

November 18<sup>th</sup> 2016

Gac Investigators Ltd  
Nairobi

Dear Sirs,

Burglary cover.

Claim No: AB001/001033

Theft of cash at our insured's premises, Off Refinery Road, Changamwe Area -  
Mombasa on 19/03/2015

Our Insured: Mombasa Apparels (LP2) Ltd

Reference is made to the above matter.

Attached is a copy of the claim form and police abstract report.

Kindly trace the third party with a view of establishing the economic status particularly the attachable assets for purposes of recovery.

Meanwhile, also revert with details of physical whereabouts of the third party to facilitate service of summons.

Revert soonest with your report to enable us instruct our Advocates to pursue our outlay which stands at Kshs 487,857.00

Yours faithfully  
APA Insurance Ltd



Claims Department

SKM

APA Insurance Limited

Apollo House, Moi Avenue, P O Box 81821 - 80100 Mombasa

Tel: +254 (0) 41 222 0758 / 222 0759 GSM: +254 709 912 400

E-mail: [apamombasa@apainsurance.org](mailto:apamombasa@apainsurance.org) Website: [www.apainsurance.org](http://www.apainsurance.org)







**APOLLO INSURANCE  
COMPANY • LIMITED**

NRB. OFFICE • 6TH FLR • HUGHES BLDG • KENYATTA AVE. P.O. BOX 30389 • NAIROBI, KENYA • TEL: /33519/223562/3 • FAX: 319260 • E-mail: insurances@apollo.co.ke  
MSA. OFFICE • APOLLO COURT • MOI AVE. • P.O. BOX 81821 • MOMBASA, KENYA • TEL: 220759/8, 221941 • FAX: 316010 • E-mail: apollo@africaonline.co.ke  
NAKURU OFFICE • GIDDO PLAZA • GEORGE MORARA ROAD • P.O. BOX 14188 • NAKURU, KENYA • TEL: 213112/213416 • FAX: 213449

## CLAIM FORM FOR PROPERTY DAMAGE OR LOSS

(Applicable to Fire) Special Perils, "Home" Covers, Theft, All Risks, Money, Baggage and Glass

The issue of this form is not an admission of liability on the part of the Company.

All questions on this form must be answered in full

Policy No.	1. RENEWAL DATE:	Date of payment of last premium:
Insured	2. Name <u>MOMBASA APPAREL (FPZ) LTD</u>	Telephone No <u>254-41-3434251</u>
	3. Address <u>P.O. BOX 92348-80102 MOMBASA</u>	
	4. Business or Occupation <u>CLOTHING MANUFACTURING</u>	
Circumstances giving rise to claim	5. Date and time of loss <u>TIME UNKNOWN</u> a.m./p.m. on <u>20<sup>TH</sup> MARCH</u> 20 <u>15</u>	
	6. Where loss or damage occurred <u>COMPANY PREMISES</u>	
	7. Describe fully how loss or damage occurred <u>IT WAS DISCOVERED IN THE MORNING AT 20<sup>TH</sup> / 03 / 2015 WHILE OPENING THE FACTORY THAT THE ADMINISTRATION OFFICE WAS BROKEN INTO AND CASH AMOUNTING TO KSH 512,000/- WAS STOLEN.</u>	
General Information	8. Type of premises involved <u>STONE WALLS PREMISES</u>	
	9. Were the premises unoccupied? Yes/No. If so, when were they last occupied? <u>OCCUPIED</u>	
	10. Are the premises self-contained? If not, name of other occupants <u>SELF-CONTAINED</u>	
	11. Are you owner of premises? <u>YES</u>	
	12. Are you responsible for repairs? <u>YES</u>	
	13. Have you any suspicion as to parties implicated? <u>NO</u>	
	14. Is there any other insurance in force providing covers for this loss? If so, give particulars including Insurers name, address and Policy No. <u>NO</u>	
	15. Have you ever suffered similar loss or damage? If so, give particulars and whether claim was made on Insurers <u>N/A</u>	
	16. At the time of the loss what was the value of a) the building? <u>N/A</u> b) all the property in the premises? <u>N/A</u>	
Complete in all cases involving THEFT, UNLAWFUL DAMAGE or MISSING ARTICLES	17. When were Police notified? <u>20<sup>TH</sup> MARCH 2015</u>	
	18. Address of Police Station <u>CHANGAMWE POLICE STATION</u>	
	19. What other steps have you taken to recover property? <u>STILL UNDER INVESTIGATION BY POLICE</u>	
	20. Give full details of method of entry to premises <u>MAIN DOORS</u>	
	21. If alarm fitted, did it function properly? If so, give reasons <u>ALARM WAS NOT TAMPERED WITH</u>	
	22. Are guards employed? If so, name of firm <u>KK SECURITY COMPANY</u>	
Complete in all cases involving loss in transit	23. Starting point and destination of transit <u>N/A</u>	
	24. Who was accompanying property lost? <u>N/A</u>	
	25. If employees, state age and duties <u>N/A</u>	
	26. Are they insured under Fidelity Guarantee Policy? If so, Insurer's name, address and Policy No. <u>N/A</u>	
	27. How often is this transit made? <u>N/A</u>	
	28. What is maximum ever carried at one time? <u>N/A</u>	
Amount Claimed	29. Kenya Shillings <u>KSH 512,000/-</u>	Please refer overleaf for details.

I/we declare that I/we have not withheld any material information and that all statements made on this form are true to the best of my/our knowledge and belief and that articles and property described overleaf belong to me/us, and that no other person has any interest whether as owner, Mortgagee, Trustee or otherwise except as mentioned in the Policy.

Date \_\_\_\_\_

Signed Francis M. Mwangi  
(If Policyholder body corporate title of person signing)

CL/GEN/028





When replying please quote;

REF: OB. 20/20/3/2015

CHANGAMWE POLICE STATION

P.O. Box 90594-80100,

MOMBASA

11/5/2015

### CRIMINAL ABSTRACT FROM POLICE

#### TO WHOM IT MAY CONCERN

NAME: RICHARD CHERUYOIT

C/O : MOMBASA APPAREL EPZ

TEL : 0722655772

#### BRIEF CIRCUMSTANCES

Reported by one RICHARD CHERUIYOT the security officer that on the 20<sup>th</sup>, March, 2015 at around 0700hrs he reported on duty at MOMBASA APPAREL [EPZ] and discovered that the company administration office was broken into and cash of ksh. 512,000/= was stolen therein, which was meant to pay workers overtime. Scene was visited and arrest made but no recoveries made vide CR 343/145/2015. Case P.B.C.

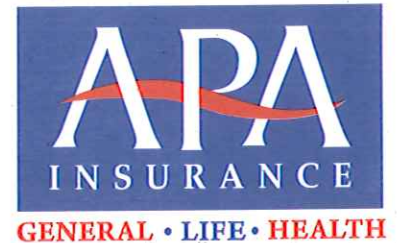
Any assistance accorded to the bearer of this note is highly appreciated.



FOR OCS CHANGAMWE

November 16<sup>th</sup> 2016

K K Security Guards,  
P.O Box 14662,  
Nairobi



Dear Sirs,

Burglary cover.

Claim No: AB001/001033

Theft of cash at our insured's premises, Off Refinery Road, Changamwe Area  
Mombasa on 19/03/2015

Our Insured: Mombasa Apparels (EPZ) Ltd

We refer to our letter dated 9<sup>th</sup> April, 2016 (copy enclosed) and note your response has not been forthcoming to date.

As you are no doubt aware, there was a break-in at the above premises resulting in a loss of cash. From the CCTV camera recording the flood lights to the front yard and entrance door to the factory were conveniently switched off. The burglary could not have occurred without the awareness of your two guards at the front yard. Police enquiries resulted in the arrest of the said two guards who have since appeared in court and are currently out on bond.

As employers of the guard, you are vicariously liable for the cost incurred in reimbursing our insured for the loss of cash and hereby demand your admission of liability to enable us quantify our insured's loss.

In case you are insured against such risks you may hand over this letter to your insurers with instructions that they should communicate with us within the next seven (7) days failure to which legal action will be taken against you.

Kindly respond urgently and let us know how you propose to deal with the foregoing to dispense with further exchange of correspondences.

Yours faithfully  
APA Insurance Ltd

  
Claims Department

SKM

APA Insurance Limited

Apollo House, Moi Avenue, P O Box 81821 - 80100 Mombasa

Tel: +254 (0) 41 222 0758 / 222 0759 GSM: +254 709 912 400

E-mail: [apamombasa@apainsurance.org](mailto:apamombasa@apainsurance.org) Website: [www.apainsurance.org](http://www.apainsurance.org)





## Cunningham Lindsey Kenya Limited

### Chartered Loss Adjusters

1st Floor, Inchcape House, Archbishop Makarios Close, Off Moi Avenue  
P. O. Box 86809, Mombasa  
Telephone: (254-041) 2316262 / 2314120, Facsimile: (254-041) 2316262  
E-mail: [cunningham@msa.cunninghamlindsey.co.ke](mailto:cunningham@msa.cunninghamlindsey.co.ke)

Also Offices in Nairobi & Eldoret

# Cunningham & Lindsey

07/07/06

2<sup>nd</sup> March, 2016

Our ref: 15/5317/NW

APA Insurance Ltd.,  
**MOMBASA.**

### FINAL REPORT Private, Confidential, Privileged



CLAIM NO.:..... AB001/001033.

POLICY NO.:..... P/AB001/0000100.

NAME & ADDRESS OF INSURED:..... Mombasa Apparels (EPZ) Ltd.,  
P.O. Box 43371-80100,  
Mombasa.

SITUATION OF LOSS:..... Insured's premises  
Off Refinery Road,  
Changamwe area,  
Mombasa.

TRADE:..... Garment manufacturers and exporters.

V.A.T. STATUS:..... Exempt.

USAGE OF BUILDING:..... Factory and offices.

TIME, DAY & DATE OF LOSS:..... Between 4.00am and 7.00am  
on Thursday 19<sup>th</sup> March 2015.

NATURE OF LOSS:..... Theft of cash in the premises.

CLAIM:..... Kshs.512,000/-

ADJUSTED LOSS:..... Kshs.448,697/-

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>SUM INSURED</u>	<u>ADJUSTED LOSS</u>
		<u>Kshs.</u>	<u>Kshs.</u>
1	Money in business premises after working hours	500,000/-	448,697/-

## INTRODUCTION

We refer to our Preliminary Report dated 22<sup>nd</sup> July 2015 and now report finally as follows:-

Your Insured manufacture garments mainly under the EPZ concept. They have their main factory about 1km off the Mombasa to Nairobi highway, Jomvu area, Mombasa. They also own a smaller unit known as EMKE (unit 2) off by Refinery Road, Changamwe area.

Unit 2 premises are surrounded a stone wall with an electric fence on top. Entrance is through a steel gate which leads to an enclosed yard. Beyond the yard is a lofty one storey factory building which is divided into sewing, cutting, finishing etc sections. Entrance to the factory building is through large steel doors. The final exit door is secured with two padlocks and a plastic strip seal. Within the factory building is a mezzanine occupied as offices. Entrance to the administration office is through a timber door secured with a mortice lock. Cash is kept in a locked steel cabinet inside this office.

Unit 2 factory operates a single shift. However, during periods of peak production the factory operates a night shift and overtime.

Your Insured employ about 1,000 staff. Overtime for the workers is paid every two weeks. Cash for overtime is kept in a locked cabinet in the administration office.

The Insured employ nine KK guards during the day. At night they employ eight KK guards and 4 privately employed guards.

The premises are well lit at night. The Insured have also installed CCTV cameras with a recording facility.

## CIRCUMSTANCES OF LOSS

The factory operated up to 4.00am on 19<sup>th</sup> March 2015.

At the close of business the supervisor secured the final exit door with only the plastic strip seal.

When staff reported for duty at about 7.00am the same day they found the entrance door to the factory unlocked. The door to the administration office had been forced open. The cabinet where the cash was kept had also been forced open and the cash was missing.

## METHOD OF ENTRY

Entrance was through the front entrance door of the factory building. The burglar(s) then proceeded to the administration office where they forced open the door and the door to the cabinet inside the office.



From the CCTV camera recording the Insured noted the flood light providing lighting to the front yard and entrance door to the factory was switched off about 5.00a.m. It therefore appears this was a well organized burglary possibly involving the guards positioned in the front yard as the burglar(s) could not have accessed or left the factory without their awareness.

### POLICE

The incident was reported at Changamwe police station. Two KK Guards were arrested.

They appeared in court and are currently out on bond. The next court mention will be on 14<sup>th</sup> June 2016.

No recovery of the stolen cash was made.

### EXTENT OF LOSS

The Insured reported a loss of Kshs.512,000/- being the balance of money kept for payment of staff overtime.

### POLICY COVER

We have details of the Insured's Money policy P/AB001/0000100. We note cover under the relevant item as follows:-

<b>Item 1</b>	<b>Money in business (premises) after working hours in locked drawers/safe/cabinet .....Kshs.500,000/-</b>
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There is an excess of 10% of the claim amount with a minimum of Kshs.20,000/-.

The following are applicable:-

**Safe and Books Clause  
Daily Banking Warranty  
Keys Clause**

### CLAIM AND ADJUSTMENT

Your Insured's claim amounts to Kshs.512,000/- as per the attached claim form.

From the enclosed bank statements we note the Insured withdrew Kshs.2,230,593/- on 18<sup>th</sup> March 2015. Out of this amount, Kshs.558,945/- was sent to Unit 2 for payment of staff overtime for the month of February 2015.

The attached payment schedule shows Kshs.60,393/- was paid out to staff on 18<sup>th</sup> March leaving balance of Kshs.498,552/-. This is the amount which was stolen.

The attached petty cash voucher of Kshs.498,552/- shows the reimbursement to Unit 2 after the loss.

From our enquiries we are satisfied Kshs.498,552/- was lost. The net amount therefore is as follows:-

	<u>Kshs.</u>
Loss	498,552/-
Less 10% excess	<u>49,855/-</u>
	<u>448,697/-</u>

### CONCLUSION

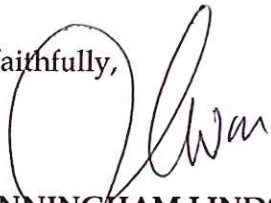
We recommend settlement at Kshs.448,697/-.

We wrote to KK Guards holding them liable (see enclosed letter). They are yet to respond.

To improve the risk the Insured now ensure final exit door of the factory building is now being secured with good quality padlocks at the close of business.

To conclude we enclose the documents listed below including our Fee Invoice.

Yours faithfully,

  
For **CUNNINGHAM LINDSEY KENYA LTD**  
**DIRECTORS**

Encls. Claim form  
Summary of overtime payment  
Petty cash status as at 18<sup>th</sup> March 2015  
Reimbursement voucher  
Bank statement  
Letter to KK Guards  
Police Abstract report  
Fee Invoice

/dg