



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS**  
**FACULTY OF LAW**  
**2019\_2 SEMESTER EXAMINATION**

**COURSE CODE: PPL 422**

**COURSE TITLE: LAND LAW II**

**TIME: Two and a half hours**

**Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)**

- 1a. The Governor of Lagos State has approved the issuance of a certificate of occupancy to Chief Chuma and a Youth Corper in the Lands Department has been instructed to prepare the certificate. The Youth Corper has been told to include information on the rights and responsibilities of the grantee in the certificate. Advise her.
- b. Adamu was granted a statutory right of occupancy in 2013 and has not paid any rent to the Governor since then. Advise him on the implications of his action.
2. Adai holds a statutory right of occupancy over a plot of land in Lekki. Adjoining his land is another plot which he leased from Chinyere for 50 years. He wishes to sell his plot of land and grant a sub-lease of his unexpired interest in Chinyere's land to Moses. Prior to the sale, he stumbled on Section 22 of the Land Use Act and has therefore decided to defer all negotiations on purchase price or payment terms for his plot of land until he has obtained the consent of the Governor. However, he has almost completed the sub-lease to Moses, having been advised that Section 22 only applies to sale. Advise him.
- 3a. Chief Oviasu has engaged your services to assist him in drafting a Will. His wants to grant:
  - i. his dwelling house at GRA, Benin City to his son, Eweka. His desire is that the house will remain in Eweka's family forever.

- ii. all his law books and encyclopaedia to his daughter, Adesuwa to be inheritable by her heirs forever but she will not be qualified to enjoy the grant until she completes her LL.M degree.
- iii. his ancestral shrine and paraphernalia of worship at Igun Street, Benin City to Eweka to be inheritable only by male descendants in Eweka's family line.
- iv. his lock-up shop in Oba market to his younger sister, Ivie and her husband during their lifetime. His intention is that the storey building will not be inheritable after Ivie and her husband pass on.
- v. His boutique at Forestry Road to his daughter, Ekho to be inheritable by male descendants in Ekho's family line.

State the nature of each grant and draft a short clause giving effect to each grant as it should be reflected in a Will.

4. Advise on the following scenarios:
  - a. Chude moved out of the matrimonial home, leaving his wife and her younger sister. When his landlord called to demand rent, Chude informed him that he was no longer living in the house and advised him to evict whoever he finds there.
  - b. Akpata borrowed N30 million from Star Bank Plc. The loan was secured with his storey building at GRA Jos and a deed of legal mortgage was executed by the parties. Akpata pleaded with the Bank not to register the mortgage so as to save him the professional fee. The Bank accepted and did not bother to obtain the Governor's consent. Akpata defaulted and now contends that there is no mortgage transaction between them since Star Bank failed to obtain the consent of the Governor as required by Law.
  - c. Engr. Christopher and Dr. Santa are neighbours. Between them is a high brick wall which they mutually agreed to pull down and replace with a wire mesh wall for free flow of air. It was further agreed that Christopher should make necessary arrangements to get the work done after which Santa will refund half of the cost to him. After Christopher expended funds to complete the project, Santa's wife complained of lack of privacy so he raised the mesh and attached roofing sheets from his side of the wall thereby blocking access to light on Christopher's side. Santa has refused to pay Christopher and

Christopher has been advised to leave him to God since there is no written evidence of the agreement.

- 5a. Distinguish between an easement and
- i. a licence
  - ii. a customary right
  - iii. a public right
- b. Classify the following profits-a-prendre
- i. Alaba allowed Chike and Soyo to bring in their horses to be fed and watered from the grass and pond on the farmland.
  - ii. St. Michael's Catholic Church announced that church members can collect the planks and bamboo sticks leftover from church renovation.
6. a. Explain the relevance of the 'unities' for the validity of a joint tenancy.
- b. Joshua and Caleb are joint tenants. Following the death of Caleb, his wife and children have approached Joshua seeking to be recognised as inheritors of Caleb's interest. Advise Joshua.
- c. A joint tenancy is like a catholic marriage, it is only severable by death. Discuss with the aid of relevant authorities.