



REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

Telegrams "Lands", Nairobi  
Telephone: Nairobi 02718050  
When replying please quote

DEPARTMENT OF LANDS  
1<sup>st</sup> NGONG AVENUE  
OFF NGONG ROAD  
P.O. Box 30089  
**NAIROBI**

Ref No. KSM/A/17/Vol.XVI/139

Date: 15<sup>th</sup> April, 2021

Rudi Marguardt Electronic Co. Limited  
P.O. Box 1121-00300  
**NAIROBI**

**RE: LAND PARCEL NUMBERS KISUMU/KONYA/4794&5087**

Please note that we have received the report from the Land Registrar Kisumu and now wish to bring to your kind attention the following:

1. That according to the land records held at the Kisumu Lands Registry, the above land parcels were transferred to Rudi Marquardt Electronic co. Limited on 6<sup>th</sup> December 2010.
2. That as per the transfer instruments the directors of the company were Rudolf Georg Marquardt pp/No.c61RKF9RT and Vallery Jimoi Khazalwa ID/No.25150565.
3. That on 24<sup>th</sup> August 2012 both properties were transferred to Vallery Jimoi Khazalwa a director of the company as per the land register.
4. That there are no transfer and consent to transfer documents in the parcel file in support of the entry on the land register.
5. That the land registrar purported to have signed the entry and issued the title to Vallery Jimoi Khazalwa as confirmed that the entry was fraudulently entered in the land register and that she had recorded a statement with Directorate of Criminal Investigations (DCI) and also testified in court on the same.
6. That on 24<sup>th</sup> October 2013 the said properties were again transferred to John Odindo Ogilo ID/No.1243267, Oscar Ogilo Odindo ID/No. 24935027 and Staline Yuaya Odindo ID/No.30242384 who are the current registered owners.

It is our opinion that Vallery Jimoi Khazalwa a director to Rudi Marquardt Electronic Co. limited fraudulently obtained registration and used a forged title to transfer the properties to herself and then to third parties thereby defrauding the company. In actual fact she had no good title to pass to the current proprietors. It's also our opinion that pursuant to Section 80(2) of the Land Registration Act, No.3 of 2012 only the court has the powers to nullify the title issued to John Odindo Ogilo ID/No.1243267, Oscar Ogilo Odindo ID/No. 24935027 and Staline Yuaya Odindo ID/No.30242384.

Section 80(2) provides:

The register shall not be rectified to affect the title of a proprietor who is in possession and had acquired the land, lease or charge for valuable consideration, unless the proprietor had knowledge of the omission, fraud or mistake or substantially contributed to it by any act, neglect or default.

I am informed that there is an ongoing suit in Court, it would be better that we wait for that outcome. Once again, I wish to reiterate that there are no documents at the Kisumu Land Registry relating to the transfer between the Company and Vallery Jimoi Khazalwa.

Attached for your perusal are copies of:

1. The Land Registrar Kisumu's report.
2. The Land Registers for Kisumu/Konya/4794 & 5087.
3. The Transfer documents between Vallery and John Odindo Ogilo & two others.
4. Consent to transfer dated 3<sup>rd</sup> October 2013.
5. Title purported to have been issued on 24<sup>th</sup> AUGUST 2012.



**N.D. NYAMBASO**  
**SENIOR ASSISTANT CHIEF LAND REGISTRAR**

Copy:

Cabinet Secretary, MoLPP

-

For Information

District Land Registrar  
Kisumu Land Registry  
P.O. Box 1663-40100  
**KISUMU**

130

**MINISTRY OF LANDS HOUSING AND URBAN DEVELOPMENT**



Telephone 057-2020676  
Fax: 020-3530447  
When reliving please quote



DEPARTMENT OF LANDS  
P. O. BOX 1663 - 40100  
KISUMU

KSM/DLR/COMP/VOL.IV/52

23<sup>rd</sup> October, 2020

✓ Senior Assistant Chief Land Registrar  
**NAIROBI - ATTN: N. D. NYAMBASO**

**RE: REPORT ON PARCELS OF LAND KNOWN AS KONYA 4794 AND 5087**

Your letter ref. KSM/A/17/VOL.XVI/129 dated 13<sup>th</sup> October, 2020 refers,

A complaint was raised by one MSSRS Rudi Marquardt Electronic Co. Limited on the above parcels of land.

The two parcels of land Konya 4794 and 5087 were registered to the complainant. Title deed no. 4794 was issued on the 9<sup>th</sup> December, 2010.

According to the transfer documents which were presented to the registry, the complainant is a Company Limited by shares whose directors were Pudolf Georg Marquardt and Vallery Jimoi Khalazwa.


The green cards show that on the 24<sup>th</sup> August 2012, Vallery Jimoi Khalazwa, the Co-director got herself registered as the sole proprietor of the two parcels of land.

**FINDINGS:**

There are no transfer documents in support of the said transaction though his name was entered on the green card on the 16<sup>th</sup> October, 2013. The said Vallery Jimoi Khazalwa transferred the two parcels of land to the current registered owners as per the green cards.

**OBSERVATION:**

From the forgoing, it seems that there is no proof of how the transfers were done from Rudi Marquardt Electronic Co. Ltd to Vallery Jimoi Khazalwa.

  
**GEORGE O. NYANGWESO**  
**COUNTY LAND REGISTRAR**  
**KISUMU**

**Encl.** All documents as requested.

**c.c.:**

Cabinet Secretary

Rudi Marquardt Electronic Co. Limited  
Gatatha House, Munyu Road  
**NAIROBI, KENYA**

HIGH COURT  
KISUMU  
23 MAR 2014

EDITION: 1

OPENED: 28.11.2007

REGISTRATION SECTION

PARCEL NUMBER: 5087

APPROXIMATE AREA: 0.12 Ha.

REGISTRY MAP SHEET No. 10

PART A - PART B - PARTY SECTION

EASEMENTS ETC.

ABSOLUTE

SUBDIVISION OF PLOT NO. 4362

PART B - PROPRIETORSHIP SECTION

ENTRY No.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
1.	28.11.2007	THE HON. JUDGE J. W. W. W. W.	P.O. BOX 2999, KISUMU		
2	20.12.2001	HENRY KIPROTICH	NGENOH RD 0320/100	ISSUED	
3	15.4.2009	TITLE DEED			
4	6-12-2009	AUDI MARGARET	ELECTRONIC CO. LTD	TRANSFER	
5	27.12.2012	TITLE DEED	A.N.D. 2725/83	ISSUED	
6	24.8.2012	VALLERY JIMOI	KHARAZAKWA BOX 7128-40100 KSM.		
7	24.8.2012	TITLE DEED (A.N.D. 272897)	(FB NO. 2/150565)		
8	16.10.013	John Odindo Ogilo, Oscar Ogilo and Staline Kisumu			
9	16.10.013	Odindo P.O BOX 9007 Kisumu		ISSUED	

This is the exhibit marked "A-3" referred to in the Annexed Affidavit / Declaration of Rudolf A. Margarett sworn / Declared before me this 28th Day of February 2014 in the Republic of Kenya

*[Signature]*  
Commissioner for Lands & Physical Planning

Kisumu  
District Office  
21337-011  
TITLE BELOW THIS LINE

TITLE NUMBER

REGISTRATION SECTION

PARCEL NO.

DUPLICATE (Applicant's Copy)

FORM (2A)

REPUBLIC OF KENYA

THE LAND CONTROL REGULATIONS, 1968

The CHATHAM Land Control Board

1/A May 1977

Mombasa

To: AS Mombasa

Date 03/10/73

Reg. No. \_\_\_\_\_

L.C.R. No. 38/10/73

SIR/MADAM,

LETTER OF CONSENT

1. With reference to your application dated the 03/10/73 20 1973 the Board gave its consent to the following controlled transaction at a meeting held on the 03/10/73 20 1973
2. Nature of Transaction:
  - (a) L.R. or Parcel No. 13794
  - (b) Locality Mombasa
  - (c) Sale, lease, Subdivision, mortgage, charge, etc. transfer
  - (d) Names of Parties:
    - (i) from VAWABRY James KAZALWA
    - (ii) to JAMU OMBO OMBU OMBU
  - (e) Length of term 10 years
  - (f) Consideration SHS 40000
3. Special conditions of approval of subdivision:
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_
  - (e) \_\_\_\_\_

I am, Sir/Madam,  
Your obedient servant,  
CHAIRMAN  
LAND CONTROL BOARD  
KISUMU MUNICIPALITY  
[Signature]

EDITION: 1  
OPENED: R. 6. 2000

PART A - PROPERTY SECTION

EASEMENTS, ETC.

NATURE OF TITLE

REGISTRATION SECTION:  
KISUMU/KONYA

PARCEL NUMBER  
4794

APPROXIMATE AREA  
0.17 H.A.

REGISTRY MAP SHEET NO.  
10

ABSOLUTE

SUBDIVISION OF PLOT NO. 2673 PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND PAYMENTS	REMARKS
1	8.6.2000	PAUL KISUCHI KATERVA	P.O. BOX 1043, KISUMU		
2	10.7.2000	ALICE CHEPKEMOI	NEW NO. 10/11078808	15000/-	
3	10.7.2000	ALICE CHEPKEMOI	NEW NO. 10/11078808	15000/-	
4	6.10.2010	RODRI DARRAQUARDI ELECTRONIC CO. LIMITED	15000/-		
5	9.12.10	ALICE CHEPKEMOI	P.O. BOX 1805 KISUMU	15000/-	
6	24.8.2012	VALLEY JIFU KIRIATIMU	P.O. BOX 7128 - GARDEN KISUMU	15000/-	
7	24.8.2012	TITLE DEED (A) NO. 272848/1/DNO. 25156	15000/-		
8	16.10.2013	John Olando Ogilo Oscar Ogilo Odindo and Stella	15000/-		
9	16.10.2013	John Olando P. O. BOX 1043 KISUMU	15000/-		

TITLE NUMBER

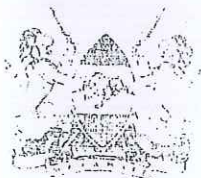
KISUMU/KONYA

REGISTRATION SECTION

Handwritten  
2003/811  
TITLE DEED  
1st LINE

15000/-

Handwritten signature and stamp



REPUBLIC OF KENYA

THE LAND REGISTRATION ACT

(No. 3 of 2012, section 108)

THE REGISTERED LAND ACT

(Chapter 300) (REPEALED)

# Title Deed

Title Number KISUMU/KONYA/4794

Approximate Area 0.11. Ha.

Registry Map Sheet No. 10

This is to certify that VALLERY JIMOI KHALALWA

ID/NO. 25150565 =

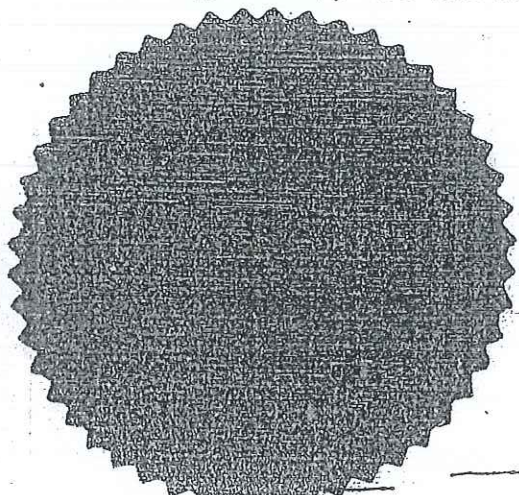
P.O. BOX 7128, 40100, KISUMU.

is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 28 of the Land Registration Act (No. 3 of 2012) as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

KISUMU District Land Registry

this 24TH day of AUGUST 2012



M. J. Boor 253  
Land Registrar

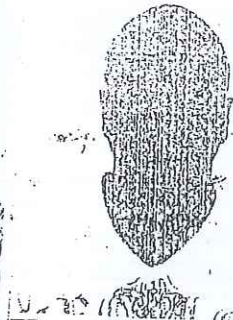




Signed by the Transferee  
In the presence of:-

JOSEPH N. MUSOMBE  
ADVOCATE

P.O. BOX 1361, 40100, KISUMU



ID/NO. 1243267

PIN No. 40011387630

Signature: *[Handwritten Signature]*

I CERTIFY that the above

named JOHN ODINDO OGIIO, OSCA OGIIO ODINDO,  
STACE YUAYA ODINDO

appeared before me on the 24<sup>TH</sup> day of SEPTEMBER 20 13  
and, being known to me/being identified by ID NO. 1243267, 24935027, 30848383  
of P O BOX 9094-40100 KISUMU

acknowledge the above signatures or marks to be his (theirs) and that he (they) had freely and  
voluntarily executed this instrument and understood its contents.

OGONE JARED OTIENO  
ADVOCATE  
P.O. BOX 7045,  
KISUMU

Signature and Designation of  
Person Certifying

REGISTERED this..... day of..... 20.....

Land Registrar

"Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID  
Number and Tax PIN Number."

\*Delete whichever is not applicable.

GPK (L)

REPUBLIC OF KENYA

THE REGISTERED LAND ACT (Cap.300)

TRANSFER OF LAND

TITLE NO. KTSUMU/KONYA/4794

NAME VALLERY JIMOI KHAZAINA

in consideration of

(the receipt whereof is hereby acknowledged) HEREBY TRANSFER to

JOHN ODI'DO OGII'O, OSCAR OGII'O ODI'NDO, STALINE YUUYA ODI' DO

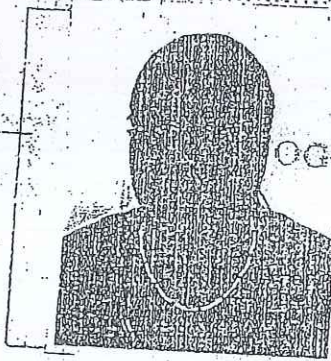
of P. O. BOX 9097 the land comprised in the above mentioned title.

The Transferees declare that they hold the land as joint proprietors/as proprietors in common in the following undivided shares:-

Dated this 24th day of SEPTEMBER 20 15

Signed by the Transferor In the presence of-

JOSEPH N MUSOMBA ADVOCATE P.O. BOX 1267 40100 KISUMU



OGONE JARED OTIENO ADVOCATE P.O. BOX 7045 KISUMU

ID/NO. 25150565 PIN No. A0057976370

Signature

I CERTIFY that the above named VALLERY JIMOI KHAZAINA

appeared before me on the day of and, being known to me/being identified by ID NO. 25150565 P. O. BOX 7128-40100 KTSUMU

Acknowledge the above signatures or marks to be his (theirs) and that he (they) had freely and voluntarily executed this instrument and understood its contents.

OGONE JARED OTIENO ADVOCATE

Signature and Designation of Person Certifying

\*Delete whichever is not applicable.

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT

(No. 3 of 2012, section 108)

THE REGISTERED LAND ACT

(Chapter 300) (REPEALED)

# Title Deed

Title Number KISUMU/KONYA/5087  
Approximate Area (0.12) HA.  
Registry Map Sheet No. 10

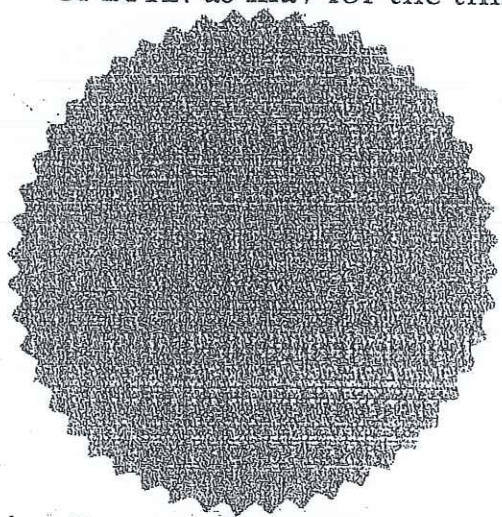
*This is to certify that* JOHN ODINDO OGILO  
ID/NO. 1243267 & OSCAR OGILO ODINDO ID/NO. 24935027  
& STALINE YUAYA ODINDO ID/NO. 30242384  
OF P.O. BOX 9097, KISUMU.

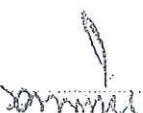
is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 28 of the Land Registration Act (No. 3 of 2012) as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

KISUMU District Land Registry

this 16<sup>TH</sup> day of OCTOBER 2013



  
Land Registrar



REPUBLIC OF KENYA

THE LAND CONTROL REGULATIONS, 1963

The CHAIRMAN, Land Control Board

Box 1924

KISUMU

To: HENRY K. NGENOH

Box 731

KISUMU

Date

11/11/10

Reg. No.

L.C.R. No.

48/11/10

SIR/MADAM,

LETTER OF CONSENT

1. With reference to your application dated the 11/11/2010 the Board gave its consent to the following controlled transaction at its 4th BOARD meeting held on the 11/11/2010

2. Nature of Transaction:

- (a) L.R. or Parcel No. KSM/KONYA/5087
- (b) Locality KISUMU MUNICIPALITY
- (c) Sale, lease, Subdivision, mortgage, charge, etc. TRANSFER
- (d) Names of Parties—
  - (i) from HENRY KIPROTICH NGENOH
  - (ii) to RUDI MARQUARDT ELECTRONIC CO. LIMITED
- (e) Length of term ABSOLUTE
- (f) Consideration \_\_\_\_\_

3. Special conditions of approval of subdivision:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) N/A
- (d) A
- (e) \_\_\_\_\_

I am, Sir/Madam,  
Your obedient servant

CHAIRMAN  
LAND CONTROL BOARD  
KISUMU MUNICIPALITY

Copy to:

The Commissioner of Lands, Nairobi.  
The Central Agricultural Board.