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EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES

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CENTRE: Co-operative University JKUAT Kenya School of Law

ATP102: PROBATE & ADMINISTRATION

Examination Series: April 2026

Date: 15th April 2026

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

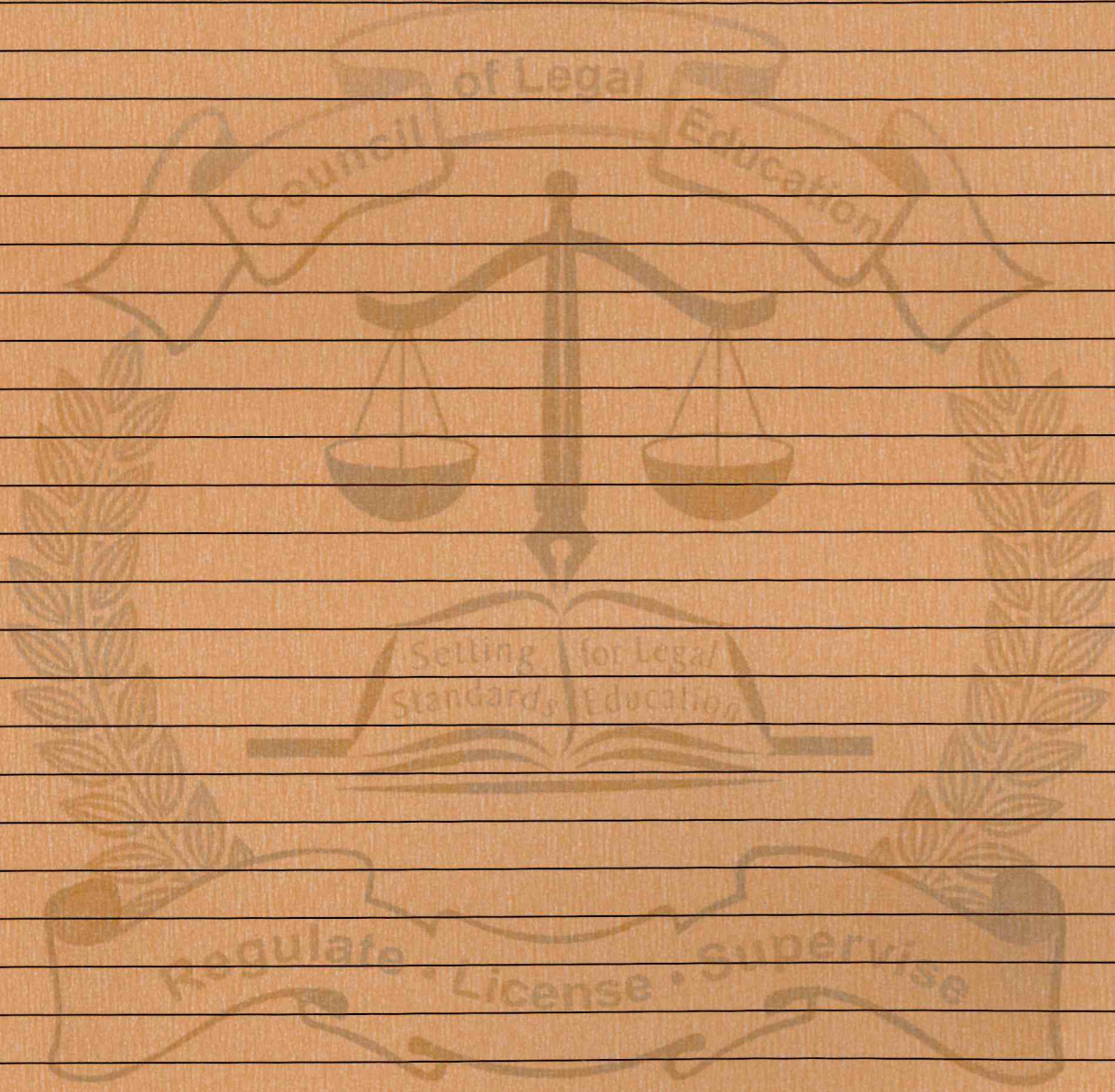
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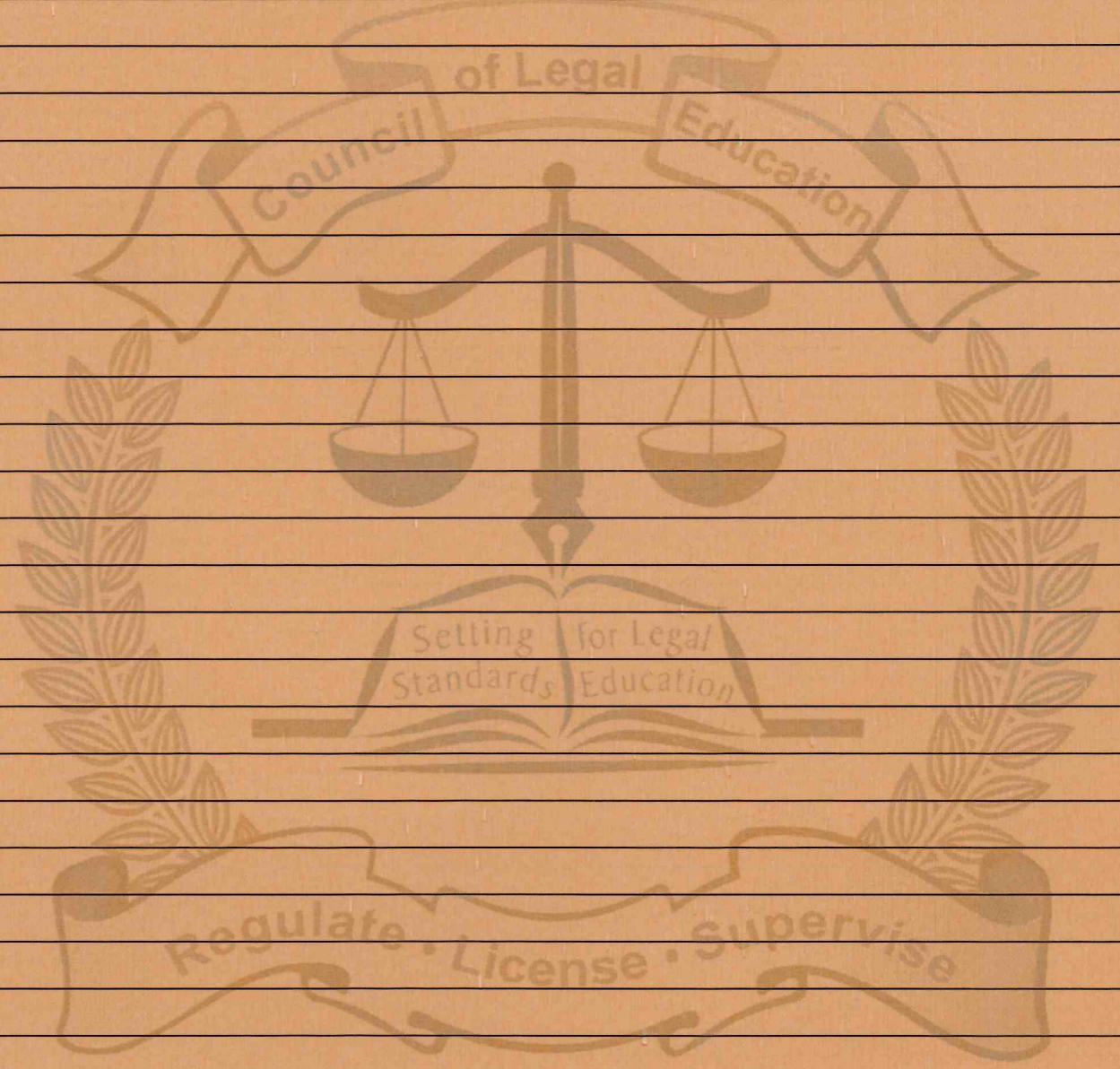
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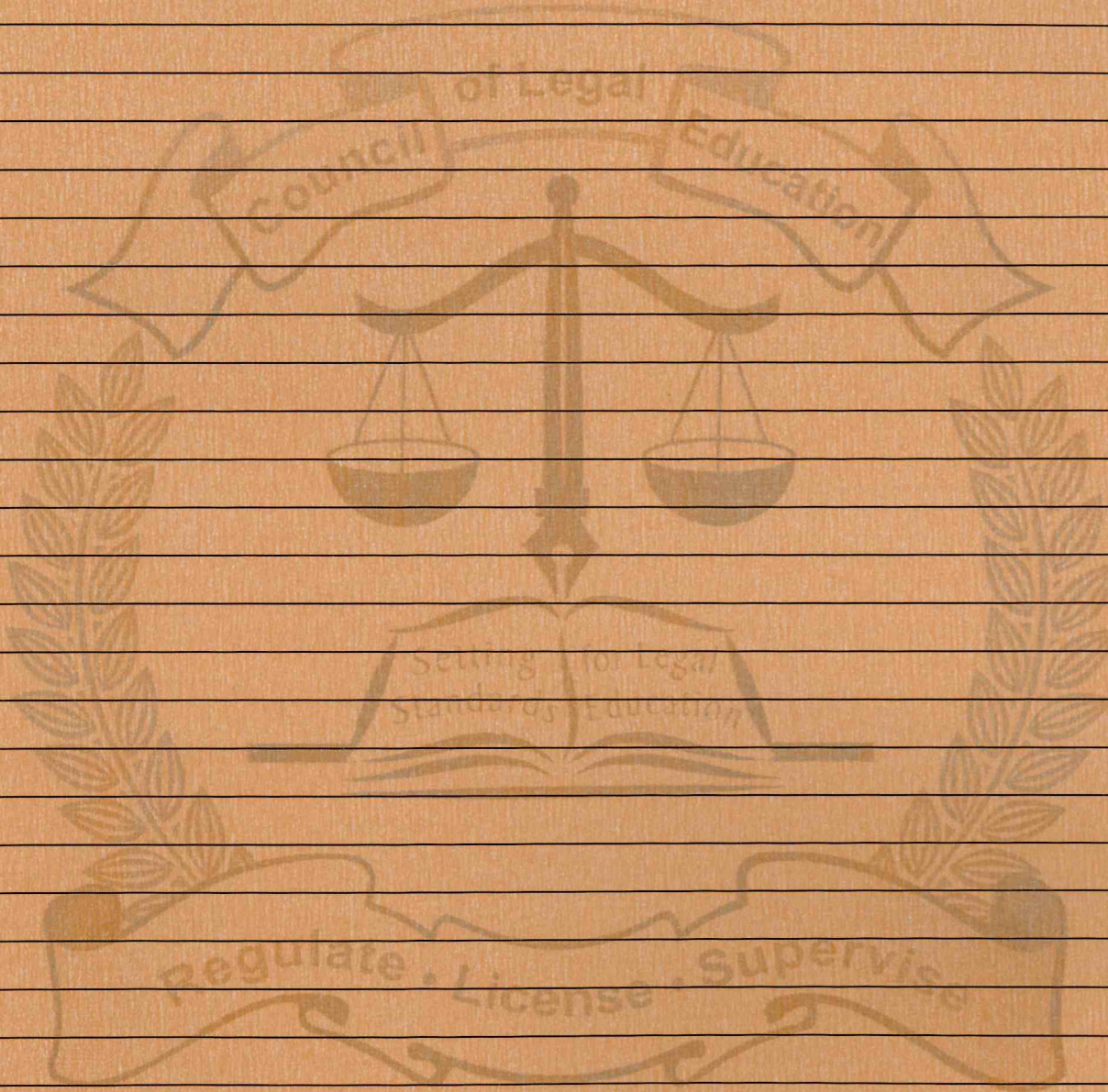
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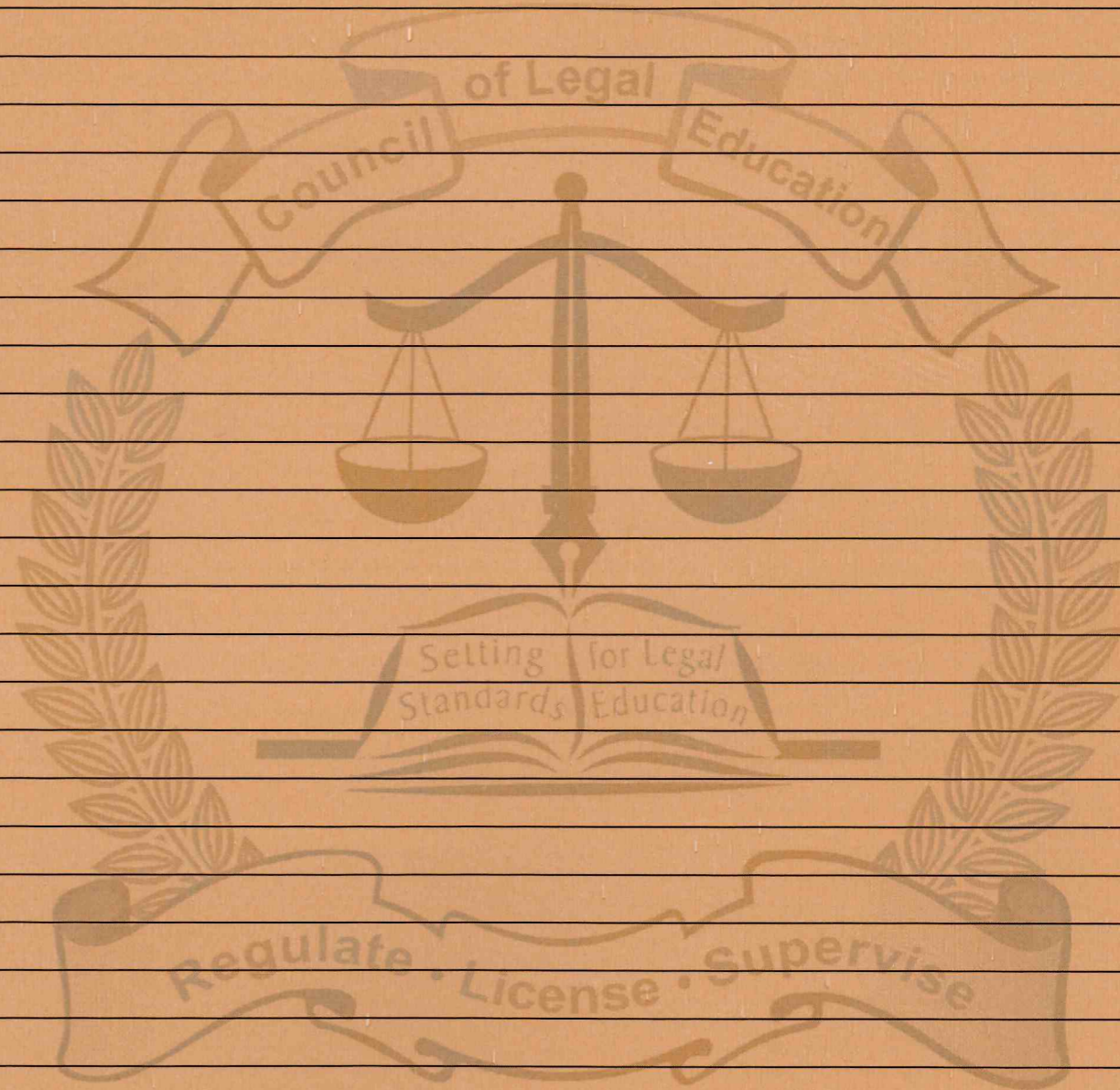
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QUESTION TWO

Three years ago, Mr. Majani was diagnosed with a terminal disease. The doctors informed him that he was likely to die within six months. He relayed this diagnosis to his family and proceeded to start the process of gifting his properties to his children, Rose and Sam, and his wife Saumu. He then waited for what he believed was his inevitable death. Two months after the diagnosis, members of his extended family decided to sponsor him to try a new experimental treatment in India. This treatment proved successful and he was declared to be in complete remission after a year. By this time, he had already transferred some of his cash assets to his children and had prepared deeds to initiate the transfer of his land to his wife and other relatives. Upon receiving the news that he was no longer in danger of imminent death, he stopped the processes of transfer. One month ago, Mr. Majani was killed in a road traffic accident. His wife has found the incomplete transfer documents in his belongings and has come to you for consultation.

- a) With the aid of relevant legal authorities, advise her on the status of these gifts made by her late husband. **(6 marks)**
- b) Advise Saumu on the next steps she should take. **(4 marks)**

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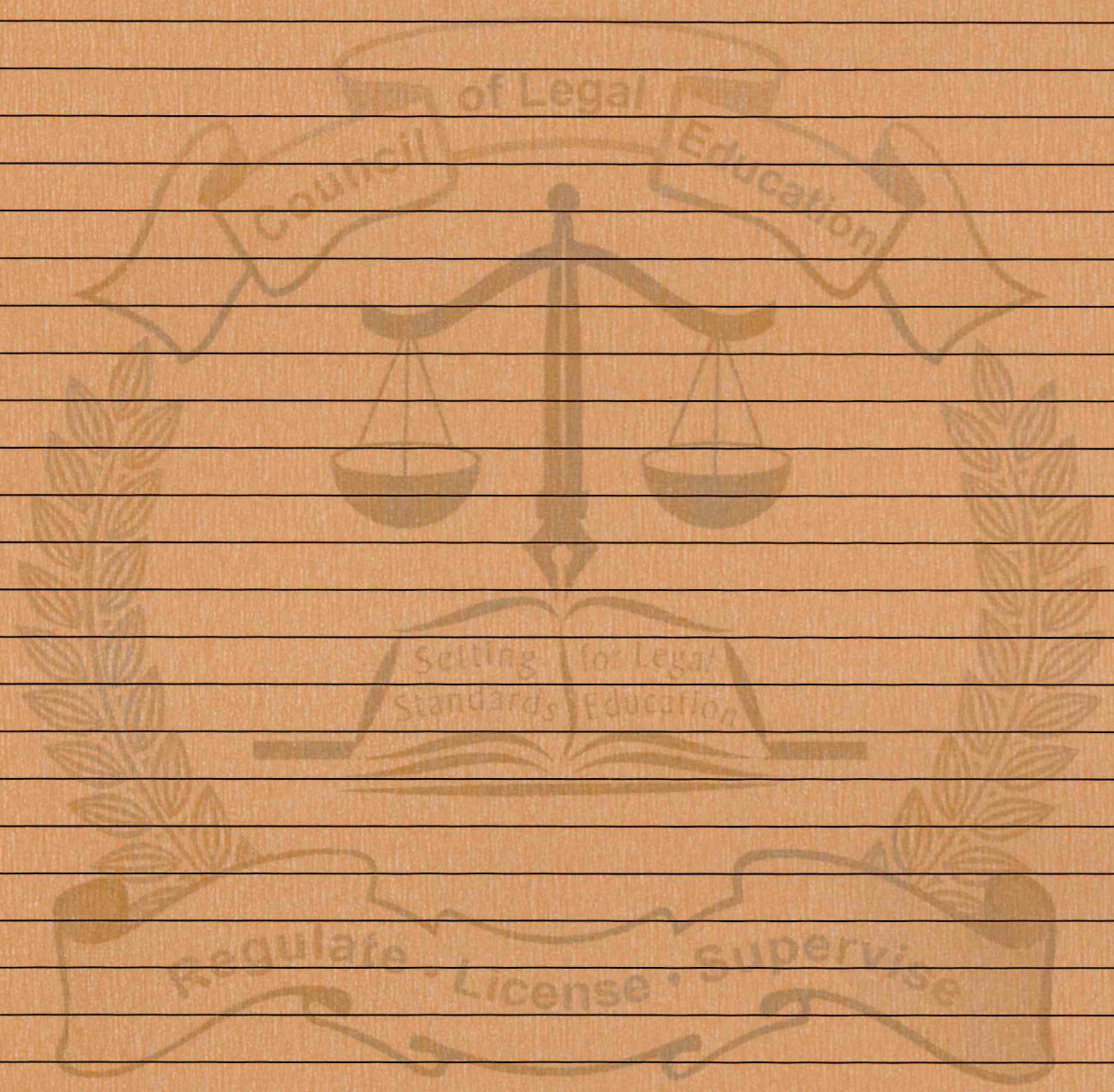
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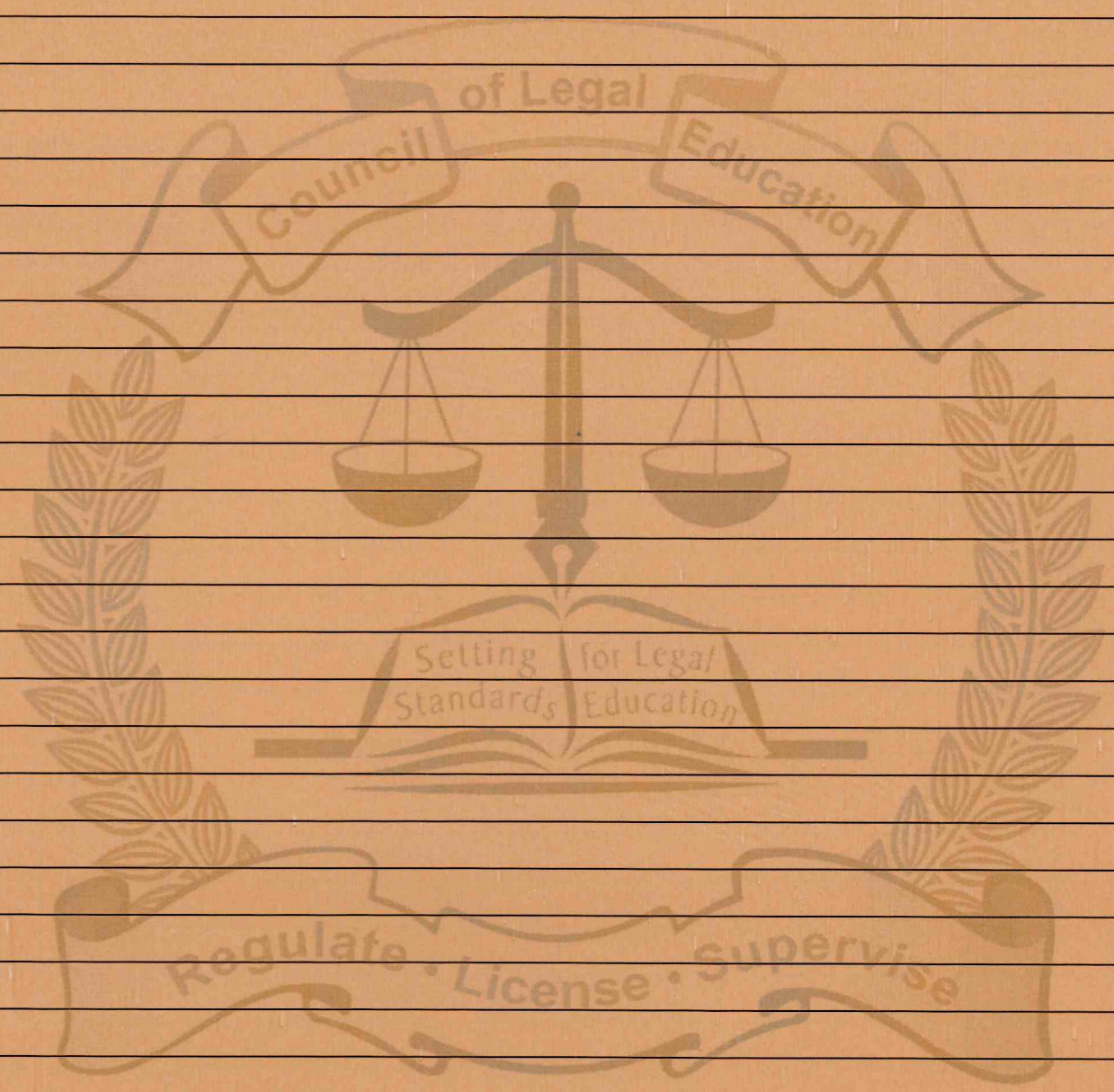
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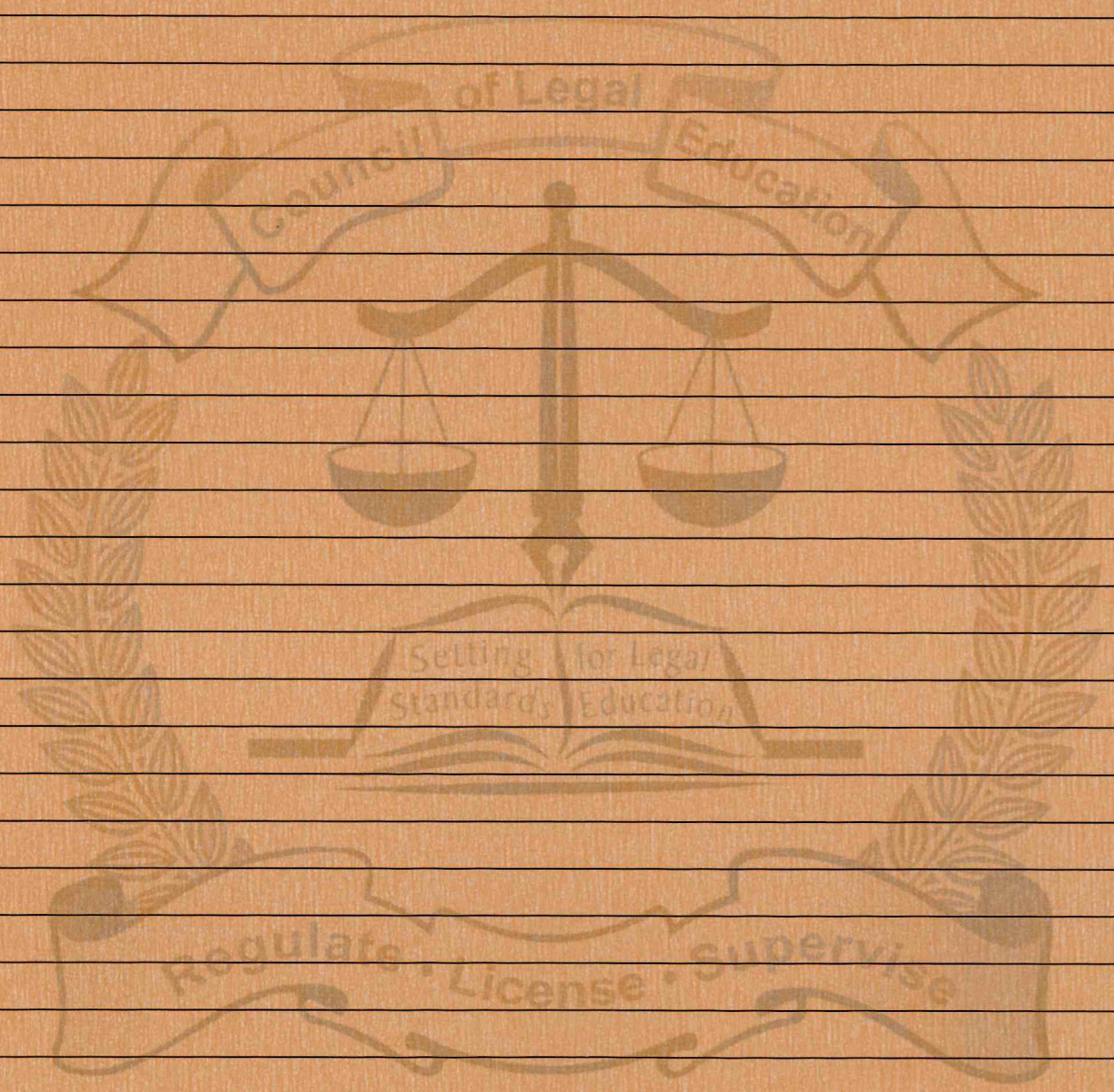
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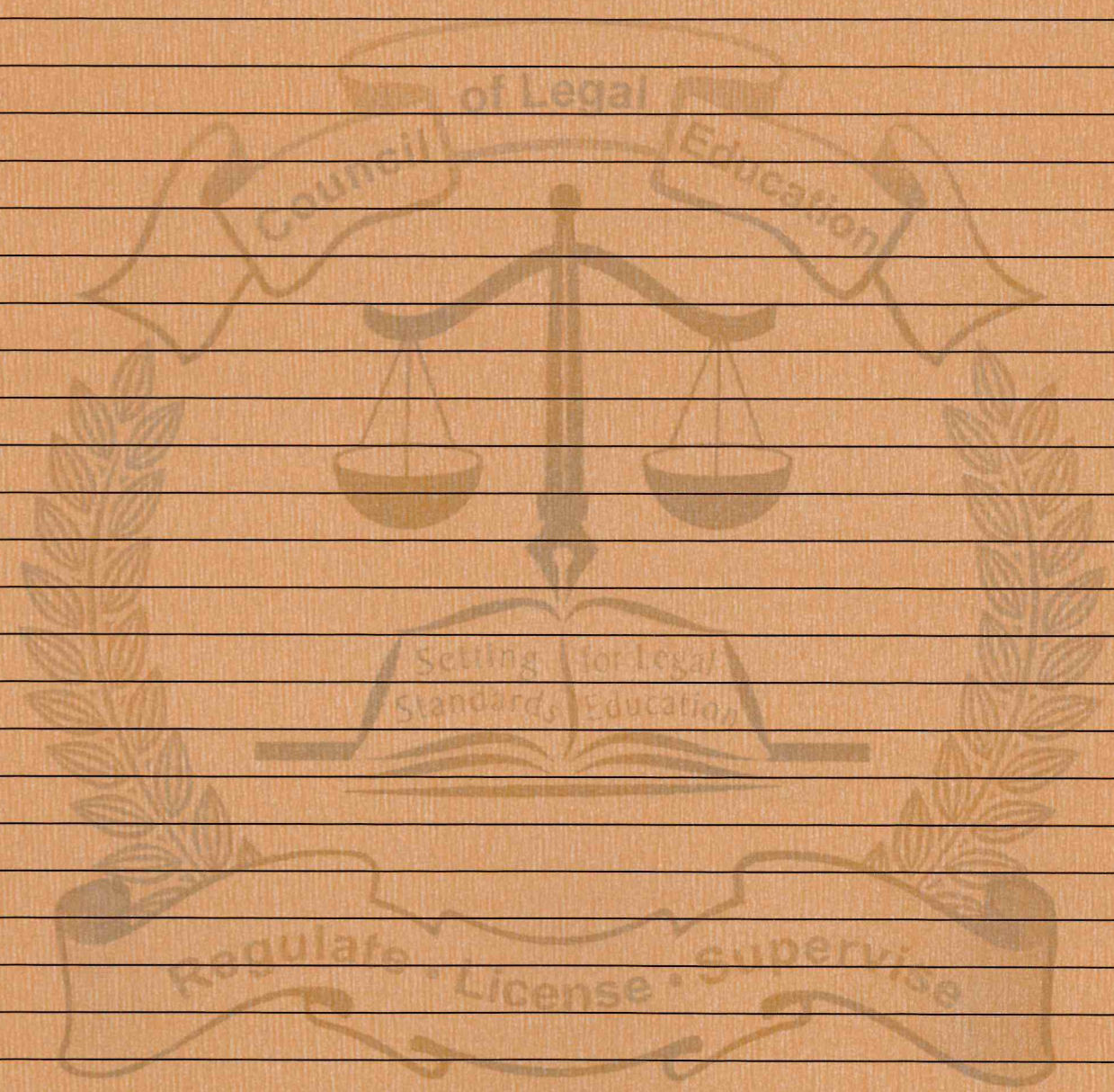
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QUESTION FOUR

Philip, a renowned legal practitioner died intestate. He left behind a wife and seven children, all of whom are adults: three boys and four girls. All the children together with their mother consented to the issuance of letters of administration to Jacob and John, who are the first born and second born respectively. The administrators have now applied for confirmation of the grant and have filed in court a proposal on the mode of distribution of the assets. In that proposal, all the prime properties located in the cities have been earmarked for inheritance by the boys while girls have been proposed to share an acre of land located near the homestead. The girls are unhappy with the proposal and have reached out to you seeking your advice. The matter is scheduled for confirmation of the grant in court in a fortnight and they are extremely anxious.

- a) Advise the girls on whether they have any remedy in law against the administrators. **(2 marks)**
- b) Assuming the grant is eventually confirmed. The administrators have now discovered that some properties of the deceased were left out at the time of confirmation of the grant. They have now brought to your office evidence of the property that was left out which was not in their knowledge. Explain to them the process that would entail in addressing this issue. **(4 marks)**
- c) Ten years later, long after the deceased's property was distributed following the confirmation of grant, two male adults, John and Peter appear one morning to your office. They inform you that they got wind that Philip is their father who sired them while he undertook studies at the University of Oxford some thirty years ago. They have been trying to trace him but were unable owing to miscommunication between Philip and their mother. They are happy to have finally traced their roots but sad to learn that their father passed on. Above all, they have expressed interest in inheriting a share of their deceased father as this would assist them have closure on the issue. They issue you with urgent instructions to enable them achieve their objective. Advise them on the process that you will undertake to enable them achieve their desired objective. **(4 marks)**

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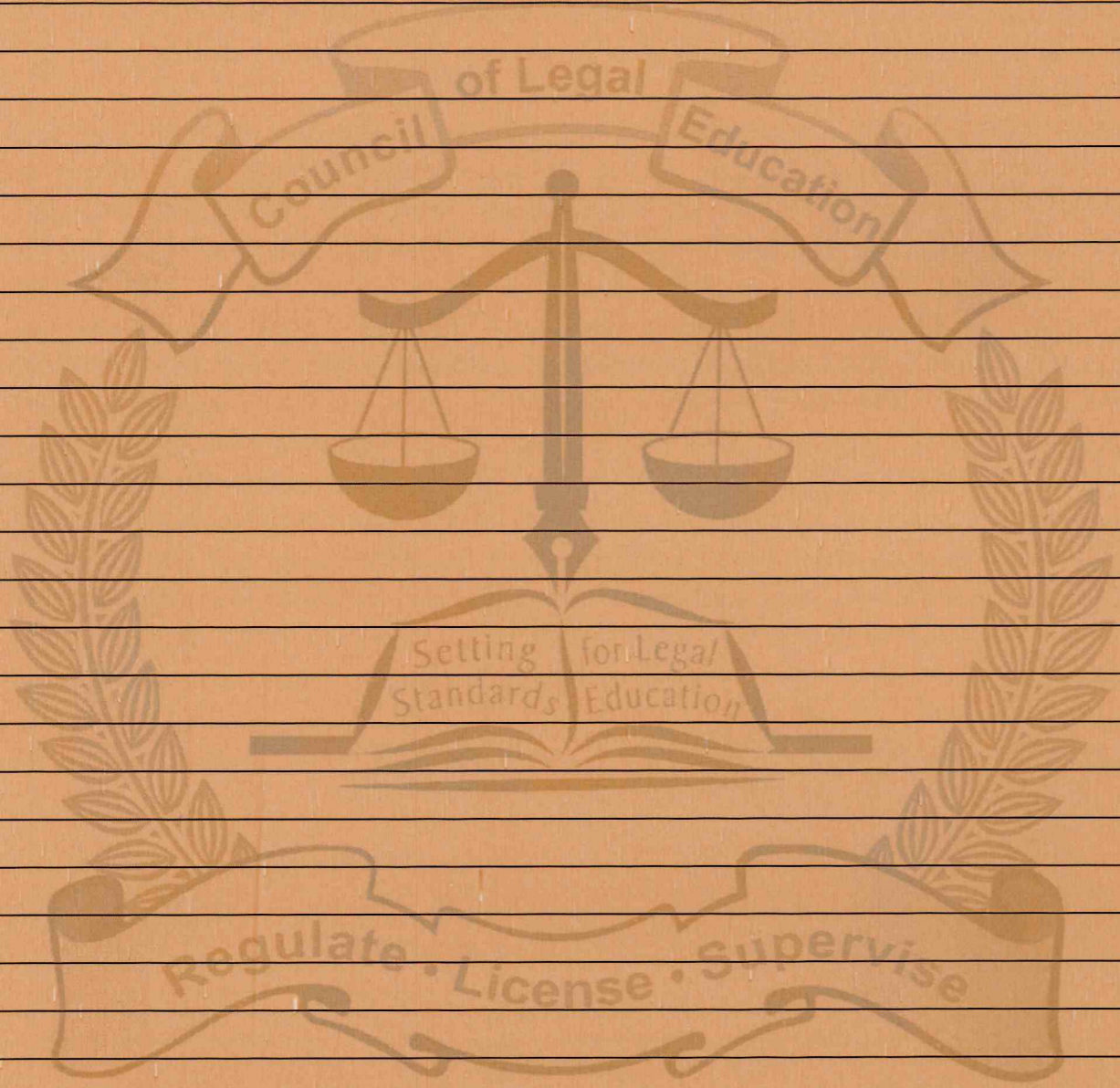
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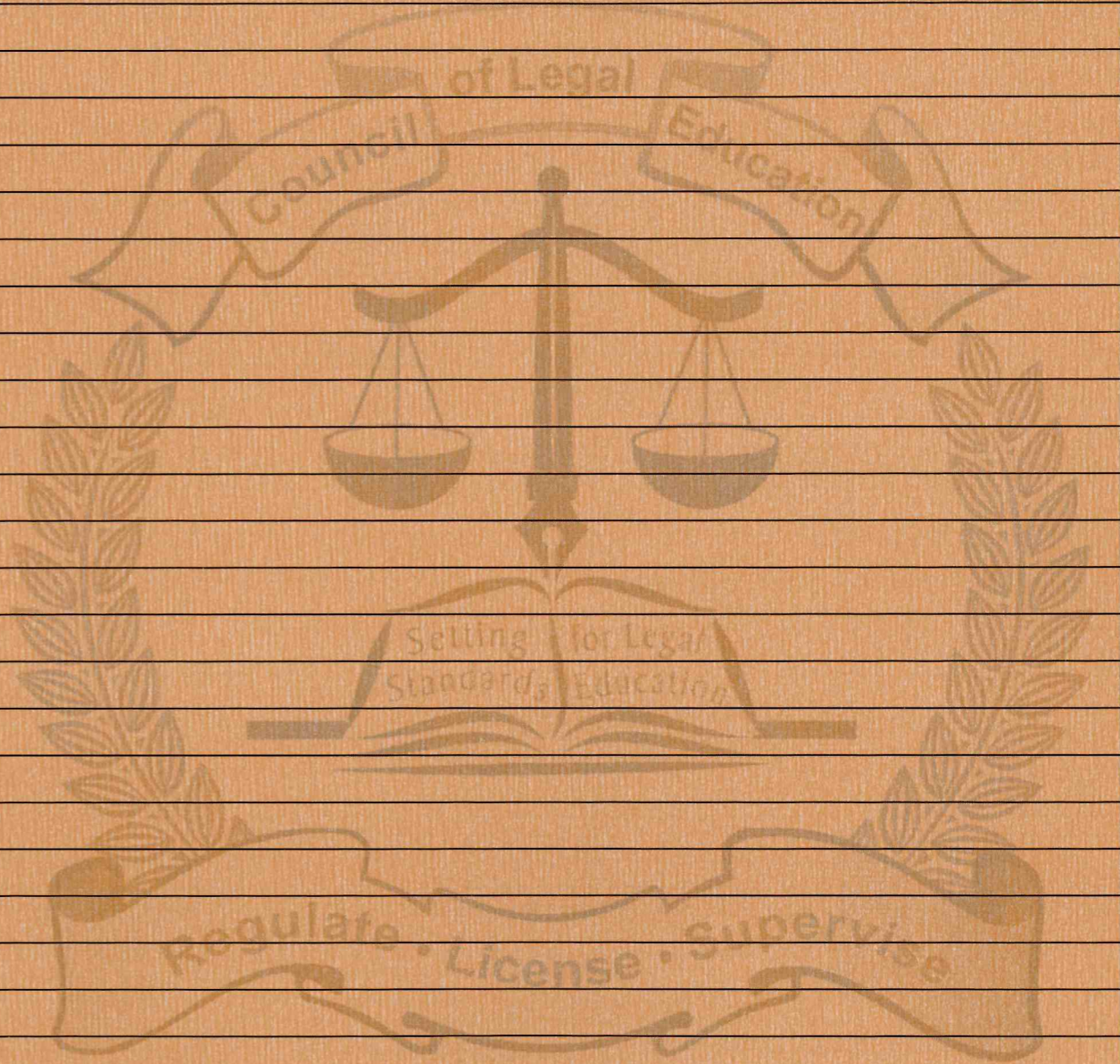
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QUESTION FIVE

Karisa died testate in the year 2024. He appointed his friend, Jude, as the executor of his will. Clause 5 (b) of the will provides in part that “I give the rest, residue, and remainder of my estate to my brother Ken.” Karisa also bequeathed most of his property to his wife, Martha under the will.

Jude dies a year after Karisa’s death before the process of succession of Karisa’s estate is completed. By the time of Jude’s death, the requisite petition had been filed in court. The beneficiaries have now approached you for advice on the way forward.

- a) Formulate a legal solution out of this quagmire for their consideration. **(4 marks)**
- b) Distinguish between your recommended approach in (a) above, and the approach you would recommend in case of intestacy process where an administrator dies before a grant is confirmed by court. **(4 marks)**
- c) Jane, one of the beneficiaries in Karisa’s will dies before the process is completed. Apart from her bequest under the will, Jane does not have any other known properties. She has left behind 2 children. Jane’s children have been told that there is no need to engage in succession for her estate for reason that nothing was left behind by their mother. Assess the legal validity of this advice. **(2 marks)**

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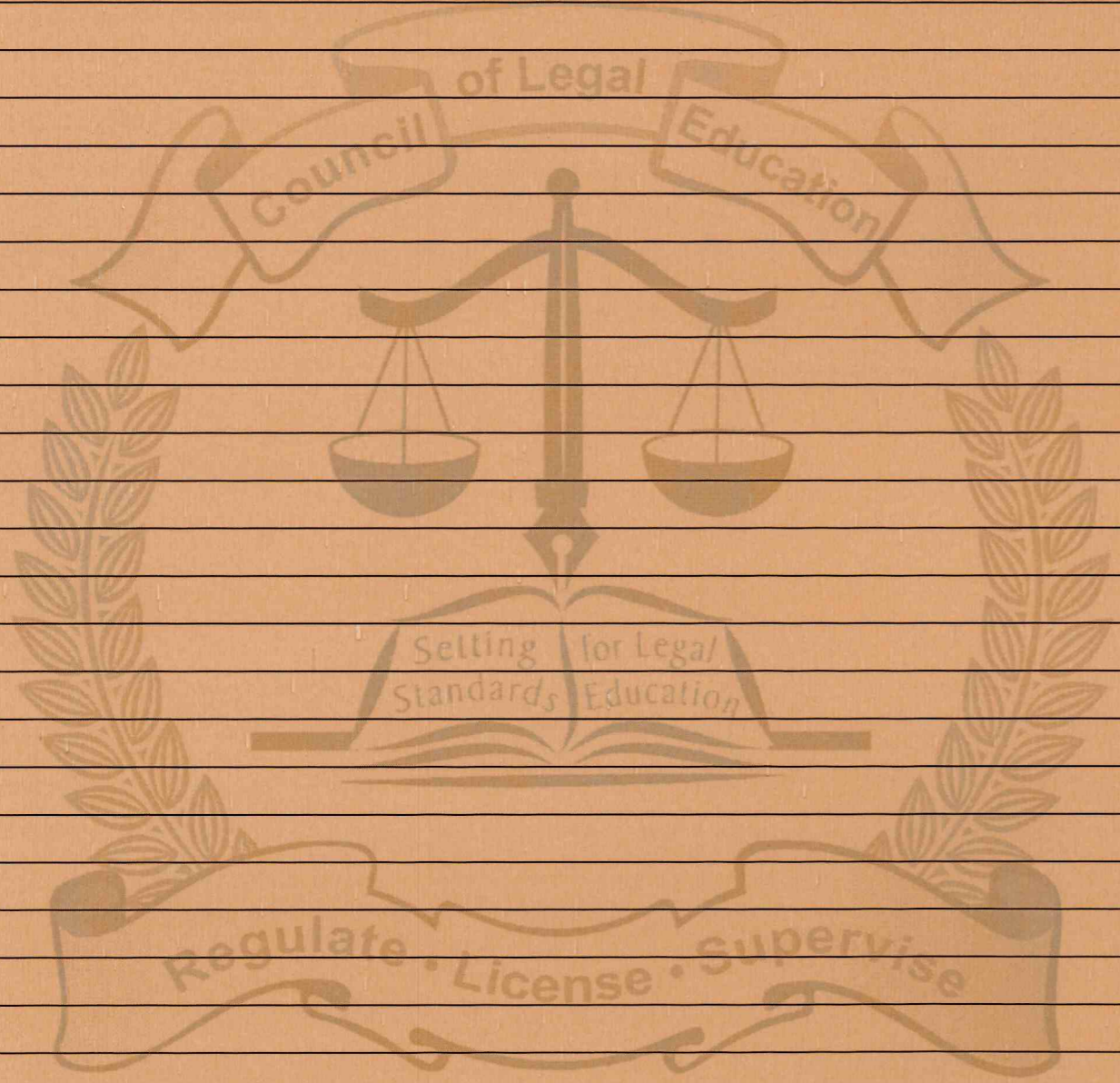
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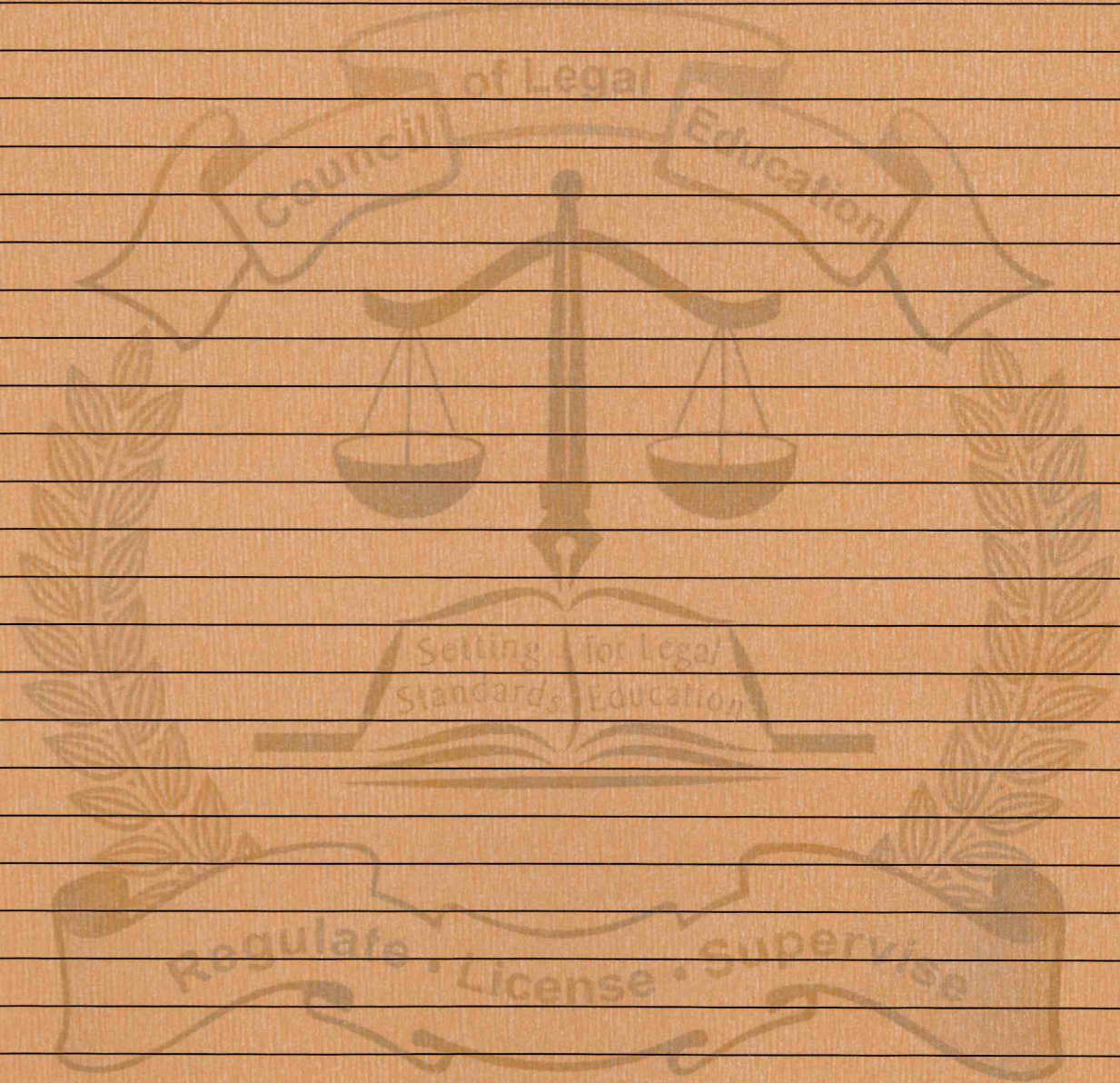
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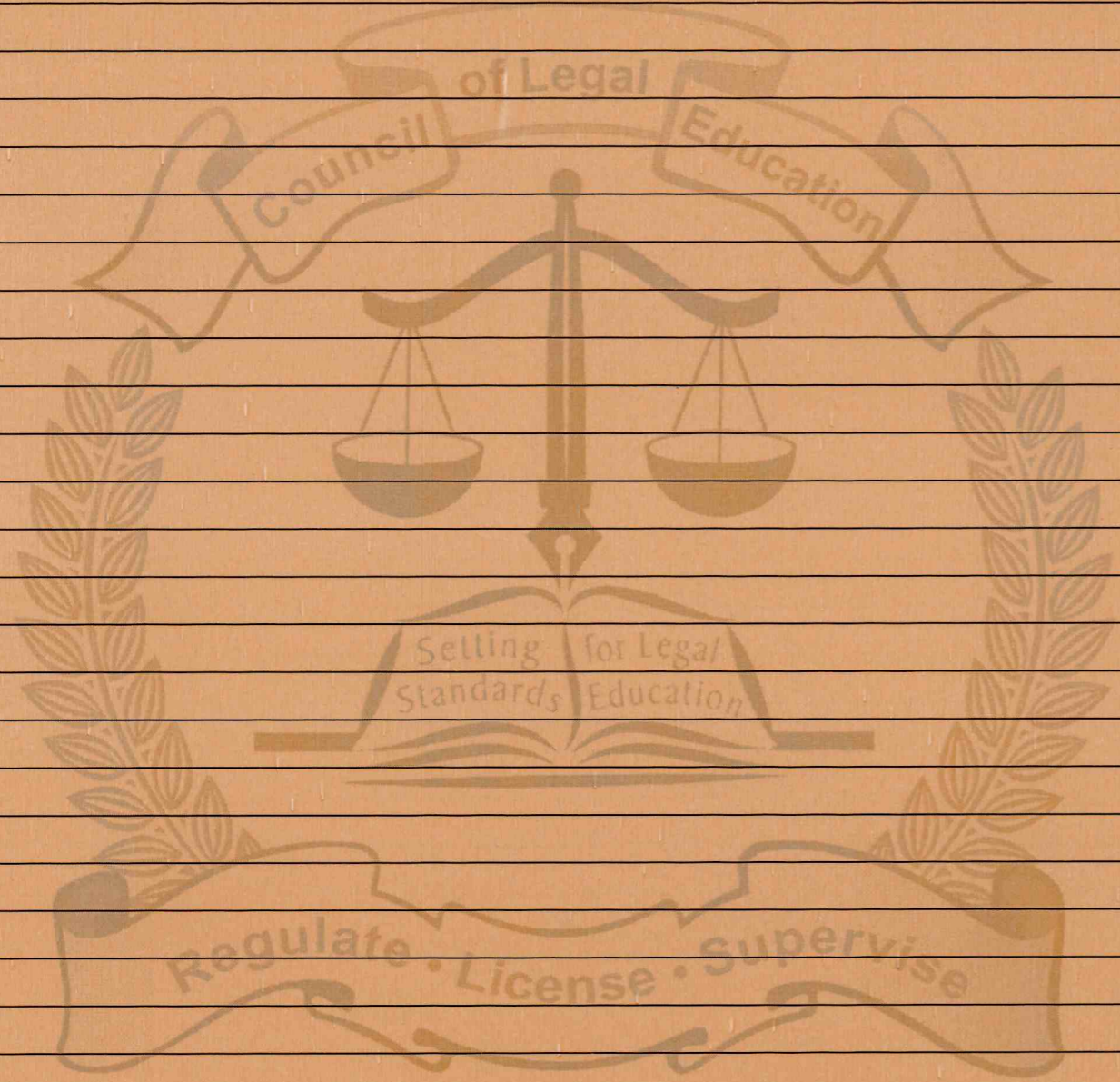
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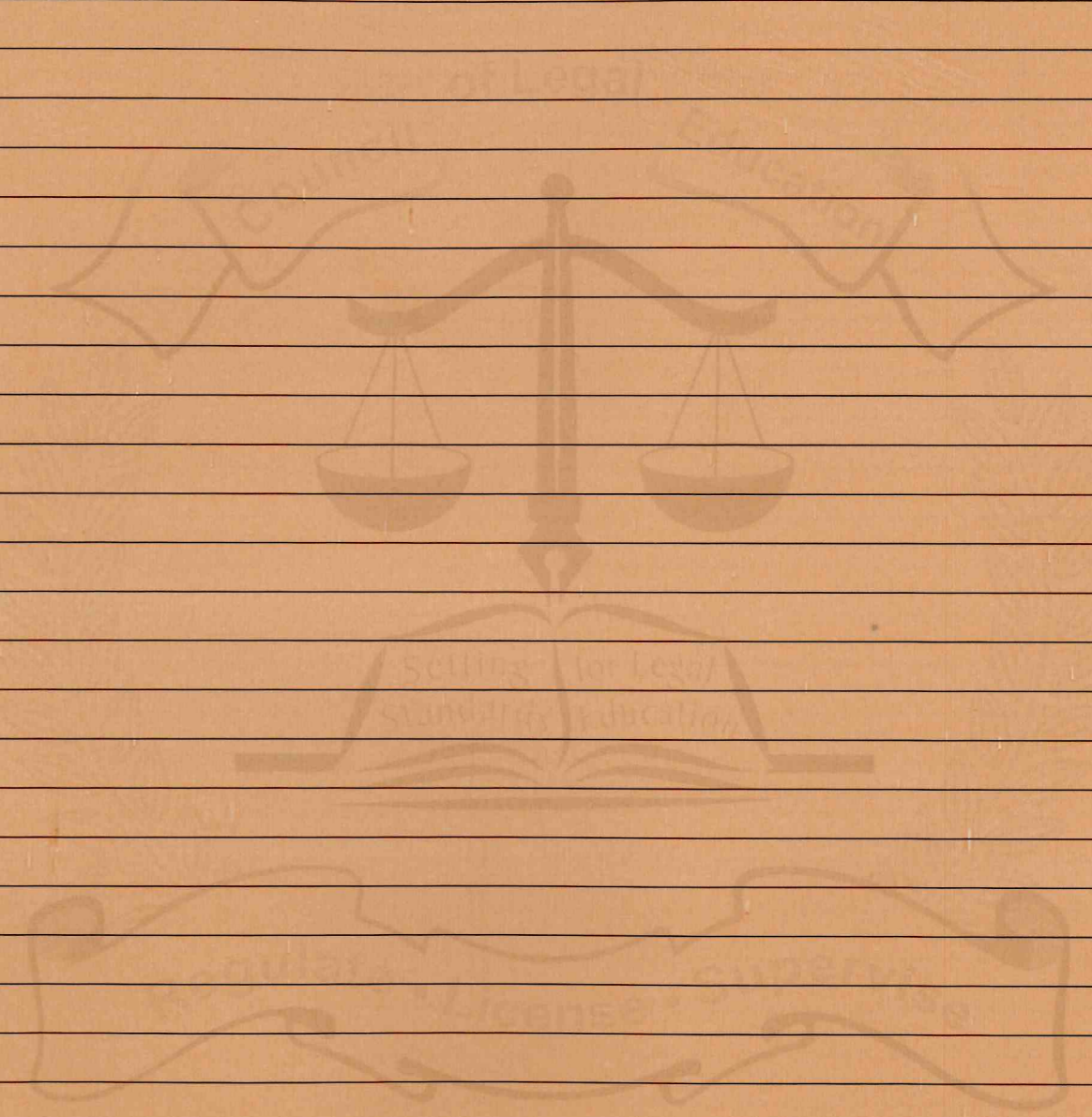
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