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Lawyer says Moi signed USIU land transfer documents

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Former President Daniel arap Moi. PHOTO | FILE

IN SUMMARY

- Paul Ndung'u says that Mr Daniel arap Moi signed the sale agreement that saw the upmarket Muthaiga North estate acquired by DPS International, which the former president has disowned.
- He says the sale agreement and transfer were signed in early 1986 at State House in the presence of former Finance minister Arthur Magugu.
- The former President has since sworn an affidavit claiming that the alleged transfer to DPS International was created to defraud him.

The lawyer behind the controversial Ndung'u land report has told investigators he saw former President Daniel arap Moi sign a transfer document for disputed property claimed by a university, Equity Bank boss James Mwangi and a US-based Kenyan businessman.

Paul Ndung'u told investigators probing the property that Mr Moi signed the sale agreement that saw the upmarket Muthaiga North estate acquired by DPS International, which the former president has disowned.

He reckons the sale agreement and transfer were signed in early 1986 at State House in the presence of former Finance minister Arthur Magugu.

"I recollect that I prepared the agreement transfer in favour of DPS... I needed to carry all documents required for His Excellency's signature," Mr Ndung'u's signed statement says.

The 30-acre property in Nairobi, initially owned by Mr Moi, is claimed by Mr Mwangi, United States International University Africa (USIU-A) and US-based businessman George Kiongera.

The former President reckons he sold the prime piece of land in upmarket Muthaiga North estate for Sh500 million to Mr Kiongera in June and has never dealt with DPS International.

Mr Ndung'u says Mr Moi was told the purpose of their visit and later proceeded to sign the agreement and transfer in "my presence and both documents were handed back to me."

The former President has since sworn an affidavit claiming that the alleged transfer to DPS International was created to defraud him.

The Ndung'u land report had the names of prominent people, including families of former presidents Jomo Kenyatta and Moi as well as former top civil servants, military officers, High Court judges and former Cabinet ministers save to have grabbed public land. The report was made public in 2004.

READ: Ndung'u land report author sucked into USIU-Moi row <URL: <http://www.businessdailyafrica.com/Ndung-u-land-report-author-sucked-into-USIU-Moi-row/539546-3407620-d93w52z/>>

Dr Kiongera has accused Mr Ndung'u of professional misconduct, for failing to disclose that he was a shareholder in DPS International, which is at the centre of the dispute. He enjoined Mr Ndung'u in the suit.

The USIU-A claims DPS International bought the land from Mr Moi in 1988, before selling it to ICEA Insurance in 1990. The university insists that it bought the land from ICEA in 1999 for Sh90 million.

Mr Mwangi claimed he paid Mr Moi Sh300 million for the same piece of land in 2012.

Forensic analysts have since declared that the signatures in the transfer agreements inked at State House in 1986 were forgeries.

"It appears that Mr Moi's complaint is arising nearly 30 years after the event presumably because he has been sued by USIU after sale in June of LR no 12422/19 to Maestro," Mr Ndung'u states in the investigators report needed to guide the court suit.

The case will be heard on December 13.

The suit states that in 1984 Mr Moi surrendered two original certificates and was issued with one certificate of title for the consolidated parcel of land known as LR no 12597. USIU-A notes that the initial land labelled LR 12422/19 ceased to exist after the consolidation.

The documents show that Moi sold and transferred the disputed property to DPS International limited.

Mr Moi applied for a duplicate title against an ownership record that should have been destroyed when they were consolidated, the court papers says.

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