



# UNIVERSITY OF NAIROBI

## SECOND SEMESTER EXAMINATIONS – 2011/2012 (MOMBASA)

### FOURTH YEAR EXAMINATIONS FOR THE DEGREE OF BACHELOR OF LAWS

#### GPR 417 : LAW OF SUCCESSION

**DATE: MAY 23, 2012**

**TIME: 5.30PM – 8.30PM**

#### INSTRUCTIONS:

Answer any **THREE** Questions  
Question **ONE(1)** is Compulsory

#### QUESTION ONE

- a) Explain with reference to authority how a signature may be properly acknowledged for the purposes of the Law of Succession Act 1981. (10 marks)
- b) Frank has attended at his advocate Harry's office for the purposes of executing his will. Harry's office is large and in one corner is his secretary Jill's desk, which is screened on the open two sides by frosted glass to shoulder height. Frank, Harry and Jill stand by Harry's desk, the will is produced and just as Frank is about to sign the will the telephone on Jill's desk rings. As she goes to answer it, Frank signs the will. Jill answers the telephone and then calls Harry over saying that the call is for him. She returns to sign the will. Harry says that it was a nuisance that they were interrupted by the telephone, but asks them "Are we all satisfied that the will is correctly signed?" They both reply: "Yes" and he said "I am also satisfied." (10 marks)
- c) In May 2000, Bill a naval officer sailed from Mombasa, and left his ship on its arrival in Durban, South Africa. While waiting on shore to join another Kenyan navy ship, Bill wrote and posted a letter to Mary, one of his sisters, containing the words "If I die, I think you ought to have all my property." Shortly thereafter Bill returned to Mombasa by ship, left the navy and went into business. Advice on the distribution of Bill's estate which is worth Kshs.5 million. (10 marks)

#### QUESTION TWO

- a) Eric has recently died and his will is found in the following condition:  
The attestation clause and signature are on the last page which contains no other writing. The second page is only two thirds of the size of other and has been cut into half and taped together.