



## **FAMILY LAW & SUCCESSION – LLB 410**

**EXAM - SEPTEMBER 2022 SEMESTER**

**Answer Question 1 and one other question.**

### **Question 1**

Edwin and Benta got married in 2017 in a Christian Marriage that was officiated at Watu Wema Church, in Nairobi. Six months into the marriage Benta denied Edwin conjugal rights stating that they no longer communicate. In 2018 Benta got an internship in Nakuru and moved out of the matrimonial home. She has since met Maina who she is living with and they have one child together. Edwin feels trapped in this marriage as his wife has since moved on. He comes to you for advise on how to dissolve a Christian marriage. Citing the relevant provisions of the Marriage Act 2014, discuss the grounds and the manner in which a Christian Marriage may be dissolved. **(15 marks)**

### **Question 2**

Sara has been married to Jack for 10 years under Tula customary law. Their matrimonial home is in Nyeri and they have 3 children together: Alex, Ben and Charles. She has now heard that Jack has been married to another woman at his work station in Mombasa with whom he has a child. Jack has not come home for a year now and he does not make any contribution to the household. As a result, Alex, Ben and Charles have been sent home for school fees. Sara comes to you for legal advise on maintenance. Identifying the various issues that arise in this matter, advise Sara on any rights her children may have in this matter against their father Jack who is not providing for the household. **(15 marks)**

**Question 3**

Mrs. Matoke comes to your office and asks you to draft her a will. She states that she wishes to distribute her property amongst her three children - Tom, Mary and Pendo, her husband - Mr. Matoke, as well as her two servants - Omondi and Kemboi. To Tom, she leaves behind her two Volkswagen beetles and her mango farm in Kitui; to Mary, she leaves behind her residential property in Kilifi and three tractors; and to Pendo she leaves the contents of her savings accounts and three tracts of land in Kiambu. She gives Mr. Matoke her onion farm in Baringo and appoints him as executor of her estate. Lastly, she gives Omondi, her trusted servant, her new Mercedes Benz and to Kemboi, she leaves her diamond ring. **(15 marks)**