



**Looking after you and your family
for generations to come**

www.adilifiduciary.com

Introduction

Jimi Hendrix, electric guitar wizard and one of the most celebrated musicians of the 20th century, died without a will at the age of 27. All he owned fell under intestate legislation, so despite being very close to his brother, the law dictated his estate was inherited by his father, who then left it all to an adopted daughter from another marriage, completely unrelated to Jimi.

With no form of estate planning and no will, it is impossible to know what Jimi intended, but he surely would not want his family torn apart by the lengthy law suits that ensued.

And this is less unusual than you might think, others include Michael Jackson, Bob Marley, Aretha Franklin, and Martin Luther King Jnr. The fallout can be devastating for the family left behind.

Estate planning goes beyond drafting a will, and is essential in the case of families and individuals with extensive business interests and varied high value assets. Thorough planning means accounting for all your assets and ensuring they transfer as smoothly as possible to the people or entities you want to receive them. Along with implementing your plan, you must make sure others know about it and understand your wishes.

At AFS we understand that every family is unique, with different dreams, ambitions and needs, and that the right advice can help you meet or exceed them.

AFS' flexible estate planning strategies are customised to individual aims and aspirations. Clients are assured of a confidential, bespoke service from one of the industry's most experienced and trustworthy advisers.

Who we are

AFS is an independent and agile corporate professional trustee providing trustee and fiduciary services to high-net-worth families.

AFS understands that every family is unique and works with them to create truly bespoke solutions to achieve their overall aims, succession planning objectives and risk tolerance.

AFS has the backing of ALN Kenya, East Africa's largest full-service law firm and is actively managed by senior ALN Kenya partners. Together with legal and tax advisers, they provide full trustee services, including incorporation and administration of

the structures, reporting and accounting and the selection of investment managers, payroll services and liquidators.

AFS is independent, not linked to any financial institution or investment house, and does not provide investment advice. Free from any conflict of interest, we ensure the investments held by a trust are best in class and fit the investment and risk profile of the family.



Why AFS?



Experience

The reassurance of a trustee with the experience and professionalism to administer and manage assets, which means you are free to do what you do best.



Confidentiality

In an age of increased exposure to cyber security threats it's good to have a partner with robust IT systems, regularly upgraded. AFS' cyber security specialists ensure absolute confidentiality and data security.



Client Communication

Understanding our clients and keeping them in the loop is essential in all we do. AFS offers at least two trustee meetings a year to track developments and keep you updated on trust assets and investment portfolios.



Technical expertise

No one can know everything, so experts are integral to our approach. The close association with ALN Kenya puts us at the forefront of developments in the law, tax and other areas.



Administrative capabilities

No need to worry about tracking your plans; AFS has the specialised skills and resources to professionally administer trusts and similar structures with the latest IT systems used by international trustee firms to maintain records.



AML and KYC

As the world becomes more connected, it's never been more important to be legally compliant. AFS' IT systems and software comply with international anti-money laundering and maintain the integrity of trust assets.

Why set up a trust?

Trusts and foundations control wealth while divesting ownership and play a key role in the continuation of family businesses, succession planning and tax planning.



- Trust assets no longer form part of the settlor's estate so will not be subject to the delays and vagaries of the court driven probate process. They can also benefit from creditor protection, including trade creditors, claims on divorce or claims from dependants.
- Trusts can hold a variety of assets, including shares in a business enabling continued trading after death or incapacity and avoids the delays and complications of the probate process.
- Trusts can be sharia compliant and consistent with the Islamic faith.

Adili Executor Services

Death is a subject we find hard to face. When people die they leave behind a life that must be closed out, a stressful, bureaucratic task that can take years to complete. All while grieving a loss.

The settling of any estate involves executors, people you name in your will to carry out your wishes after you die and who will be responsible for all aspects of winding up your affairs. It is a big responsibility and not a one person task.

Why have a will and appoint an executor?

In Kenya, when a person dies without a will (dies intestate) the statutory intestacy provisions apply and the estate is distributed in accordance with a fixed order of priority decided by the government and set out in the Law of Succession Act of Kenya.

Without a will, the estate cannot be distributed without letters of administration and the court has discretion as to who administers the estate. If there is no next of kin then the Public Trustee or the creditors of an estate may be granted these.

It is a complicated business and competent legal advice is needed to make a valid, effective

will that complies with local legislation. If straightforward, the probate process can take a year, but disputes can stretch this to several years and beyond. Where the deceased's estate includes assets in other countries, the executors need to give instructions to foreign lawyers and deal with them throughout the probate process.

Imposing these duties on a family member or friend is a huge responsibility, and of course individuals appointed as executors may also die or become incapacitated before probate is completed.

AES is an independent corporate executor providing executorship

services. We have the expertise and skills to carry out the duties of an executor, with the benefit of access to an expert legal team. Our close associates at ALN Kenya include a dedicated Private Client Team that advise clients on a range of matters including wills and probate. Particularly when an estate includes assets in more than one country, you need to understand private international law, plus poorly drafted local and international wills may lead to conflicts that take years to resolve and tear an already grieving family apart. All this can be avoided by competent professional advice from an expert.

Why AES?



A professional team with the required experience

AES understands the business and obligations of an executor: dealing with beneficiaries, liaising with brokers and banks, setting up an estate account, preparing financial statements and distributing the assets once the probate process is finalised.

We take these onerous tasks on board, leaving the family to grieve in the knowledge that their loved one's affairs are in safe hands.



Ability to deal impartially with potential conflicts

Conflicts can result when executors are also beneficiaries of an estate, related or connected in some other way.

As an independent executor we eliminate any bias in decision-making and guarantee the wishes of the deceased are carried out to the letter.



Expert in succession laws

The legalities and court processes of probate can be intimidating. AES are experts in succession laws in Kenya and other countries.

ALN Kenya's established and experienced Private Client Team handle probate matters in the High Court and work with us throughout the probate process.

Our sensitive, sympathetic experts are familiar with probate procedures in many countries and work with international law firms specialising in succession laws, alleviating the burden from family members.

Team



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