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From the Managing Partner's Desk


You, our trusted clients, know us as the boutique law firm that packs a punch. To serve you better and provide avenues for further collaboration, we have embarked on instituting new systems and processes, transforming our practice into a nimble, fit-for-purpose structure. Visit our new website www.rmmandcompanyadvocates.com to keep up with the transformative changes afoot at your preferred legal advisory firm.

Managing Successions Prudently

In my almost 40 years of legal practise, I have witnessed and been engaged on various succession proceedings involving minor to significant estates of deceased persons. Whereas a number of these estates have been successfully distributed to the beneficiaries after the mandatory court processes as set out in the law of succession Act Cap. 60, many more have been beset by protracted court proceedings that have spanned years, if not decades.

It is true that the law demands that the estate of a deceased person be dealt with only after obtaining necessary approval from the court by appropriate applications/proceedings, depending on whether the estate is testate (where there is a will) or intestate (where no will is left).

My experience is that rather than expose one's estate to the vagaries of litigation following one's demise, the most prudent way of managing a person's hard-earned wealth lies elsewhere.



Indeed, this is where our expertise at RMM & Co Advocates comes in. We have a wealth of experience in assisting clients from all walks of life by giving legal guidance that is both cost and time-effective, saving our clients and beneficiaries the woes of delayed court processes and the attendant stress. I'll give a small illustration: did you know, for instance, that you can create a succession plan now when you are well and alive? This can be achieved in a myriad of ways, utilising tax-efficient instruments that give you a bang for your buck. Non-exhaustively, these may leverage upon:

- Wills
- Trusts
- Incorporation of companies
- Gift intervivos, and finally
- Other custom financial instruments

Moreover, we have a proven track-record of helping our clients navigate ongoing succession matters which are either to be filed or are pending in court. These can be made to proceed much easier by employing the process of pre-court advice. Afterall, most disputes arise due to a misunderstanding of what the actual process of succession entails and what rights are conveyed at each stage, including through court-annexed mediations.

In sum, Article 159 of our beautiful constitution mandates all of us to consider alternative dispute resolution (ADR) as a viable alternative to litigation. Let us guide you on this journey, then.

The future is not an inheritance, but an opportunity and an obligation.

~African proverb

Author



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Committed to Excellence