

Role played by your will in Grants for Probate Reasons

What is a Grant?

A Grant is an official document, sealed by a Court of competent jurisdiction in matters to do with Probate, upon application by a competent interested person, and confirming that the person named on the Grant of Probate is entitled or authorized by law to legally deal with the estate of a deceased person.

A Grant involves the collection all the assets, the pay all liabilities due and debts owing of the estate and resultant distribution of the net balance to beneficiaries entitled in and by law. Grants are usually offered in two ways:

- Grant issued to executors is called a Grant of Probate
- Grant issued to the administrators of an intestate estate is called a Grant of Letters of Administration

a) Grant of Probate

This type of probate document is granted by a court under its seal where the deceased person died having prepared a will. It is granted upon application by a legally competent person. The person upon whom it is granted is henceforth known as the Executor or Executrix, as the case may be, if in the will, the maker of the will named them as those they wish to implement their will wholly and or partly.

What is the process of applying for a Grant?

- Application for one is commenced by way of a Petition and supported by an Affidavit.
- Attach original will and annex two copies of the will.
- Find and attach the Death Certificate for the deceased bonafide owner of the estate.
- The Court will cause the Application to be advertised in the Kenya Gazette at a fee.
- If at the lapse of 30 days there has been no Objection to the

Application, the court will grant a Letter of Grant of Probate bearing the seal of the court

- The executor is then required to apply for the Confirmation of Grant of Probate within six months after the Letter of Grant of Probate is issued.
- The court can also, in limited circumstances, issue the Confirmation of Grant especially where there are no debts to be paid, there are no dependents or where, in the court's wisdom, it is just to issue the Confirmation of Grant.