

### **What is a grant of probate?**

This is a grant of representation appointing an executor or executrix to execute or distribute the estate or part of the estate of a deceased person, where the deceased had written a will and the will is valid.

### **What is a Grant of Letters of Administration?**

In cases where the deceased has died without a will or a valid will, the courts will issue this type of Grant of Representation

### **What is a Limited Grant?**

This type of Grants of Representation are issued by courts under special circumstances but to mainly enter and preserve the estate of a deceased person while the process of succession is still underway.

### **What is Testate Succession?**

This type of succession occurs where a person who desires to retain control over his property after death makes his wishes known through a valid written or oral will on how his property should pass upon his death to persons of his choice called beneficiaries.

### **What is gazette?**

A Gazette is put an announcement in an official journal which contains notices of government appointments and promotions, including other items like bankruptcies, property transfers, and engagements. A "gazette" could also be a reference to the kind of announcement that one might find in such a publication.

### **Who is a guardian?**

This is any person whom the court has allowed to be in charge or in control of a child. This relates to any person who at any given time has physical possession of the child and is responsible for the child.

### **What is a Death Certificate?**

This is an official document providing information about a person's death and is a declaration of the demise of that person.

## **What is a valid will?**

A valid will must meet the following conditions:

- Maker of the will must be of sound mind at the time of will making.
- The maker of the will must sign the document called a will if it is written
- The maker of the will must be 18 years of age
- The maker of will must have two competent witnesses the execution the will by the will maker
- If the will is signed by a witness who is also a beneficiary, the will must also be witnessed to by two other competent witnesses
- While making an oral will, the maker of the will need two competent witnesses
- An oral will shall be valid for only three months after its making
- A new will subsequent to the first shall be valid only if the will maker revokes expressly all other previously existing will and codicils

## **Can a beneficiary be a witness to a will?**

In Kenya, the law doesn't prohibit beneficiaries from signing the will. Remember that this may be slightly different from other jurisdictions within the Commonwealth. However, the liberty of a beneficiary of the estate of the deceased to attest to the will, is conditional. Where a will has been attested to by a beneficiary, it must be attested to by at least two other competent witnesses who are not beneficiaries. Essentially, it makes sense more sense to just have at least two competent witnesses who are not beneficiaries to attest to the will.