Application for Grant of Probate and Letters of Administration

By Roggers Cletus[1]

Introduction

Probate means the copy of a will, or, in the case of an oral will, a statement of the contents thereof, certified under the seal of the court, with a grant of administration to the estate of the testator.[2] Will means the legal declaration of the intentions of a testator with respect to his property, which he desires to be carried into effect after his death.[3] A will must be certified by seal of the court, oral will must be witnesses and a person who witnessed the same must swear an affidavit.

The Laws applicable are Probate and Administration of Estates Act,[4] the Probate Rules and Probate Forms thereto and other enabling laws of the land.

Who may be granted with Probate?

1. Executor named in the will.[5]
2. Trust.[6]
3. Administrator General.[7]

Persons prohibited to be granted Probate?

1. Minor.[8]

[1]Diploma in Law-Institute of Judicial Administration-Lushoto, Bachelor of Laws (LLB)-Mzumbe, Postgraduate Diploma in Legal Practice-Law School of Tanzania. An Advocate of High Court and Subordinate Court Save for Primary Court. Email: preciousblood358@yahoo.com
[2]Section 2 of the Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[3]Ibid.
[4] [CAP 352 R.E. 2002]
[5]Section 24 of the Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[6] Ibid, section 21
[7] Section 5 of the Administrator-General (Powers and Functions) Act [CAP 27 R.E. 2002]
[8]Section 23 of the Probate and Administration of Estates Act [CAP 352 R.E. 2002]

2. Unsound mind.[9]

Number of Executor or Administrator

The maximum number of executor is four (4) therefore Probate or letters of administration shall not be granted to more than four persons in respect of the same property, and letters of administration shall, if there is a minority or if a life interest arises under the will or on an intestacy, be granted either to a trust corporation, solely or jointly with an individual or to not less than two individuals:[10] However, in granting letters of administration the court may act on such prima facie evidence, furnished by the applicant or any other person, as to whether or not there is a minority or life interest.[11]

Procedures

1. The application for grant of probate is made by way of petition.

This is provided under section 55 read together with section 25 of the Probate and Administration of Estates Act[12] and rule 33 of the Probate Rules.[13] The petition should contain the following matters:-

(a) The date and place of the will testator's death.

(b) That the writing annexed is his last will and testament.

(c) The amount and nature of assets which are likely to come to the petitioner's hands.

(d) The names and addresses of all the executors named in the will and, where the application is for probate, that the petitioner is an executor so named.

[9] Ibid.
[10] Section 22 (1) of the Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[11] Ibid.
[12][CAP 352 R.E. 2002]
[13] Made under the Probate and Administration of Estates Act [CAP 352 R.E. 2002]

(e) To show whether grant of probate or letters of administration have been commenced before competent court in Tanzania or outside it.

(f) The petition shall further state, when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

(g) In cases the will, copy, draft or statement of the contents thereof, is written in any language other than English, a translation thereof shall be annexed to the petition by a person competent to translate the same, and such translation shall be verified by that person. Refer rule 8 of the Probate Rules.[14] The translation must be verified by person translating the same by affidavit in the form prescribed in Form 2 the First Schedule.

2. The petition for probate shall be in forms No. 18, 20, 21, and 22.[15]

3. Documents to accompany the Petition

As per rule 33 of the Probate rules[16] a petition for grant of probate shall be accompanied by the following documents:-

(a) The last will of the deceased and all codicils thereto and, when necessary, a translation thereof.

(b) A certificate of death of the deceased signed by a competent authority.[17]

(c) An affidavit as to the deceased's domicile at the time of his death.

The affidavit as to the deceased's domicile shall be in the form prescribed in Form 45 set out in the First Schedule and shall be sworn or affirmed by a person who knew the deceased personally and shall state the facts upon which the court may infer the deceased's place of domicile.[18]

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[14]Ibid.
[15]Rule 33 of the Probate Forms Made under the Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[16]Ibid.
[17]Rule 63 of the Probate Rules Made under the Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[18]Ibid, Rule 64

(d) The executor's oath.

Upon the grant of any probate the grantee shall take an oath faithfully to administer the estate and to account for the same.[19] However such requirement of executor's oath doesn't apply to the administrator general or public trustee once granted the same.[20]

The oath of the executor or the administrator shall be in the form prescribed in Form 47 set out in the First Schedule and shall be sworn or affirmed before a person before whom an affidavit may be sworn or affirmed.[21]

[19]Section 66(1) of the Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[20]Ibid, section 66(2)
[21]Rule 65 of the Probate Rules Made under the Probate and Administration of Estates Act [CAP 352 R.E. 2002]

Application for Letters of Administration

Introduction

Application for letters of administration happens when there is failure of executors or other factors thereof as per section 29 of the Probate and Administration of Estates Act.[22]

(a) No executor is appointed by a will.

(b) The executor or all the executors appointed by a will have renounced.

(c) The executors are persons to whom probate may not be granted.

That is minor and persons of unsound mind.[23]

(d) No executor survives the testator.

(e) All the executors die before obtaining probate or before having administered all the estate of the deceased.

(f) The executors appointed by any will do not appear and take out probate.

Who may apply for letters of administration?

Letters of administration with the will annexed may be granted of the whole estate or so much thereof as may be un administered to such person or persons as the court deems the fittest to administer the estate: Provided that a prior right to such grant shall belong to the following persons in the following order–

(a) A universal or residuary legatee.

(b) A personal representative of a deceased universal or residuary legatee.

[22] [CAP 352 R.E. 2002]
[23] Section 23 of the Probate and Administration of Estates Act [CAP 352 R.E. 2002]

(c) Person or persons, being beneficiaries under the will, as would have been entitled to a grant of letters of administration if the deceased had died intestate.

(d) A legatee having a beneficial interest.

(e) Creditor of the deceased:

However there are circumstances in which a court shall not grant letters of administration with the will annexed in respect of a will by which an executor is appointed, unless and until a citation has been issued calling upon the executor to accept or renounce his office and the executor has renounced or has been deemed to have renounced his office in accordance with the provisions of sections 18 and 19 of the Probate and Administration of Estates Act.[24] Those circumstances include the following:-

(a) Where the executor is living and his whereabouts are known.

(b) Where the executor is a person to whom probate may be granted.

(c) Where the accused has not renounced his office,

Procedures

1. Convene a family meeting

Rationale behind family meeting

(a) To select or identify heirs or beneficiaries.

(b) Appointing of administrator of the deceased's estate subject pending confirmation of the court.

(c) Identify property of the deceased person which constitutes the estate.

(d) To determine whether there is a will left or not.

[24][CAP 352 R.E. 2002]

(e) To identify liabilities such as debts if any.

(f) To determine nature of death

- To determine the legal heir
- The executorships

(g) Social status of life that is to help to determine the laws applicable to the estate. Refer the case of RE INNOCENT MBILINYI

(h) Marital status i.e. to determine issues like divorce.

(i) To determine whether there is a control of administration of estates.

(j) In case a lawyer is involved. Help to determine the following:-

- To ascertain the law applicable to petition.
- To determine issues of jurisdiction.
- The procedure thereto.

Transfer of a case from Primary Court to District Court

In practice the court is moved by way of chamber summons supported by an affidavit.

ASHURA M.MASUD V.SALMA AHM.[25] Read this case for more understanding.

In case the matter concerned with Islamic and customary law transfer the matter from the Primary to High Court.

Who may apply for letters of administration?

1. Interested person as per section 33 of the Probate and Administration Act[26]
2. Creditors, as per section 33 of the Probate and Administration Act[27]

[25] Civil Appeal No. 213 of 2004, High Court of Tanzania at Dar es Salaam, (Unreported)
[26][CAP 352 R.E. 2002]
[27][CAP 352 R.E. 2002]

3. Attorney as per Section 34 of the Probate and Administration Act.[28]

Procedure for application for grant of letters of administration

1. The application for letters of administration shall be made by petition as per section 56 of the Probate and Administration of Estates Act.[29] The petition shall contain the following:
    - The date and place of the deceased's death.
    - The family or other relatives of the deceased, and their respective residences.
    - The right in which the petitioner claims.
    - The amount and nature of assets which are likely to come to the petitioner's hands.
    - That diligent search has been made, and no valid will has been discovered.
    - Whether any proceedings for the grant of letters of administration, or otherwise for the administration of the estate, have been commenced before any other court or authority, whether within Tanzania or outside it.
    - In addition to these particulars the petition shall further state, when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.
2. The petition shall be signed by the petitioner and advocate if any. This provided under section 57 of the Probate and Administration of Estates Act.[30]
3. A petition for letters of administration shall be in the form prescribed in Forms 26 or 27 set out in the First Schedule, as per rule 39 of the Probate Rules.[31]
4. Documents to accompany petition.

[28]Ibid.
[29]Ibid.
[30][CAP 352 R.E. 2002]
[31]Probate and Administration of Estates Act [CAP 352 R.E. 2002]

As per rule 39 of the Probate Rules[32] the petition should be accompanied the following documents:-

- **A certificate of death of the deceased signed by a competent authority.**

The death certificate shall specify the date, the place and the cause of the death of the deceased and shall be signed by a person having authority to sign the same. [33] If the deceased died outside Tanzania, a death certificate from a competent authority at the place where he died shall be filed.[34]

However, for any reason beyond the control of the petitioner, a death certificate is not available, the petitioner shall file in lieu thereof an affidavit from a person who saw the remains of the deceased being interred or cremated or an affidavit from a medical practitioner, duly registered as such in the country where the deceased died, who pronounced the death of the deceased.[35]

- **An affidavit as to the deceased's domicile.**

The affidavit shall be in the form prescribed in Form 45 set out in the First Schedule and shall be sworn or affirmed by a person who knew the deceased personally and shall state the facts upon which the court may infer the deceased's place of domicile.[36]

- **An administrator's oath.**

The oath of the executor or the administrator shall be in the form prescribed in Form No. 47 set out in the First Schedule and shall be sworn or affirmed before a person before whom an affidavit may be sworn or affirmed.[37]

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[32] Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[33]Rule 63(1) of the Probate Rules Made under the Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[34]Ibid, rule 63(2)
[35]Ibid, rule 63(3)
[36]Ibid, rule 64
[37]Ibid, rule 65

- **An administration bond.**

Every administration bond shall, except when the court otherwise orders, be given in double the amount of the gross value of the property for which the grant is to be made and shall be in the appropriate form prescribed in Forms 48 or 49 set out in the First Schedule. The bond shall be signed by the administrator and the sureties, who, except where the court otherwise order, shall be two in number. The signatures of the administrator and the sureties shall be attested by a person before whom an affidavit may be sworn.[38]

No administration bond shall be required to be filed on a petition for a grant of letters of administration by the Public Trustee or the Administrator-General.[39]

No surety shall be required on a petition for a grant of letters of administration by a trust corporation (other than the Public Trustee) except where the court otherwise directs[40].

Unless otherwise directed by order of the court, no person shall be accepted as a surety unless he is resident in Tanzania.[41]

Where a corporation (other than a trust corporation) has executed a bond as a surety, there shall be filed an affidavit in the form prescribed in Form 50 set out in the First Schedule made by a proper officer of the corporation to the effect that it has power to act as surety and has executed the bond in the manner prescribed by its constitution and shall contain sufficient information as to the financial position of the corporation to satisfy the court that its assets are sufficient to satisfy all claims which may be made against it under the bond.

[38]Ibid, rule 66(1)
[39]Ibid, rule 66(2)
[40]Ibid, rule 66(3)
[41]Ibid, rule 66(4)

Order dispensing with bond or sureties

An application for an order dispensing with a bond or sureties or both or for an order accepting one surety instead of two shall be made by chamber summons supported by an affidavit giving reasons why the order applied for should be made.[42] The application shall be lodged together with the petition and all other documents required to be lodged therewith except the administration bond.[43]

Assignment of administration bond

An application for an order to assign an administration bond shall be by way of petition in the form prescribed in Form 51 set out in the First Schedule, signed by the applicant and his advocate, if any, and verified by the applicant.[44] A copy of the petition shall be served upon the administrator and each of the sureties.[45] The petition shall be heard and determined in chambers on a date and at a time appointed by the Registrar.[46]

A notice of the hearing date in the form prescribed in Form 52 set out in the First Schedule shall be served on the petitioner and each of the persons upon whom a copy of the petition is required to be served.[47] An order assigning a bond shall be in Form 53 set out in the form prescribed in the First Schedule.[48]

[42]Rule 67(1) of the Probate Rules made under the Probate and Administration of Estates Act [CAP 352 R.E. 2002]
[43]Ibid, rule 67(2)
[44]Ibid, rule 68(1)
[45]Ibid, rule 68(2)
[46]Ibid, rule 68(3)
[47]Ibid, rule 68(4)
[48]Ibid, rule 68(5)

- **A certificate as to the financial position of the sureties.**

A certificate as to a surety's financial position shall be in the form prescribed in Form 54 set out in the First Schedule and shall be attested by a person before whom an affidavit may be sworn.[49] No certificate as to a surety's financial position shall be required where the surety is a corporation.[50]

- **Consent of the heirs.**[51]

Where an application for the grant of letters of administration is made on an intestacy the petition shall, except where the court otherwise orders, be supported by written consent of all those persons who, according to the rules for the distribution of the estate of an intestate applicable in the case of the deceased, would be entitled to the whole or part of his estate.[52]

Where the deceased died testate and an application is made for the grant of letters of administration with the will annexed, written consent shall, unless the court otherwise orders, be required of the following persons like the universal or residuary legatee; and such person or persons, being beneficiaries under the will, as would have been entitled to the whole or part of the testator's estate had the testator died intestate.[53]

Where a person whose consent is required is an infant or a person of unsound mind consent may be given on his behalf by his guardian.[54]

[49]Ibid, rule 69(1)
[50]Ibid, rule 69(2)
[51]Ibid, rule 71 and 72
[52]Ibid, rule 71(1)
[53]Ibid, rule 71(2)
[54]Ibid, rule 71(3)

Consent shall be in the form prescribed in Form 56 set out in the First Schedule and shall be signed by the person or persons giving the same and attested by any person before whom an affidavit may be sworn[55].

Where a person whose consent is required under these Rules refuses to give such consent, or if such consent cannot be obtained without undue delay or expense, the petitioner shall, together with his petition for grant, file an affidavit giving the full name and address of the person whose consent is not available (where such name and address are known) and giving the reasons why such consent has not been produced.[56]

Where an affidavit is filed, the court may make an order either dispensing with such consent or requiring a citation in the form prescribed in Form 57 set out in the First Schedule to be served upon the person whose consent is not available.[57]

Where the court makes an order requiring service of a citation, the Registrar shall call upon the petitioner to pay the prescribed fees for such citation and service and upon receipt of such fees shall cause the citation to be served.[58]

The Court may at any time and for sufficient reason shown vary, alter or rescind any order made under this rule or make such order in lieu of an order requiring personal service of citation as it may deem fit.[59]

[55]Ibid, rule 71(4)
[56]Ibid, rule 72(1)
[57]Ibid, rule 72(2)
[58]Ibid, rule 72(3)
[59]Ibid, rule 72(4)

- **In the case of an application for a grant to a sole administrator, an affidavit should be filed thereto.[60]**

Where an application for letters of administration with or without the will annexed is made by an individual alone such individual shall file together with his petition, in addition to the other documents required to be filed under these Rules, an affidavit in the form prescribed in Form 17 set out in the First Schedule showing that there is no minority or life interest arising under the will or on the intestacy. Such affidavit shall be deposed to by a person able to depose to the facts stated therein.[61]

[60]Ibid, rule 32
[61]Ibid.

Form 27

IN THE HIGH COURT OF TANZANIA

AT DARE S SALAAM

PROBATE AND ADMINISTRATION CAUSE NO. ……..OF 2016

IN THE MATTER OF THE ESTATE OF THE LATE **KITWE CHENKULA NKWENDA**

AND

IN THE MATTERS OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY **KICHUGUU MAWAZO**

PETITION FOR LETTERS OF ADMINISTRATION

1. I, **KICHUGUU KIMATI MAWAZO**, of P. O Box 3810 Dar es Salaam do hereby petition to this honourable court for letters of administration of the estate of **KITWE CHENKULA NKWENDA** late of P. O Box 3810 who died at Kigali Rwanda, on 25th day of April, 2015.
2. The aforementioned deceased left surviving him the following relative:-
   KICHUGUU MAWAZO-Brother.
3. The petition is made by me as a brother and heir of the estate.
4. I believe that the gross asserts which are likely to come to my hands will be Tanzania shillings sixty five (65, 0000, 000/) million and consists of motor vehicles, business debtors, land and houses, fittings and personal effects.
5. The said deceased died interstate and due and diligent search has been for a will but none has been found it.
6. The said deceased at the time of his death had a fixed place of abode at Dar es Salaam, and /or property within the jurisdiction of this honourable court.
7. The said deceased was a Tanzanian businessman and professed the Christian religion.
8. That no proceedings other than specified below for the grant of letters of administration of the Estate of the said deceased have been commenced before any Court of authority, whether inside or outside Tanzania.

9. That I couldn't file this application earlier because I, being a housewife and not previously acquainted with the deceased's estate, needed time to familiarise myself with the businesses, assets and the management teams handling them before instructing my counsel.
10. And I, am, the said **KITWE CHENKULA NKWENDA** above named declared that what is stated above is true to the best of my knowledge, information and belief.

Dated at Dar es Salaam this 14th day of December, 2016

Mindakkkagdf nsanvczew

PETITIONER **ADVOCATE OF THE PETITIONER**

Presented for filling this……..day of December, 2015

……..

REGISTRY OFFICER

DRAWN AND FILED BY

B2K & Company advocates,
98 Floors, Takina Tower,
P. O Box 444253,
Dar es Salaam.

Form 45

IN THE HIGH COURT OF TANZANIA

AT DARE S SALAAM

PROBATE AND ADMINISTRATION CAUSE NO. ……..OF 2016

IN THE MATTER OF THE ESTATE OF THE LATE **KITWE CHENKULA NKWENDA**

AND

IN THE MATTERS OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY **KICHUGUU KIMATI MAWAZO**

AFFIDAVIT TO DOMICILE

(Made under rule 64 of the Probate Rules)

I, **KICHUGUU MAWAZO**, of P. O Box 3810 Dar es Salaam do hereby make oath and say as follows:-

1. That I knew and I was well acquainted with the late **KITWE CHENKULA NKWENDA** of P. O Box 3810 Dar es Salaam, a deceased who died on 25th April, 2015 at Kigali Rwanda.

2. That I further say that the said deceased was at the time of his death domiciled in **Tanzania.**

3. This assertion is made on the ground that the deceased was born and lived in Tanzania all his life time.

Dated at Dar es Salaam this 14th day of December, 2016

hjfgerdhftery

DEPONET

VERIFICATION

I, **KICHUGUU MAWAZO** do hereby verify that what is stated in paragraphs 1, 2, and 3 is true to the best of my own knowledge.

Verified at Dar es Salaam this 14th day of December, 2016

hjfgerdhftery
DEPONET

Sworn at Dar es Salaam
by KICHUGUU **MAWAZO**
who is identified to me by
Professor **MJUSI MWEKUNDU**,
the latter being known to me
personally in my presence
this 14th day of December, 2016

hjfgerdhftery
DEPONET

BEFORE ME:

NAME:……..

ADDRESS:……

QUALIFICATION…… ……

SIGNATURE……

Presented for filing on this……..day of December, 2016

……
REGISTRY OFFICER

DRAWN AND FILED BY

B2K & Company advocates,
98 Floor, Takina Tower,
P. O Box 444253,
Dar es Salaam.

Form 45

IN THE HIGH COURT OF TANZANIA

AT DARE S SALAAM

PROBATE AND ADMINISTRATION CAUSE NO. ……..OF 2016

IN THE MATTER OF THE ESTATE OF THE LATE **KITWE CHENKULA NKWENDA**

AND

IN THE MATTERS OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY **KICHUGUU KIMATI MAWAZO**

ADMINISTRATOR'S OATH (INTERSTATE)

(Made under section 66 of the Probate and Administration of Estates Act [CAP 352 R.E. 2002 and rule 65 of the Probate Rules)

I, **KICHUGUU MAWAZO**, of P. O Box 3810 Dar es Salaam do hereby make oath and say that I will well and faithfully administer the estate of the above-named deceased person, by paying first his just debts and then distributing the residue of his estate according to the law, so far as the said assets will extend, and that I will make and exhibit a full and true inventory of the said property and credits in this Court within six months from the date of the grant to be made to me or within such further time as the Court may from time to time appoint, and will also render a true account of my administration to this Court within one year from the same date or within such further time as the Court may from time to time appoint.

Dated at Dar es Salaam this 14th day of December, 2016

hjfgerdhftery

DEPONET

Sworn at Dar es Salaam
by **KICHUGUU KIMATI MAWAZO**
who is identified to me by
Professor **MJUSI MWEKUNDU**,
the latter being known to me

hjfgerdhftery

DEPONET

personally in my presence
this 14th day of December, 2016

BEFORE ME:

NAME:……..

ADDRESS:……

QUALIFICATION…… ……

SIGNATURE……

Presented for filling this……..day of December, 2015

……..

REGISTRY OFFICER

DRAWN AND FILED BY

B2K & Company advocates,
98 Floor, Takina Tower,
P. O Box 444253,
Dar es Salaam.

Form 48

IN THE HIGH COURT OF TANZANIA

AT DARE S SALAAM

PROBATE AND ADMINISTRATION CAUSE NO. ……..OF 2016

IN THE MATTER OF THE ESTATE OF THE LATE **KITWE CHENKULA NKWENDA**

AND

IN THE MATTERS OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY **KICHUGUU KIMATI MAWAZO**

ADMINISTRATION BOND WITH SURETIES

(Made under section 67 of the Probate and Administration of Estates Act [CAP 352 R.E. 2002 and rule 66 of the Probate Rules)

Known all men by these presents

That Mr. **KANGALOO JUMANNE**, **KISUVI KICHELE**, and **TUILIME TANDIKI** are jointly and severally bound unto High Court in the sum of shillings 120 million to be paid to the said High Court of Tanzania or to any Judge of the above Court for the time being for the payment of which we bind ourselves and each of us and our heirs, executors, administrators and assigns.

Dated at Dar es Salaam this 14th day of December, 2016

The condition of this obligation is such that if the above-named **KICHUGUU MAWAZO**, the intended administrator of all and singular the property and credits of **KITWE CHENKULA NKWENDA**, deceased, do make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of the grant to him, or within such further time as the Court may from time to time appoint, and do well and truly administer the said property and credit according to law; and further do render to this Court a true account of the said property and credits within one year from the date of the said grant or within such further time as the Court may from time to time appoint, and all the rest and residue of the said property and credits which shall be found remaining upon the said administrator's account shall deliver and pay

unto such person or persons, respectively, as shall be lawfully entitled to such residue, then this obligation shall be void and of no effect or else shall remain in full force and virtue.

Dated at Dar es Salaam this 14th day of December, 2016

Signed at Dar es Salaam and delivered by the within named.

KANGALOO JUMANNE …….
KISUVI KICHELE …….
TUILIME TANDIKI ……
who is identified to me by
Professor **MJUSI MWEKUNDU**,
the latter being known to me
personally in my presence
this 14th day of December, 2016

Presented for filling this……..day of December, 2016

……..

REGISTRY OFFICER

DRAWN AND FILED BY

B2K & Company advocates,
98 Floor, Takina Tower,
P. O Box 444253,
Dar es Salaam.

Form 17

IN THE HIGH COURT OF TANZANIA

AT DARE S SALAAM

PROBATE AND ADMINISTRATION CAUSE NO. ……..OF 2016

IN THE MATTER OF THE ESTATE OF THE LATE **KITWE CHENKULA NKWENDA**

AND

IN THE MATTERS OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY **KICHUGUU MAWAZO**

AFFIDAVIT TO ACCOMPANY PETITION FOR GRANT BY SOLE ADMINISTRATOR

(Made under rule 32 of the Probate rules)

I, **KICHUGUU MAWAZO**, of P. O Box 3810 Dar es Salaam do hereby swear and states as follows:-

1. That I have petitioned to this Honourable court for grant of letters of administration of the estate of **KITWE CHENKULA NKWENDA**, deceased who died intestacy on the 25th April 2015 at Kigali Rwanda.
2. That neither minority nor life interest arises under the aforesaid intestacy.
3. That the deceased had no children surviving him.

Dated at Dar es Salaam this 14th day of December, 2016

hjfgerdhftery

DEPONET

VERIFICATION

I, **KICHUGUU KIMATI MAWAZO** do hereby verify that what is stated in paragraphs 1, 2, and 3 is true to the best of my own knowledge.

Verified at Dar es Salaam this 14th day of December, 2016

hjfgerdhftery
DEPONET

Sworn by KICHUGUU **MAWAZO**

who is identified to me by
Professor **MJUSI MWEKUNDU**,
the latter being known to me
personally in my presence
this 14th day of December, 2016

hjfgerdhftery
……

BEFORE ME:
NAME:……..
ADDRESS:……
QUALIFICATION…… ……
SIGNATURE……

Presented for filing on this……..day of December, 2016

……
REGISTRY OFFICER

DRAWN AND FILED BY
B2K & Company advocates,
98 Floor, Takina Tower,
P. O Box 444253,
Dar es Salaam.

Form 54

IN THE HIGH COURT OF TANZANIA

AT DARE S SALAAM

PROBATE AND ADMINISTRATION CAUSE NO. ……..OF 2016

IN THE MATTER OF THE ESTATE OF THE LATE **KITWE CHENKULA NKWENDA**

AND

IN THE MATTERS OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY **KICHUGUU MAWAZO**

CERTIFICATE AS TO SURETY'S FINANCIAL POSITION

(Made under rule 69 of the Probate Rules)

I, **KICHAA MKUBWA KITEYU**, an accountant of P. O Box 38039260 Dar es Salaam do hereby certify that I have known to **KANGALOO JUMANNE**, **KISUVI KICHELE**, and **TUILIME TANDIKI** for some time and I believe that they are well and truly in a position to meet the obligation under the bond of Tanzania shilling one hundred and twenty (120) million executed by them in the above cause.

Date at Dar es Salaam this 15th day of December, 2016

Ilidnufnhgfdjh **uinoammdnjertsb**

WITNESS **KICHAA MKUBWA KITEYU**

DRAWN AND FILED BY

B2K & Company advocates,

98 Floor, Takina Tower,

P. O Box 444253,

Dar es Salaam.