

**LAST WILL AND TESTAMENT
OF
MMMMMMMMMMMMMMMM**

I **MMMMM** (born 26.06.18) currently domiciled and residing at Nairobi and of Post Office Box Number *,,,,,,,,,* Nairobi being of sound and disposing mind, memory and understanding do make, publish and declare this as my Last Will and Testament (“Will”) and hereby revoke all former wills or testamentary dispositions that have been made by me.

For purposes of this Will, I declare that I am married to **EEEEEE** (“Wife”) and the term “children” shall include my son, **MM** (1984) and my daughters, **AAAA** (1978), **RRR** (1981), **KKKK** (1983).

ARTICLE ONE

I direct that the expenses of my funeral and burial be paid out of my estate, in such reasonable amounts as my Executor may deem proper without regard to any limitation in the applicable law as to the amount of such expenses and without necessity of prior court approval.

ARTICLE TWO

I direct that all estate, inheritance, successor, death or similar taxes assessed with respect to my estate, whether disposed of under this Will or not, or any part thereof, or on any transfer made by me during my lifetime

or on any other property or interest in property included in my estate for such tax purposes be paid out of my residuary estate and shall not be charged to or against any recipient, beneficiary, transferee or owner of any such property or interest in property included in my estate for such tax purposes.

ARTICLE THREE

If any beneficiary other than my Wife and I should die under such circumstances as would render it doubtful whether the beneficiary or I died first, then it shall be conclusively presumed for the purposes of this Will that the said beneficiary predeceased me. My Wife shall be determined to have survived me. With respect to every beneficiary except my Wife, the term “survive me” shall mean survive me by thirty days or more.

ARTICLE FOUR

I give all my tangible personal property, including but not limited to wearing apparel, jewellery, books, cameras, paintings, silver, household furnishings, object d’art, musical instruments golf sets and any automobiles to my Wife, if she survives me, and if she does not survive me, then in 4 equal shares to my children, subject to the provisions of Article Six. If neither my Wife, nor my children or their issue survive me, this gift shall lapse and pass according to the provisions of Article Five.

- i) Assets in joint Current Account No. 0N0, Standard Chartered Bank, s, Nairobi.
- ii) Assets in joint Savings Account No. ,,,,,, Barclays Bank, Westlands, Nairobi.
- iii) Assets in Es Mau FFF Account No. CO-263,1 Societe' de Banque Suisse C.P. 2 1211 ,,,,,,,,,, Switzerland.
- iv) Assets of the pass-book in the joint names etc.
- v) Assets in Account No. 7-009 of EEEE - Fur, APPP BANK, NAIROBI BRANCH.

ARTICLE FIVE

I give, devise and bequeath the rest, residue and remainder of my estate, consisting of all property of every nature owned by me at death or acquired by my estate and not effectively disposed of by the preceding provisions of my Will, including all property over which I may have the power of appointment, to my Wife, if she survives me. If my Wife shall fail to survive me, I give, devise and bequeath my said residuary estate in equal shares to my children and their issue, per stirpes, subject to the provisions of Article Six of this Will. If neither my Husband nor children on their issue survive me, then I give and bequeath the rest etc. to **BBBBB** of Post Office Box Number ,,,,,,,,,, Nairobi, who will divide the assets into equal 15 shares, in the following manner:-

Ms. JMMM (18.5.19)	5 Shares
Dr. EEEE	1 Share
Mr. CCCC	1 Share

Matharu's: AMM Singh , MNNNKaur , NMMMMr Singh MMMMM, Balw SingMMMMMM	4 Shares
FFFFFF - (David Fueter, Je MI F, Ete Fu and Be Rakoto Mih Fe)	<u>4 Shares</u>
TOTAL	<u>15 Shares</u>

ARTICLE SIX

If my Wife does not survive me, I appoint CCCC P. O. Box ,,,,,,,,,,,,,, Nairobi and DDDD of P.O. Box ,,,,,,,,,,,,,, Nairobi, Kenya as guardians of the person and property of each of my children who shall not have attained the age of twenty-one (21) years at the date of my death. Such stated guardians shall receive all property distributed to such minor children under Articles Four and Five without bond. The guardians shall use, administer and distribute the property for the benefit of my children as if the guardians had been appointed custodians under the Guardianship of Infants Act as it exists at the time of my death. I intend for such guardian to exercise all power rights and responsibilities which either of my Wife or I would exercise if we had survived. I request that no surety or bond be required of such guardians.

ARTICLE SEVEN

I appoint my Wife as the Executor of my estate. If my Wife does not survive me, I appoint Mr. CCCCCCCC P.O. Box 40625 Nairobi and DDD of P.O. Box ,,,,,,,,,, Nairobi, Kenya to be the Executors of my estate. I direct

that no bond or other security shall be required of my Executors to secure the faithful performance of their duties.

ARTICLE EIGHT

My Executors shall have full powers in their discretion to do all things necessary for the complete administration of my estate without authorization of any court and in addition to any rights, powers, authority and privileges granted by an other provision of this Will or by statute or general rules of law:

- (A) To retain any property or undivided interest in property owned by me at the time of my death, including residential property and shares of my Executors own stock regardless of any lack of diversification or risk of non-productivity as long as they deem advisable and to exchange any such security or property for other securities or properties and to retain such items received in exchange even if the said property represents a large percentage of the total property of my estate or even the entirety thereof;

- (B) To invest and reinvest all or any part of my estate in any property and undivided interests in property wherever located, including bonds, debentures, notes, secured or unsecured, stock or corporations, regardless of class, interest in limited partnerships, real estate or any interests in real estate whether or not productive at the time of investment, interests in trusts, investment trusts, whether of the open or closed fund types or both and participation in common collective or pooled trust

funds of my Executors' insurance contracts on the life of any beneficiary or annuity contracts for any beneficiary, without being limited by statute or rule of law concerning investments by fiduciaries;

- (C) To sell or dispose of or grant options to purchase any property, real or personal, constituting a part of my estate for cash or upon credit, to exchange any property of my estate for other property, at such times and upon such terms and conditions as they may deem best, and no person dealing with it shall be bound to see to the application of any monies paid;
- (D) To hold any securities or other property in its own name as Executors or in the name of a nominee or a bearer form;
- (E) To keep, at any time and from time to time, all or any portion of my estate in cash and uninvested for such period or periods of time as they may deem advisable, without liability for any loss in any in income by reason thereof;
- (F) To sell or exercise stock subscription or conversion rights;
- (G) To refrain from voting or to vote shares of stock owned by my estate at shareholder's meetings in person or by special, limited or general proxy and in general to exercise all the rights, powers and privileges of any owner in respect of any securities constituting a part of my estate;
- (H) To participate in any plan of reorganisation or consolidation or merger involving any company or companies whose stock or other securities shall be part of my estate and to deposit such stock or other securities under any plan or reorganisation or with

any prospective committee and to delegate to such committee discretionary powers with relation thereto, to pay a proportionate part of the expense of such committee in any assessment levied under any such plan, to accept and retain new securities received by my Executors pursuant to any such plan, to exercise all conversion, subscriptions, voting and other rights, of whatsoever nature pertaining to such property, and to pay any amount or amounts of money as it may deem advisable in connection therewith;

- (I) To borrow money and to encumber mortgage or pledge any assets of my estate;
- (J) To enter for any purpose into a lease as Lessor or Lessee with or without option to purchase or renew for a term within or extending or beyond the term of the estate;
- (K) To collect receive and give receipts for rent issues profits and any income of my estate;
- (L) To insure the assets of both my estate against damage or loss and my Executors against liability with respect to persons;
- (M) To deal with transactions in their separate or any fiduciary capacity in buying and selling assets in lending and borrowing money and in all other transactions, irrespective of the occupancy by the same person of dual positions;
- (N) To comprise adjust arbitrate sue on or defend abandon settle or otherwise deal with any claims in favour of or against my estate as my Executors shall deem best;

- (O) To employ and compensate agents accountants investments advisors brokers attorneys-at-law tax specialists realtors and other assistants and advisors deemed by my Executors to be necessary for the proper administration of my estate and to do so without liability for any neglect omission misconduct or default of any such agent or professional representative provided that such agent was selected and retained with reasonable care;
- (P) To determine irrespective of statute or rule of law the amounts which shall be fairly and equitably charged or credited to income and to principal notwithstanding any determination by the courts or any custom or statute;
- (Q) To hold and retain the principal of my estate undivided until actual division shall become necessary in order to make distributions; to hold, manage invest and account for the several shares or parts thereof by appropriate entries on my Executors books of account and to allocate to each share or part of a share their appropriate part of all receipts and expenses;
- (R) In general to exercise all powers in the management of my estate which any individuals could exercise in their own rights upon such terms and conditions as they may deem best and to do all acts which they deem necessary or proper to carry out the purposes of this Will;

ARTICLE NINE

As used in this Will, the masculine, feminine, or neuter gender and the singular or plural number shall each be deemed to include the others whenever the context so indicates.

IN WITNESS WHEREOF I, MMMM, the Testator, have set my hand and seal to this my Last Will and Testament, consisting of Seven typewritten pages this.....day of.....One thousand Nine Hundred and Ninety-Seven.

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The foregoing instrument was signed, published and declared by **MMMM** the Testator, as and for his Last Will and Testament in the presence of us and we, as his request and in this presence, and in the presence of each other, have hereunto subscribed our names as witness on the date and year above written.

----- residing at NAIROBI

----- residing at NAIROBI