



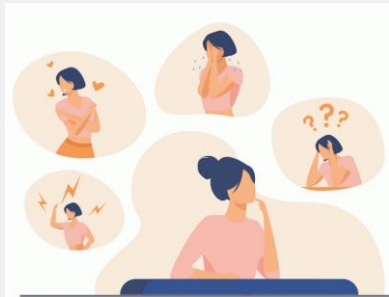
Back On My Feet

The Road Back to Financial Independence

www.muthoniomukhango.kenyacalc.org/back-on-my-feet

Financial Independence

1. Introduction to financial independence (**Friday 15th January 2021**)
2. How to go back to school - with tips on free online courses (**Friday 22nd January 2021**)
3. How to start a business - 37 ways to work from home during a pandemic by Jim Palumbo (**Friday 29th January 2021**)
4. How to renew or update your professional skills (**Friday 5th February 2021**)
5. How to find a support system (**Friday 12th February 2021**)
6. How to do savings & investments (**Friday 19th February 2021**)
7. **How to claim succession and inheritance for your child (Friday 26th February 2021)**
8. How to seek child support (**Friday 5th March 2021**)



Emotional Stability



**Financial
Independence**



Mastering Child Care

Overview:

What's
Succession

Find
Emotional
Stability

Julie Wagana's
Story

Q&A



INTRODUCTION



When a spouse passes away, there are increasing cases of the families of the deceased swindling the bereaved spouse and children of their inheritance.

What a sad state of our society when people care more for what they benefit from the death of their loved ones as opposed to trying to protect the spouse and children of their deceased relative.



In most cases, single moms and dads experience double pain when the relatives of the deceased spouse push or threaten to sell the properties of their deceased brother or sister (in case of siblings) or of their son or daughter (in case of parents).

This is unlawful and you need to rise up and fight for the inheritance of your children.

Family In-law can and will take advantage of the situation oftentimes and can leave you at a far worse financial position than you ought to be.

It is already tragic that you have to bear the responsibilities of two people alone.

You do not need the additional emotional and financial hardships in such situations.

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SUCCESSION is the right and transmission of the rights and obligations of the deceased to his/her heirs.

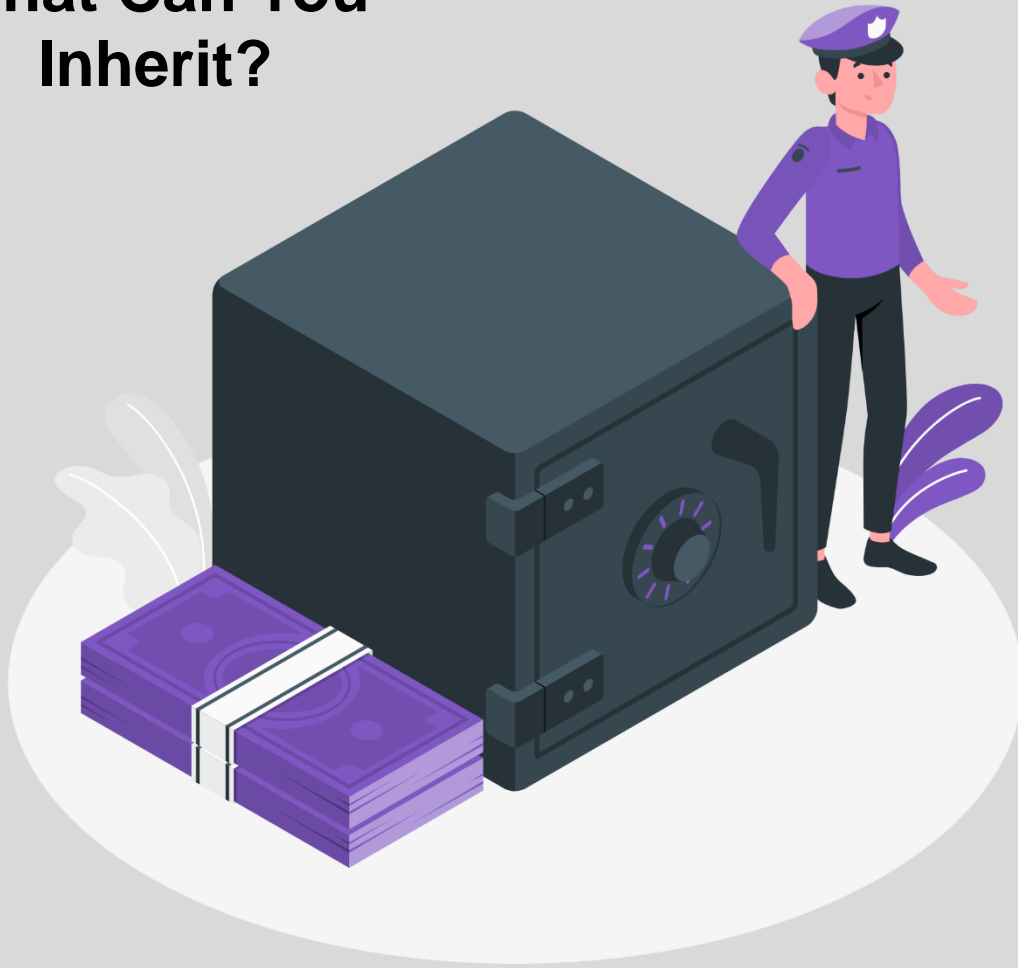
The Kenya law of succession prescribes the rules which determine what ought to happen to a person's estate after his/her death. It is also referred to as the law of inheritance, that is, transmission of property rights from the dead to the living.

The rules of succession identify the beneficiaries entitled to succeed to the deceased's estate and the extent of the benefits they are to receive.

The Kenya law of succession determines the different rights and duties that persons (for example, beneficiaries and creditors) may have in a deceased's estate. Source: Transparency International



What Can You Inherit?

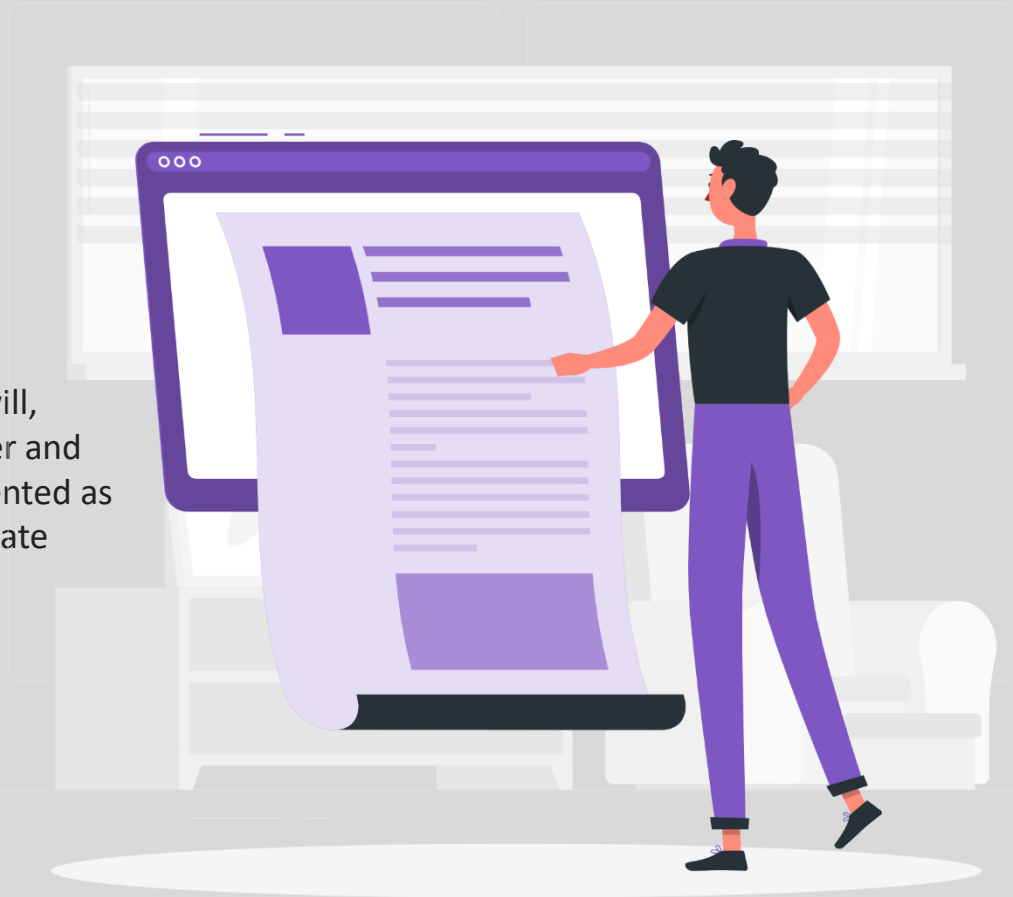


Apart from land, one can inherit:

Mpesa accounts,
Shares,
Bank accounts,
SACCO,
Pension,
Life insurance among others.

Testate Succession

If your spouse had written a will, then the process is much faster and clear as everything is implemented as per the will – this is called testate succession



Intestate Succession



If your spouse passed on without writing a will, then intestate succession is effected. If you were married you shall be entitled to personal and household effects absolutely.

Further, to a life interest in the remaining property of the deceased person. You will also have an interest in property which will terminate upon your death.

If you were the wife to the deceased, that interest shall come to an end if you marry another person.

Then your children will get the entire estate upon the termination of the life interest.

What if you two were not married?

If you were not married to the deceased but have children, in such a case, your children will receive the proceeds of the entire estate at age 18.



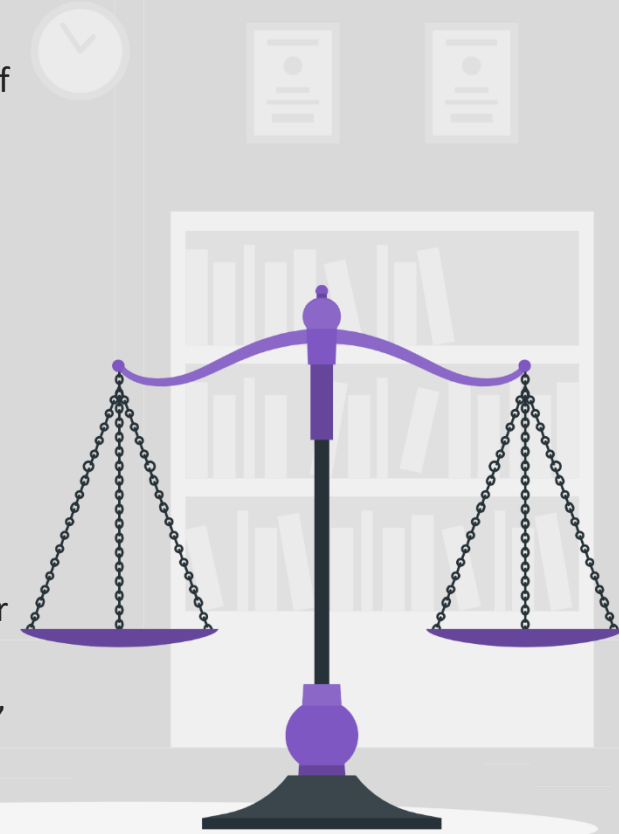
What is Intermeddling

It's important for you to note that your in-laws interfering with the property of your deceased spouse (whether you had a great marriage together or not) is referred to as intermeddling.

To intermeddle means to interfere wrongly with property, or the conduct of business affairs, officiously or without right or title (Black's Law Dictionary 6th edition).

In law, the intermeddler has no legal authority or power to transfer ownership of the property of a dead person. This is an illegal transaction that can be reversed and set aside.

In order to protect the estate and or the property of the deceased, intermeddling is a crime under Kenyan law. Section 45 (1) of the act provides that any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding Ksh 10,000 or to a term of imprisonment not exceeding one year or to both such fine and imprisonment; and be answerable to the rightful executor or administrator, to the extent of the assets with which he has intermeddled after deducting any payments made in the due course of administration.



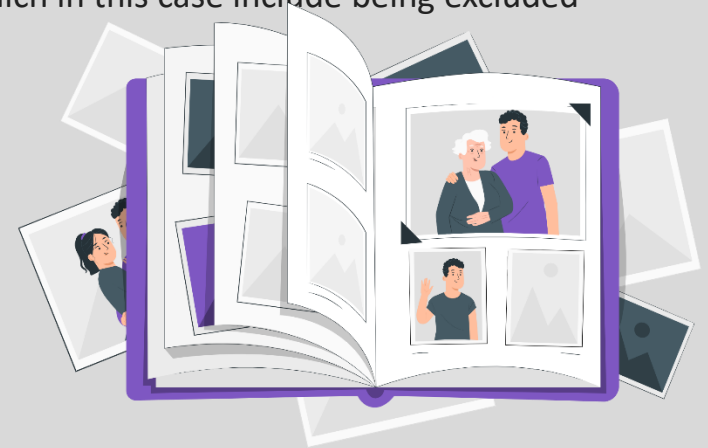
What if relatives deny you access?

If the said relatives deny you rights to access your inherited or to-be inherited property, and if the property in question is land and there is no case that has been filed in court, you can place a caution/caveat at the Land Registrar's office so as to prevent further dealing on the land.

For any other property, you can go to court to seek an injunction to stop any transfer, sale, lease or any transaction on the property until the dispute is resolved in court.

If a succession matter has already been filed in court, you can institute objection proceedings in court to oppose the application and state the grounds of your objection, which in this case include being excluded from the list of beneficiaries.

The matter will be heard first by the Judge handling the case.



What if the deceased had more than one wife?



If your deceased spouse had more than one wife, in determining the shares by each wife, one will need to determine at what point the marital property was acquired.

Property acquired before the second marriage is owned equally by the deceased husband and first wife.

Property acquired after the second marriage is considered owned by the deceased husband and both wives (taking into account each wife's contribution).

What if the deceased had a court case on a property?

If your spouse passed on with a court case relating to the property, you will need to continue the case.

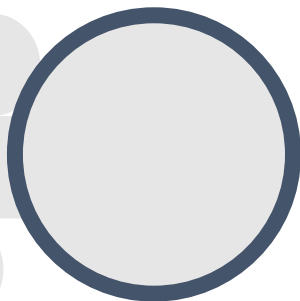
The law provides that within ninety days of death, a notice of death and a copy of the death certificate be filed with the court requesting that a successor to the case be appointed.

A failure to do so could result in the case being dismissed.

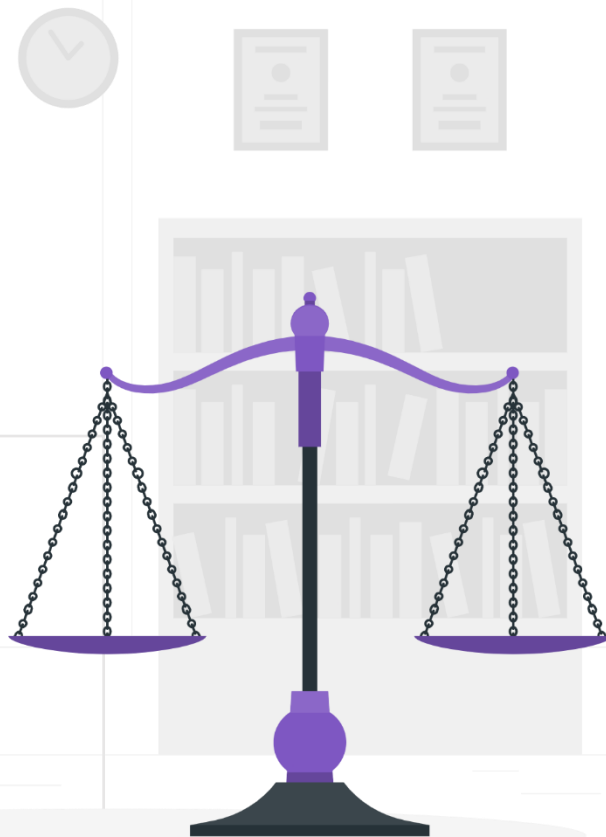
The court will grant you or any other suitable person the power to continue with the case.



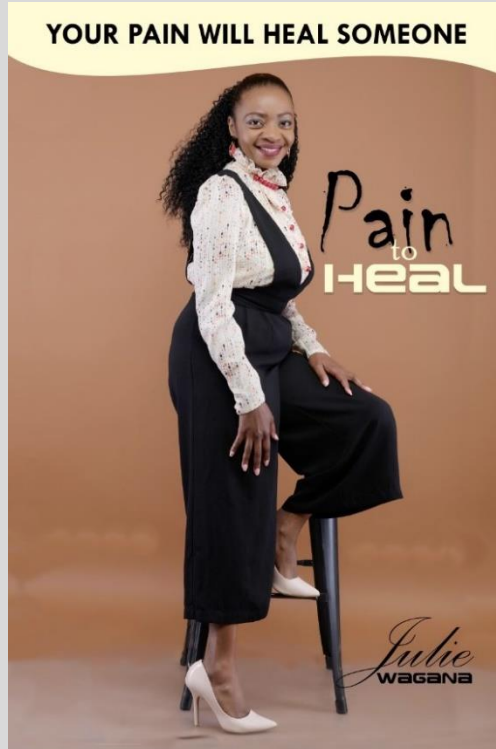
This is not legal advice...



It is important to note that the above information is not legal advice for your specific case or situation, you should seek legal assistance from a qualified lawyer or advocate of the court. The organization Transparency International Kenya has assisted in this area in the past through their Advocacy and Legal Advice Centres in various parts of Kenya.



Let's Hear Julie Wagana's Testimony



Julie Wagana shares with us her journey and lessons learned after being widowed at a very young age of 23 with a 2 year old son to look after.

She is the author of the book Pain to Heal published by CLC Kenya.

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HOW DOES GOD WANT US TO MANAGE OUR EMOTIONS? THE PHILIPPIANS MODEL

Do not be anxious or worried about anything, but in everything [every circumstance and situation] by prayer and petition with thanksgiving, continue to make your [specific] requests known to God.

And the peace of God [that peace which reassures the heart, that peace] which transcends all understanding, [that peace which] stands guard over your hearts and your minds in Christ Jesus [is yours].



Finally, believers, whatever is true, whatever is honorable and worthy of respect, whatever is right and confirmed by God's word, whatever is pure and wholesome, whatever is lovely and brings peace, whatever is admirable and of good repute; if there is any excellence, if there is anything worthy of praise, think continually on these things [center your mind on them, and implant them in your heart]. The things which you have learned and received and heard and seen in me, practice these things [in daily life], and the God [who is the source] of peace and well-being will be with you.

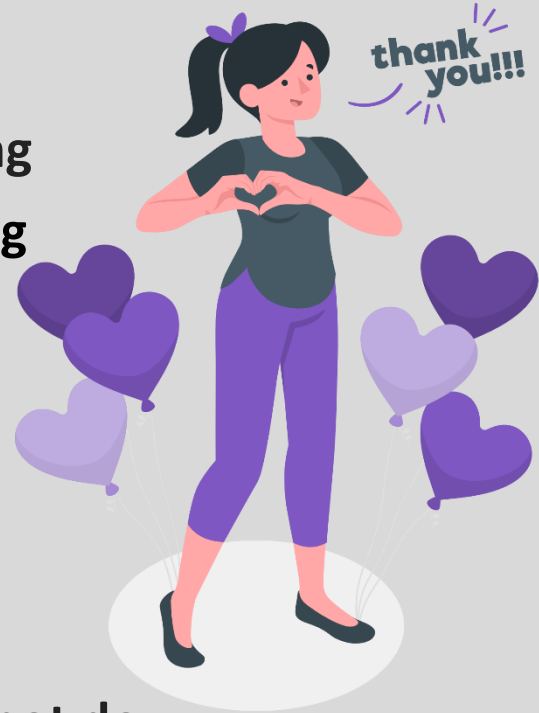
Philippians 4:6-9 Amp

PHILIPPIANS MODEL

- Do not be anxious or worried about anything
- By prayer and supplication with thanksgiving
- Think on these things

Additional emotional stability tools:

- Be resilient – refuse to give up
- Care for self – love yourself
- Know yourself – what can you and can you not do.



Your Take Out?



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Q&A

Ask your legal questions

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This Is My Prayer For You

As you go through this painful process of grieving your loved one, know that God promises that He is near to the brokenhearted and saves the crushed in spirit (Psalms 34:18)

And that:

You should fear not, for He is with you;

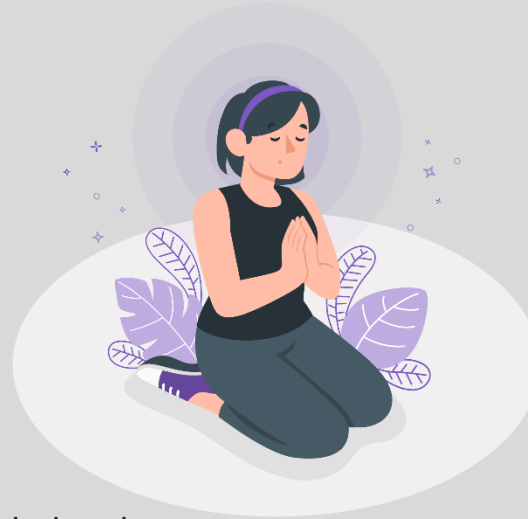
Be not dismayed, for He is your God;

He will strengthen you,

He will help you,

He will uphold you with His righteous right hand.

Yes it is a time of mourning, but as we reviewed before from Ecclesiastes 3, a time of joy and laughing will surely come. Hang in there and see God's salvation for you in this season.





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