & Credit Co-operative Society - to Bradley.
- ix. Apartment No. 1401 Brooklyn Mall - to Neil.
- x. Investment in B&L Signature Perfumes - to my father Fredrick.

The executor of the will indicated as Mr. Crawford. The will was duly witnessed.

Last year, Mr. Burrows was travelling in a helicopter, which crashed at Whispering Hills Forest. All on board died. He was survived by his father Fredrick, his two brothers Neil and Bradley and his twin sister Emily.

After the burial, his lawyer called the family for the reading of the will. In light of the above narrative, consider the following scenarios:

- a) Lenny Peters Burrows, as his Identity card reads, is in third year of medical school. He gets wind of the will and believes that he is entitled to inherit the entire, if not the biggest, portion of his deceased father's estate. He has approached Legal Aid Centre where you work and the file has been allocated to you. With the help of statutory provisions and case law, discuss Lenny's options in relation to his claim. **(5 marks)**
- b) On the other hand, Lisa feels that she was more than a girlfriend as she cooked, cleaned and performed wifely duties for the deceased. She considered herself a wife and according to her, household effects are nothing compared to the vast estate. She has filed a case laying a claim to a bigger share of inheritance as a wife of the deceased. You are a Court researcher attached to Justice Atkins and you have been asked to research on the matter. Evaluate Lisa's case based on the existing legal position. **(5 marks)**
- c) In the meantime, Fredrick has threatened to chase Lisa from B&L Signature Perfumes business as not only was it bequeathed to him, but also the B in B&L stands for Burrows. On the other hand, Neil has given Lisa 30 days' notice to vacate Apartment 1401. Lisa has in return written a letter to Neil telling him that since her name is in the title deed, it wholly belongs to her, since an apartment cannot be divided into two portions.  
  
Analyze the legal position of the bequests given to Fredrick and Neil in light of these arguments. **(4 marks)**
- d) Brad and Lenny got into an altercation regarding Manhattan Savings and Credit Co-operative Society. You are a pupil at the Public Trustee offices and they have jointly come to you for advice on this bequest. Write a short opinion on the advice you would offer to the parties. **(3 marks)**
- e) Mr. Crawford has approached your firm to initiate the succession process. Identify the type of petition you will file in court, distinguishing it from the application you would have filed had Burrows not left a will. **(3 marks)**



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**QUESTION TWO**

Ambrose and Winnie are long-term business partners with Winnie having been the sole supplier of beef to Ambrose's chain of supermarkets since 2005. In March 2024, Ambrose was taken ill and, despite being flown abroad for very specialized medical attention, he succumbed to what was later diagnosed as an acute case of lymphoma. By the time of his death, the supermarket owed Winnie a sum of two million, five hundred thousand (Kshs 2,500,000/=).

After the funeral, Winnie discussed her business situation with Ambrose's widow, Beryl, who promised to start the process of administration of her deceased husband's estate to enable the family to get the legal basis to settle the debts owed by the supermarkets. Despite a number of follow-ups, Beryl does not commence the process, leaving Winnie very frustrated. It becomes apparent to Winnie that Beryl is not keen on getting the process done.

Winnie seeks your legal advice on what options she has available. Relying on relevant legal provisions as may have been interpreted by courts, render a concise legal opinion noting to explain the step-by-step process involved. **(10 marks)**

REGISTRATION NUMBER

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**QUESTION THREE**

Scott is a foreign national who owns an apartment in Kilimani Nairobi, a maisonette in London, two Toyota cars in Nairobi, a Mercedes Benz in London, an account at Equity Bank Nairobi and another account in Absa Bank London. He died in 2024, leaving a will in London in which he bequeathed all his assets to his two sons in the UK.

Scott had a Kenyan family and was married to Tabitha with whom they had a daughter. They used to stay at the Kilimani Apartment as their matrimonial home. After his death, the sons in UK reiterated that they are the only lawful heirs as per the will. Therefore, Tabitha is afraid that she may be disinherited and that her daughter may not have a home.

- a) Advise Tabitha on the key legal considerations in applying for grant with regard to Scott's movable and immovable assets. **(6 Marks)**
- b) Formulate the possible outcome on distribution of Scotts estate. **(4 Marks)**

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**QUESTION FOUR**

John died intestate on 5 August 2021. He left behind two wives, Jane, the first and Sabina, the second. Jane's children Kelly and Nelly are all adults, while Sabina's children Kelvin and Calvin are still school going. Following his death, Kelly who is an advocate together with her mother, Jane applied for letters of administration on 3rd August 2025 without the knowledge of Sabina and her children. Sabina came to know about it when her friend, who works at the Government Printer, sent her a copy of the Gazette Notice of the Magistrates' court in Kandara, Succession Cause No. E055 of 2025 relating to the intended appointment of Kelly and Jane as proposed administrators of John's estate.

Sabina rushes to your office with a copy of the gazette notice. She has been advised that unless an urgent intervention is made, she, together with her children, risk being rendered destitute. Already, her children have been sent away from school despite their father having left behind substantial sums of monies in his bank accounts, details of which Sabina is privy to.

Based on the factual scenario:

- a) Draft an appropriate application to be filed in court on behalf of Sabina and her children to address her concerns. **(6 marks)**
  
- b) Assuming that the parties eventually agree, and joint administrators that are appointed to manage the estate, reach out to you for advice. Then before the confirmation of the Grant, Sabina discovers that Jane and Kelly have, since the death of John, been collecting rent from rental houses that the deceased owns in Nairobi. The rental income from the estate has neither been disclosed nor accounted for. Advise Sabina on the remedies (if any) that she may have in law against Jane and Kelly. **(4 marks)**

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**QUESTION SIX**

Mr. Katana's father, Charo, died two years ago. He did not leave a will, but it was understood by the family that his first-born son, Rashid, would ensure that his property is distributed between <sup>Rashid</sup> himself, his widow Amina and his children Maria, Mwadime and Katana according to the law. Rashid obtained letters of administration and began the process of distributing the estate of his father. Unfortunately, Rashid became suddenly ill and passed away while the process of distribution was still ongoing.

By the time of his death, Rashid had not yet facilitated the transmission of the titles of properties to the beneficiaries. Thus, Mr. Katana feels that the responsibility of settling his father's estate now rests with him. He approaches you, a well-known family lawyer, to advise him on the steps he should take to complete the process of administration. Advise him on the following:

- a) Whether it is possible for him to take over and complete the administration of the estate. (5 marks)
- b) What process he ought to take to get authority to administer the estate. (5 marks)

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