**PROPERTY LAW PRACTICE -CURRICULUM LESSON PLAN, MATERIALS**

**AND CASE STUDIES**

“Property” in the first part of this module/course relates to immoveable property (land or interest in land). On the other hand, when dealing with the administration of estates, “property” is used to include moveable properties (shares, money, etc). Candidates would need to have read the following: Land Use Act; Conveyancing Act, 1881; Property and Conveyancing Law, 1959; Land Instrument Registration Law of Lagos State; Land Instrument (preparation) Law; Mortgage Institutions Act; Registration of Titles Law of Lagos State; Illiterate Protection Law; Stamp Duties Act; Wills Act of 1837; Wills Laws of Lagos, Oyo, Abia and Kaduna States; Administration of Estates Law of Lagos State; High Court (Civil Procedure) Rules of Lagos State as they affect probate practice and administration of estates; Capital Gains Tax Act; Personal Income Tax Act ; Land Use Charge Law of Lagos State; Income Tax Management Act; Tenancy Law of Lagos State, 2011; Legal Practitioners’ Act and Rules of Professional Conduct.

This course would be based on the above legislations. Attention would, however, be drawn to other relevant legislations when necessary for emphasis and not for purpose of comparison.

The teaching of the course would focus on the knowledge, skills, values and ethics involved in property transactions and administration of estates. It is assumed candidates have good understanding of principles of land law and Nigerian legislation on property.

Mock registries (covering land registry, stamp duties office, and probate) to be manned by volunteer candidates under the supervision of tutors would be used in the teaching of the course. Integration with other Courses.

The course would be taught with constant reference to:

1. Communication Skills, Drafting Skills, Client-interview Skill; and Office Management Skill.
2. Ethical issues such as representation of both parties in a transaction; under valuing of registrable instruments; mishandling of clients money; undervaluing of property for the purposes of stamp duties and property taxation and professional responsibilities which arises from client-solicitor relationship.

**COURSE CONTENTS**

1. Week 3 -- General Overview & Applicable Laws
2. Week 4 – Deeds
3. Week 5 -- Power Of Attorney
4. Weeks 6 & 7 -- Contract of sale and Registered Conveyancing
5. Week 8 -- Registered Titles
6. Week 9 & 10 – Leases
7. Weeks 11, 12, & 13 -- Mortgages & Charges
8. Week 14 -- Billing & Accounts In Property Transactions
9. Weeks 15, 16, & 17 -- Wills & Codicils
10. Week 18 -- Probate Practice
11. Week 19 -- Administration of Estates, Personal Representatives and Assent by Personal Representatives
12. Week 20 -- Taxation In Property Transactions

**General Learning Outcomes:**

Students would be able to:

1. demonstrate a clear understanding of the laws applicable to
2. the transfer of properties;
3. administration of estates in Nigeria and apply the relevant laws to a given case;
4. take instructions from clients on the Conveyancing approach they want,
5. conduct investigation of title to land and give advice or write appropriate search report,
6. demonstrate clear understanding of the various steps or procedure to perfection of title to land and a clear understanding of the principles affecting documents of transfer of title to land and apply them to specific cases,
7. draft appropriate or suitable land documents to meet clients’ specification, and to professional standard,
8. give opinion on the best legal option available to a client in specific cases,
9. have a clear understanding of the various forms of transactions affecting land in Nigeria,
10. apply principles of law to covenants in a lease, mortgage, and assignment of leases in a given case,
11. take instructions from a client for the preparation of a will and be able to draft the will to professional standards,
12. demonstrate a clear understanding of the conditions for validity and revocation of wills,
13. apply the principles on validity and revocation of Will to given cases,
14. commence the process of obtaining probate and letters of administration,
15. identify the duties and liabilities of personal representatives and the steps to take in winding up of an estate and,
16. demonstrate a clear understanding of laws relating to property taxation in Nigeria.

**SESSION’S SCHEME**

**WEEK 3 -- GENERAL OVERVIEW AND LEGAL FRAMEWORK**

**Outcomes:**

At the end of the lesson, students would be able to:

1. explain the objectives, content and scope of this course
2. explain various transactions affecting land and the laws that should apply to given cases
3. apply the applicable laws to given cases
4. identify ethical issues arising from lack of knowledge of appropriate law, and transaction.

**Contents**

1. Overview of the Property Law Practice (Module) Course
2. Applicable laws to property transactions, administration of estates and property taxation in Nigeria.

**Pre-Class Activities**

1. Students are required to read the topic in advance and carry out pre-class activities/tasks.
2. Students are required to read case studies 1 and 2 in advance

**Class Activities**

1. Tutor presents an overview of the Property Law Practice Course -40 minutes.
2. Students groups discuss and draw up list of transactions affecting land- 20 minutes
3. Sample presentation by groups of students- 20 minutes
4. Tutor presents an overview of applicable laws affecting transactions on land; administration of estates and property taxation in Nigeria -30 minutes
5. Students group makes a list of these laws -10 minutes

**15 Minutes Break**

1. Tutor presents the case study 1 on a power point along with questions/exercises -10 minutes
2. Students groups discuss and list answers to the questions-30 minutes
3. Groups make sample presentations and, a list of the various transactions arising from the case studies is made; and a list of the various laws applicable to these transactions is also made.-30 minutes
4. Students groups identify ethical issues arising from knowledge or lack of it of the appropriate law and transaction-15 minutes
5. Group sample presentation of ethical issue identified-25 minutes
6. Assessment and Evaluation-10 minutes

**WEEK 4 – DEEDS**

**Outcomes:**

At the end of the lesson, students would be able to:

1. State the features of a deed
2. identify when a deed is required in a transaction affecting land, and when it is not mandatory
3. identify the various parts and contents of a deed of conveyance
4. draft a deed to professional standards
5. identify the use of deed of rectification

**Contents**

1. Features of a deed
2. When Deed is required and when it is not
3. Form and content of a deed

**Pre-Class Activity**

1. Students would be required to read the topic in advance.
2. students would be made to draft deeds, such as deed of assignment, leases, power of attorney, simple mortgage and to identify common (structural and textual) elements of a deed.
3. Students should also identify the use of deed of rectification.

**Class Activities**

1. Tutor presents an overview of features of a deed, instances where a deed is mandatorily required and not required in land transactions-30 minutes
2. Students to discuss and list features of a deed-15 minutes
3. Students to make a list of various transactions that require deed and those that do not require a deed-15 minutes
4. Tutor to give an overview of contents of a deed of assignment -30 minutes
5. Students to discuss and list the various parts of a deed of assignment -20 minutes
6. Group presentation of the list of parts of a deed of assignment-10 minutes

**15 Minutes Break**

1. Tutor to give case study 2 as modified to include relevant information for a deed of assignment.
2. Different groups to collectively draft an appropriate deed of assignment based on the case study given above by the tutor-1hr
3. Group presentation of the draft-45 minutes
4. Assessment and Evaluation-15 minutes

**WEEK 5 -- POWER OF ATTORNEY**

**Outcomes:**

At the end of the lesson, students would be able to:

1. identify the features of a power of attorney and state types of Power of Attorney
2. distinguish a power of attorney from other documents affecting land transactions(contracts and conveyances)
3. explain the importance, and need for Power of attorney
4. explain the parts of a power of attorney
5. advise on the execution of a power of attorney
6. draft a standard power of attorney

**Contents**

1. Meaning and features of power of attorney
2. When power of attorney is required and when it is not
3. Distinction between power of attorney and Conveyance
4. Types of power of attorney
5. Drafting of a power of attorney
6. Consideration of issues of ethics

Pre-Class Activities

Students are required to read this topic in advance, carry out pre-class tasks, and study the following cases: Ude v Nwara (1993) 2 NWLR (pt.278) 638; Chime v Chime

(1995) 6 NWLR (pt.404) 734; Ezeigwe v Awudu (2008) 11 NWLR (pt.1097) 158.

**Class Activities**

1. Tutor gives an overview of features of a power of attorney, distinction between power of attorney and a Conveyance; contract of sale of land; mode of creation and types of power of attorney -30 minutes
2. Students discuss and list features of a power of attorney, distinguish it from other documents of transfer, when it is required and ethical issues that may arise from instructions to draft power of attorney-30 minutes
3. Students group to present the above points discussed in their groups-20 minutes
4. General group discussion on types of power of attorney; and revocation of power of attorney (and when power of attorney is irrevocable)-20 minutes
5. Group presentation on types, revocation of power of attorney, and when power of attorney is irrevocable-20 minutes

**15 Minutes Break**

1. Tutor presents case study 2-10 minutes
2. Students list information missing in the case study that are (is) required for the drafting of a power of attorney-10 minutes
3. Tutor projects, by using power point, to display particulars of information required to draft a power of attorney-10 minutes
4. Students draft a sample power of attorney-45 minutes
5. Tutor presents a sample power of attorney through power point and projector-5 minutes
6. Students to exchange and grade the sample power of attorney prepared by them from the case study.-20 minutes
7. General discussion, Assessment and Feedback-20 minutes

**WEEK 6 – CONTRACT OF SALE AND REGISTERED CONVEYANCING 1**

**Outcomes**

At the end of the lesson, students would be able to:

1. mention legal restrictions or limitations to sale of land
2. list the various steps or stages in the sale of land (proper Conveyancing stages)
3. explain the need for a pre-contract enquiries
4. mention various types of contract of sale of land
5. state the principles governing each type of contract of sale of land
6. apply the principles governing each type of contract of sale of land to given case
7. state the procedure for and effect of exchange of contract
8. capacity of solicitor to act for both parties
9. draft a formal contract of sale of land
10. Students should be able to identify the challenges posed by unregistered conveyances.
11. students should identify remedies to parties for breach of contract of sale.

**Contents**

1. rights of parties where there is a breach of contract of sale as breach of nonperformance are often sources of conflict in agreements to sell and buy land.
2. Explain the challenges inherent in unregistered conveyancing.
3. Legal restrictions or limitation to sale of land, including incidence of customary sale of land, provisions of the Land Use Act, illiteracy, absence of conveyancing standard practice, fraud, misrepresentation, legal restriction on purpose and use
4. Steps or stages in the sale of land
5. Types of contract of sale of land
6. Exchange of a formal contract of sale of land
7. Remedies for breach of contract.
8. Effect of formal contract of sale of a land
9. Ethical issues and Skills involved

**Pre-Class Activities**

1. Students to read the topic, carry out pre-class tasks, and study the following cases: *Odusoga v Ricketts* [1997] 7 NWLR (pt.511) 7; *Kachalla v Banki* (2006) ALL FWLR (Pt.309) 1420 in advance.
2. Tutor to choose 2 students and instruct them on a role play on formation of a contract of sale of land. (emphasize usual covenants).

**Class Activities**

1. Tutor gives an overview of outcome 1-3 and the various types of contract of sale of land, applicable principles, procedure and effect of exchange of contract of sale of land. – 40 minutes.
2. Students to list and have general discussion on legal restrictions on sale of land and steps in Conveyancing and the need for pre contract enquiry. – 15 minutes
3. Sample group presentation of restrictions to sale of land and steps or stages in Conveyancing. – 10 minutes
4. Identifying the principles of law enunciated in them. – 30 minutes.
5. Role play by students on Contract of sale of land. (3 students 1 vendor, 1 purchaser and a solicitor acting for both parties; on terms of contract and exchange of contract) – 10 minutes.
6. Students’ small groups discuss the role play; types of contract of sale of land; applicable principles of law arising from the different types of contract of sale; and the procedure for the investigation of title and effect of exchange of contract – 10 minutes

**15 Minutes Break**

1. Students to list remedies for breach of contract of sale.
2. Sample presentation of issues in activities 5-6
3. Tutor gives modification to case study 4 including necessary information for a formal contract of sale. -10 minutes.
4. Students to draft a formal contract of sale of land; -1hour
5. Tutor presents a sample contract of sale as basis for assessment -5mins
6. Students exchange draft and assess each other -20 minutes
7. General assessment and evaluation and give assignment for the next week -10 minutes.

**WEEK 7 -- CONTRACT OF SALE AND CONVEYANCING 2**

**Outcomes**

At the end of the lesson students would be able to:

1. explain how a vendor can deduce his title
2. understand the meaning and uses of epitome, abstract of title and what constitutes a good root of title
3. give examples of a good root of title
4. state the various means of investigating title
5. raise requisitions
6. write a search report
7. state the procedure for completion of sale of land
8. mention the procedure and documents for perfecting title to land
9. identify ethical issues arising from investigation and perfection of title to land

**Contents**

1. Deducing of Title
2. Investigation of Title
3. Completion procedure
4. Drafting of standard Deed of assignment
5. Perfection of Title

**Pre-Class Activities**

Students are to read the topic in advance and carry out pre-class tasks

**Class Activities**

1. Students to be given modification of case study 1 to include particulars of land in Lagos.
2. Tutor gives overview of procedure for deducing title, investigating of title by purchaser and effect of failure to investigate title and constituent of a good root of title.- 40 minutes
3. Brain storming on procedure for deducing title; investigation of title by purchaser and effect of failure to investigate title, what constitutes a good root of title – 30 minutes
4. Tutor gives overview of completion procedure, what constitutes a completion statement, when a vendor may not surrender title documents and protection of purchaser in such circumstance.- 30 minutes
5. Brainstorming on completion procedure.- 20 minutes

**15 Minutes Break**

1. Group discussion on perfection procedure – 30 minutes
2. Group presentations of detailed steps for perfection, (mention stages, documents for securing Governor’s consent, procedure at the stamp duties office and procedure at the lands registry). – 30 minutes
3. Group discussion and presentation on ethical issues in outcome 1-8 15 minutes
4. Tutor summarises the procedure for perfection of title, list of documents for processing consent- 35mins
5. General assessment and evaluation- 10 minutes

**WEEK 8 -- REGISTERED CONVEYANCING (REGISTRATION OF TITLES-RTL)**

**Outcomes**

At the end of the lesson, students would be able to:

1. explain the differences between title under the RTL and under the Registration of Instruments Law
2. state the procedure for investigation of title under the RTL
3. identify documents for the transfer of interest in land under the RTL
4. complete the forms for transfer of interest in land under the RTL
5. consideration of ethical issues
6. Identify instance s for rectification under RTL

**Contents**

1. Procedure for investigation of title under the RTL
2. Differences between title under RTL and under Registration of Instruments law
3. Forms for transfer of interest under Registration of Law (forms 4, 5, 6, 7, and 15)

**Pre Class Activities**

1. Students would be required to read the topics ahead of the lesson
2. Tutor to provide forms 4,5 and 7 under the RTL for students before day of lesson

**Class Activities**

1. Students come to class with copies of forms 4, 5, and 7
2. Tutor gives general overview of procedure for investigation of title under the RTL; differences between title to land under RTL, and Registration of Instruments Law, and the forms used for transfer of interest in land under RTL-30 minutes
3. Students hold group discussion on procedure for investigation of title under the RTL; differences between title to land under the RTL, and Registration of Instruments Law; listing the various forms for transfer of interest in land (sale, mortgage and lease)-20 minutes
4. Selected students to make presentation on above points-20 minutes
5. Tutor presents by use of power point modified version of case study 2 to incorporate particulars of information required to fill the RTL forms and drafting of Assent-10 minutes
6. Students complete the forms and draft an assent-30 minutes
7. Assessment of completed forms-10 minutes

15 Minutes Break

1. General assessment, and students given assignment on investigation to be conducted at the school’s land mock registry, designated land registries, and search report to be submitted in week 11- 5 minutes
2. Individual and Group presentations on filling of RTL Forms --1hr 10 minutes
3. Individual and group presentation on filling of forms and instances for rectification
4. Select groups/students to present on ethical issues arising -20 minutes
5. Assessment, debriefing and Evaluation-30 minutes

**WEEK 9 -- LEASES 1**

**Outcomes**

At the end of the lesson, students would be able to:

1. state what a lease is
2. identify parties to a lease
3. state the essential elements of a lease
4. apply principles of elements of a lease to a case.
5. distinguish a lease from licence, an assignment
6. mention types of rent and factors to be considered in fixing rent payable in a lease
7. state relevance of a rent review clause
8. consider ethical issues arising from the above outcomes

**Contents**

1. Meaning of a lease
2. Parties to a lease
3. Types of a lease
4. Essentials of a lease
5. Distinguish a lease from a licence, and an assignment
6. Rent in a lease

**Pre-Class Activities**

Students are required to read the topic, carry out pre-class tasks and study the following cases: Bosah v. Oji (2002) 6 NWLR (pt. 762) 137; Okechukwu v. Onuorah (2000) 12 SCNJ146; and Tejumola & Sons v. UBA [1986] (pt.38) 815

**Class Activities**

1. Students to discuss the facts and principles in Bosah v. Oji (2002) 6 NWLR (pt. 762) 137; Okechukwu v. Onuorah (2000) 12 SCNJ146; and Tejumola & Sons v. UBA [1986] (pt.38) 815 -30 minutes
2. Selected students present the facts and principles of Bosah v. Oji (2002) 6 NWLR (pt. 762) 137; Okechukwu v. Onuorah (2000) 12 SCNJ146; and Tejumola & Sons v. UBA [1986] (pt.38) 815 as they affect leases-10 minutes
3. Tutor gives an overview of meaning of lease, and elements of a lease-40 minutes
4. Students discuss and list differences between a lease / licence, leases/ assignment-30 minutes
5. Students discuss the Tenancy Law o f Lagos state 2011 – 10 minutes

**15 Minutes Break**

1. Students act a role play on a dispute between a landlord and a tenant on issue of rent (One as landlord, the other a tenant, each having their own solicitor)-20 minutes
2. Discussion on the role play-20 minutes
3. Tutor and students discuss types of rent, factors to be considered on issue of rent; and essential elements of a rent review clause-40 minutes
4. Students draft an appropriate rent review clause-20 minutes
5. Students present draft rent review clause – 20 minutes
6. Assessment and Evaluation-15 minutes

**WEEK 10 – LEASES 2**

**Outcomes**

At the end of the lesson, students would be able to:

1. explain the various types of covenants that should be in a standard lease and reasons for the inclusion of the covenants in a lease
2. conduct client interview to extract necessary information required for the preparation of a lease 66
3. explain the various methods a lease may be determined and the various parts of a lease
4. draft a standard deed of lease.
5. identify and discuss ethical issues that may arise in a lease transaction
6. Explain the meaning of mortgage and how it differs from other similar security transactions.
7. explain practical matters in conducting a search.
8. draft search report and a covering letter.

**Contents**

1. Covenants in leases --- reflecting the positions in Abuja and Lagos State
2. Determination of a lease
3. Information required to prepare a lease
4. Drafting a lease
5. practical matters on search report.
6. draft search report and covering letter.

**Pre- Class Activities**

Students are required to read the topic, and see samples of leases in advance

**Class Activities**

1. Tutor gives overview of covenants that should be provided in a standard lease; and determination of a lease-45 minutes
2. Role play by all students (in pair s, one acting as solicitor, and the other acting as lessor) on client interview on creation of a lease, solicitor listing the covenants to be included in the lease; and identifying particulars of information required to draft a lease; and parts of a lease-30 minutes
3. Sample presentation (2 groups) of the covenants so listed in activity 2 (giving reasons for their inclusion)-20 minutes
4. Debriefing on above presentation-10 minutes

15 Minutes Break

1. Group presentation (2 different groups from the above group chosen in activity 2 ) of the particulars of information required to draft a deed of lease-20 minutes
2. Group presentation of parts of a deed of lease ( one group but different from the groups in activity 3 and 5-20 minutes
3. Tutor displays particulars of information required to prepare a deed of lease, and parts of a lease through power point presentation-10 minutes
4. Individual drafting exercise by students using the parties identified from the role play- 45 minutes
5. Tutor presents a sample lease through the power point-5 minutes
6. Students to exchange their drafts and assess them based on the sample lease given by tutor-10 minutes
7. Discussion and presentation on ethical issues arising from failure to reflect instructions given and misuse of rents collected on behalf client-15 minutes
8. General Assessment and Evaluation-10 minutes

**WEEK 11 – MORTGAGES AND CHARGES I**

**Outcomes**

At the end of the lesson students would be able to:

1. explain the meaning of a mortgage
2. list and discuss examples of mortgage institutions in Nigeria and parties in a mortgage transaction
3. explain the various ways of creating equitable mortgage
4. explain the various ways of creating legal mortgage; search report and documents to process or procure Governor’s consent
5. understand the ethical issues involved

**Contents**

1. **Meaning**
2. Parties to mortgage transaction
3. Mortgage institutions
4. **Types of mortgages**
5. **Creation of Equitable mortgage**
6. **Creation of a legal mortgage**

**Pre Class Activities**

Students are to read the topic in advance and do the task for the week

**Class Activities**

1. Tutor gives a general overview of the topic-30 minutes
2. Students in groups discuss and list parties in a mortgage and mortgage institutions-20 minutes
3. Sample Group presentation of the outcome of activity 2-20 minutes
4. Tutor gives case study 3 covering creation of mortgages and ask specific questions- 10 minutes
5. Students are required to discuss in group the case study as modified-20 minutes
6. Sample Group presentation of the answers to hypothetical case given-20 minutes

**15 Minutes Break**

1. Tutor projects the modified case study 1 to emphasise search report-10 minutes
2. Students prepare search report in groups-20 minutes
3. sample presentation of search report-30 minutes
4. Students in groups discuss and list the various documents required to procure consent, of the Governor-20 min
5. Sample presentation of the documents listed-30 minutes
6. General Assessment and evaluation-10 minutes

**WEEK 12 -- MORTGAGE AND CHARGES 2**

**Outcomes**

At the end of the lesson, students would be able to:

1. explain the various covenants in a mortgage and the importance of the covenants
2. draft a deed of mortgage
3. identify ethical issues involved.

**Contents**

1. Covenants in a Mortgage
2. Drafting of a deed of mortgage

**Pre Class Activities**

Students are expected to read the topic and case study 1 in advance

**Class Activities**

1. Tutor gives an overview of covenants in a mortgage-45 minutes
2. Group discussion on covenants in a mortgage and the rationale for each covenants mentioned-30 minutes
3. Sample Group presentation of the covenants-30 minutes

**15 Minutes Break**

1. Student groups discuss particulars of information required to prepare a deed of mortgage-20 minutes
2. Sample presentations by selected groups of students on the particulars of information required to draft a deed of mortgage-10 minutes
3. Tutor presents case study 3 as modified to give particulars of information required to draft a mortgage in a power point-10 minutes
4. Students draft a simple mortgage (covering commencement; testatum and consideration clauses) and exchanged amongst themselves--40 minutes
5. Tutor presents a model deed of mortgage reflecting the particulars supplied to students-10 minutes
6. Assessment by students of deed of mortgage drafted and general discussions follow- 35 minutes
7. General assessment and assignment for students to read Owoniboys Technical Services Nig Ltd v UBN PLc; Olori Motors Nig Ltd v Union Bank Plc-10 minutes

**WEEK 13 -- MORTGAGE & CHARGES 3**

**Outcomes**

At the end of the lesson, students would be able to:

1. Explain the concept of up-stamping and state when a deed of mortgage need to be upstamped.
2. state ways of discharge of mortgages
3. Registration and priorities of successive legal mortgages
4. write a search report, and a covering letter to a mortgagee (based on the assignment given in week 6 )
5. discuss the remedies available to a mortgagee, and a mortgagor
6. state how a mortgage can be discharged
7. “rights and remedies of mortgagor and mortgagee
8. appreciate the ethical issues arising

**Contents**

1. Up-stamping
2. Drafting search report on behalf of the mortgagee.
3. Remedies available to mortgagee, and mortgagor
4. Discharge of a mortgage
5. Rights and remedies of mortgagor and mortgagee

**Pre Class Activities**

1. Students are to read the topics ahead of the lesson
2. Students to read the cases of Owoniboys Technical Services Nig Ltd v UBN PLc (2003) 15 NWLR (pt 844) 545; Olori Motors Nig Ltd v Union Bank Plc (1998) 5 NWLR (pt.551) 652
3. Students are to come to class with samples of search report prepared from their investigation conducted at the school mock land registry as a result of the assignment of week 6
4. Rights and remedies of mortgagor and mortgagee.”

**Class Activities**

1. Tutor gives overview of when a deed of mortgage needs to be up-stamped-30 minutes
2. Brainstorming on the facts of and principles in Owoniboys Technical Services Ltd v UBN Plc-30 minutes
3. Selected students to present facts and principles in Owoniboys Technical Services Ltd v UBN Plc-20 minutes
4. Students to bring out search report, and covering letter prepared in accordance with assignment of week 6, exchange it amongst themselves for assessment-5 minutes
5. Tutor presents a sample of search report and a covering letter for the assessment-10 minutes
6. Assessment by students of search report and covering letter drafted by them and general discussions follow-25 minutes

15 Minutes Break

1. Tutor presents case study 3 to reflect breach of covenants in a mortgage, in a power point-5 minutes
2. Group discussion on the breach and remedies available to mortgagee and mortgagor- 20 minutes
3. Presentation by three groups of students of remedies available to mortgagee, and mortgagor -20 minutes
4. Tutor gives an over view of the various remedies available to mortgagee (emphasis on sale; appointment of receiver; foreclosure and taking of physical possession), and remedies available to mortgagor-40 minutes
5. Group discussion on mode of discharging a mortgage-10 minutes
6. Sample presentation by two students (selected by tutor) on mode of discharge of mortgage-10 minutes
7. Tutor gives a brief overview of discharge of mortgages-10 minutes
8. General assessment-5 minutes

**WEEK 14 – BILLING AND ACCOUNTS IN PROPERTY TRANSACTIONS**

**Outcomes**

At the end of the lesson students would be able to:

1. state types of fees
2. explain rules and principles guiding billing for professional services
3. apply the rules and calculate professional fees
4. state the contents of a bill of charges
5. explain the procedure for recovery of professional fees and when fees may be taxed
6. draft Bill of Charges
7. identify ethical issues arising from billing and accounts

**Contents**

1. Types of fees
2. Rules or principles guiding billing for professional services ( on property transaction)
3. Application of the rules and principles of professional billing/calculation of professional fees
4. Recovery of professional fees and taxation of fees
5. Drafting of Bill of Charges

**Pre-Class Activities**

Students are required to read the topic, carry out pre-class tasks, and study the schedule on professional fees in the Legal Practitioners (Remuneration for Legal Documentations and Other Land Matters) Order, made pursuant to the LPA.

Class Activities

1. Tutor gives overview of types of fees; the principles or rules on billing for professional services (acting for one party; acting for both parties-in a mortgage, conveyance or lease) and steps for recovery of professional fees and taxation of fees- 40 minutes
2. General group discussion on types of fees; the principles or rules on billing for professional services (acting for one party; acting for both parties-in a mortgage, or conveyance; or lease)-30 minutes
3. Sample group presentation of the various rules or principles -30 minutes
4. Tutor gives a hypothetical case involving professional services(Mortgage transaction and sale of the security)-5 minutes
5. Sample group discussion and presentation of steps to be taken for the recovery of professional fees-15 minutes

15 Minutes Break

1. Class exercise on calculation of professional fees based on activity 5-1 hr
2. Sample presentation by selected students (2) of the exercise-10 minutes
3. General discussion on mandatory elements of a bill of charges-10 minutes
4. Presentation by a selected group of students (one or two)-15 minutes
5. Tutor summarizes the mandatory contents of a bill of charges-10 minutes
6. General assessment and evaluation, and assignment to read *Johnson v Maja 13 WACA 290*; *Adebajo v Adebajo* (1971) ALL NLR 599; and *Nelson v Akofiranmi* (1959) LLR143 in preparation for week 13-15 minutes

**WEEK 15 -- WILLS & CODICIL 1**

**Outcomes**

At the end of the lesson, students would be able to:

1. explain the meaning of a will including codicil
2. state types of wills
3. explain the reasons(advantages) for making a will
4. explain persons that can make a will
5. explain the principle of due execution of a will
6. explain effect of being a witness in a will
7. explain capacity o f a testator to make a valid will
8. explain how to prove a will or establish the validity of a will
9. identify ethical issues arising from proof of a will

**Contents**

1. Meaning
2. Types of wills
3. Rationale for making will
4. Who can make a will
5. Conditions for validity (Due execution)
6. Testamentary capacity
7. Proof of validity of a will

**Pre-Class Activities**

Students are to read the topic in advance, carry out pre-class tasks, and study the following cases: Johnson v Maja 13 WACA 290; Adebajo v Adebajo (1971) ALL NLR 599; and Nelson v Akofiranmi (1959) LLR 143

**Class Activities**

1. Tutor gives overview of 1-4 above outcomes-35 minutes
2. Group discussion of the facts and principles established in Nelson v Akofiranmi (1959) LLR 143-20 minutes
3. Sample presentation of the facts and the principles established in Nelson v Akofiranmi (1959) LLR 143-20 minutes
4. Tutor gives overview of due execution of a will (mode of executing a will and effect of being a witness)-45 minutes

15 Minutes Break

1. Group discussion on the facts and principles in Johnson v Maja 13 WACA 290; Adebajo v Adebajo (1971) ALL NLR 599-20 minutes
2. Sample group presentation of the facts and principles established in Johnson v Maja 13 WACA 290; Adebajo v Adebajo (1971) ALL NLR 599-20 minutes
3. Tutor gives overview of what constitutes testamentary capacity of a testator-35 minutes
4. General discussion on how a will can be proved and ethical issues arising from outcomes 5-8-20 minutes
5. Tutor summarizes modes of proving a will-20 minutes
6. General assessment and evaluation-5 minutes

**WEEK 16 – WILLS & CODICILS 2**

**Outcomes**

At the end of the lesson students would be able to:

1. mention types of legacies
2. explain circumstances under which legacies may fail
3. explain how a will can be revoked, and exceptions
4. explain the revival and republication of a will
5. identify ethical issues on legacies in a will and revocation of a will

**Contents**

1. Types of Gifts
2. Failure of gifts
3. Revocation of a will
4. Revival and Republication of Wills

**Pre-Class Activities**

Students are to read the topic in advance, carry out pre-class tasks, and study the case of Jadesinmi v Okotie-Eboh (1996) 2 SCNJ; [1996] 2 NWLR (pt.429) 128

**Class Activities**

1. Overview on types and failure of gifts, revocation, revival and republication of wills – 1 hour
2. Students break into small groups to discuss the outcomes and perform small group tasks - 1 hour

15 Minutes Break

1. Individual and Group presentations - 1hr. 10 minutes
2. Select groups/students to present on ethical issues arising -20 minutes
3. Assessment, debriefing and Evaluation-30 minutes

**WEEK 17 -- WILLS & CODICILS 3**

**Outcomes**

At the end of the lesson students would be able to:

1. explain limitations on the testator
2. state the nature of information required to prepare a will
3. mention the various parts of a will
4. explain the effect of the various parts
5. draft a will
6. identify ethical issues arising from 1, 2 and 5 above

**Contents**

1. Particulars of information required to prepare a will
2. Parts (Contents) of a will
3. Effect of the various parts
4. Drafting a will

**Pre Class Activities**

1. Students are expected to read the topic in advance and the following cases:Idehen v Idenhen (1991) 6 NWLR (pt.98) 382; Adesubokan v Yunusa (1971) 1 ALL NLR 225; Ajibaye v Ajibaye (2007) ALL FWLR (pt.3 59) 1321
2. Tutor to chose two students and prepare them in advance for a role play on client interview relating to taking instructions for the preparation of a will

**Class Activities**

1. Tutor gives overview on the limitations on the right of the testator; information required to prepare a will; parts of a will and effects of the various parts-40 minutes
2. Group discussion on the limitations on the testator and parts of a will-20 minutes
3. Presentation by selected students on limitations on the right of the testator-10 minutes
4. Role play on client interview to extract information required to prepare a will-10 minutes
5. Brainstorming on the role play-10 minutes
6. Sample presentation on the information required to prepare a will and parts of a will- 30 minutes

**15 Minutes Break**

1. Tutor uses case study 6 to give further information required for the preparation of a will- 10 minutes
2. Drafting exercise by all students-1 hr
3. Tutor presents a short sample will through power point projector-5 minutes
4. Exchange of drafts amongst students and assessment-20 minutes
5. Group discussion on issues of ethics arising from the above activities-15 minutes
6. General assessment and evaluation-10 minutes (students to be informed to collect probate forms and to come to class with them for the next lesson in week 18)

**WEEK 18 -- PROBATE PRACTICE**

**Outcomes**

At the end of the lesson, students would be able to:

1. state when application for probate and letters of administration (L.A) is non-contentious, and contentious
2. state the procedure to obtain probate (non-contentious and contentious cases, including need for double probate)
3. state when caveat may cease to be effective against application for probate or L.A
4. mention the documents required to process probate
5. draft (letter of application) and fill documents required to process probate
6. explain the procedure to obtain letters of administration (non-contentious and contentious)
7. mention the documents required to obtain letters of administration
8. fill the documents required to obtain letters of administration
9. identify ethical issues arising from process of obtaining probate

**Contents**

1. Grant of Probate (Non-contentious and contentious probate)
2. Grant of Letters of Administration
3. Procedure for obtaining probate in either case
4. Procedure for obtaining Letters of Administration
5. Documents to process probate and letters of Administration

Pre-Class Activities

1. Students are to read the topic and the case of Dan-Jumbo v Dan-Jumbo (1999) 7 SCNJ 112 in advance.
2. Students are to come to class with probate documents or forms. Lesson shall be limited to the Lagos High Court (Civil Procedure) Rules and Administration of Estates Law of Lagos State.

**Class Activities**

1. Tutor gives overview of non-contentious and contentious probate-25mins
2. Group discussion on when probate is non-contentious and contentious-20 minutes
3. Sample group presentation on activity 3-30 minutes
4. Group discussion on procedure to obtain probate (including double probate, resealing and ethical issues) - 25 minutes
5. Sample presentation on the procedure to obtain probate-20 minutes
   1. Non-contentious grant
   2. Contentious grant
   3. Resealing
   4. Ethical issues arising

**15 Minutes Break**

1. Group discussion on procedure to obtain letters of administration (including L.A with the Will attached) and ethical issues-20 minutes
2. Sample presentation on activity 7-20 minutes
3. Tutor to give overview of the procedure to obtain probate and letters of administration-40 minutes
4. Tutor gives modification to case study 2 for students to list and fill probate forms- 5 minutes
5. Exercise by students (filling of probate forms)-30 minutes
6. General assessment and evaluation-5 minutes
7. Students to be given assignment to read the case of Obusez v Obusez [2007] 10 NWLR (pt. 1043) 430, NBA v KOKU (2006) ALL FWLR (pt.334) 1928

**WEEK 19– PERSONAL REPRESENTATIVES & ASSENT**

**Outcomes**

At the end of the lesson, students would be able to:

1. explain the various ways personal representatives can be appointed
2. explain who is entitled to letters of administration in intestacy
3. state numbers of personal representatives that can be appointed
4. state the qualities of persons to be appointed as Personal Representatives
5. explain circumstances Personal Representatives can be entitled to remuneration
6. explain how personal representatives can withdraw or renounce representation
7. explain duties and liabilities of personal representatives
8. state the accounts to be maintained and filed by personal representatives
9. state the effect of either failing to file the account or filing inaccurate accounts
10. state how personal representatives can be discharged of liabilities for administering the estate of the deceased
11. state when an assent is required
12. state the essential elements of an assent
13. draft a simple assent (embodying commencement; recital; habendum; indemnity clause; and execution)
14. identify ethical issues arising from the above outcomes

**Contents**

1. Appointment of personal administrators
2. Numbers of personal administrators
3. Qualities of Personal representatives
4. Remuneration of Personal administrators
5. Cessation of representation
6. Duties and liabilities of Personal representatives
7. Accounts to be filed by personal representatives
8. Discharge of personal representatives
9. Structure and elements of an assent
10. Drafting a simple assent

Pre-Class Activities

Students are to read the topic in advance and study the following cases: Obusez v Obusez

[2007] 10 NWLR (pt. 1043) 430, NBA v Koku (2006) ALL FWLR (pt.334) 192

**Class Activities**

1. Tutor presents overview of mode of appointing personal representatives; factors to be considered in appointment of personal representatives by a testator, or the court; numbers, and remuneration of personal representatives; and when representation would cease-40 minutes
2. Selected students to make presentation on the facts and principles established in Obusez v Obusez [2007] 10 NWLR (pt. 1043) 430-20 minutes
3. Group discussion on modes (ways) of appointing personal representatives; factors to be considered in appointment of personal representatives by a testator or the court; numbers and remuneration of personal representatives and when representation would cease-30 minutes
4. Tutor to give overview of the duties, and liabilities of Personal Representatives-30 minutes

**15 Minutes Break**

1. Group discussion on duties and liabilities of personal representatives, and ethical issues arising where a legal practitioner is involved-20 minutes
2. Sample group presentation of the various duties, and liabilities of Personal Representatives-20 minutes
3. Group discussion of the accounts to be maintained and filed by Personal Representatives; when Personal Representatives will be discharged of liabilities-10 minutes
4. Presentation by selected groups of students on the accounts to be maintained and filed by Personal Representatives; when Personal Representatives will be discharged of liabilities-10 minutes
5. Tutor gives overview of the accounts to be maintained and filed by Personal Representatives; effect of either failing to file the account or filing inaccurate accounts; and when Personal Representatives will be discharged of liabilities for administering the estate of the deceased-20 minutes
6. Brainstorming on essentials (elements) of an assent; when it is required and the part of the country where it may not be required-10 minutes
7. Tutor gives a brief overview of when assent is required, and elements of assent-10 minutes
8. Students and tutor discussion (by use of short questions) on parts of an assent, and particulars of information required to draft an assent-20 minutes
9. General assessment and evaluation-10 minutes

**WEEK 20 -- PROPERTY LAW TAXATION**

**Outcomes**

At the end of the lesson students would be able to:

1. explain and discuss the requirement for capital gains tax on a property, and the rate
2. explain State taxes payable on transactions affecting land (consent fees; stamp duties; and registration fee) and other forms of taxes payable on property (such as tenement rate; personal income tax)
3. discuss ethical issues arising from breach of the RPC in connection with property.

**Contents**

1. Capital Gain Tax
2. Taxes arising from transactions affecting land (sale of land; mortgage of land; and long leases)
3. What is stamp duty and who pays it?
4. Nature of personal income tax and tax clearance certificate
5. Other forms of taxation, tenement rate, ground rent, consent fees, registration fees
6. Ethical issues arising from breach of duty of counsel to client; and duty of counsel to state (RPC)

**Pre-Class Activities**

Students are to read the topic in advance, carry out pre-class tasks, and study the relevant provisions of the following statutes: Capital Gains Tax Act; Personal Income Tax Act; Stamp Duties Act; Land Instrument Registration Law; Land Use Charge Law, Lagos State; value-Added Tax Act, and other relevant laws

**Class Activities**

1. Students are expected to read the provisions of Capital Gains Tax Act; Personal Income Tax Act; Stamp Duties Act; Land Instrument Registration Law; Land Use Charge Law, Lagos State; value-Added Tax Act; and case study 5.
2. Tutor gives overview of various taxes applicable to property transaction (what it is; who pays; and rate ) and ethical issues involved -45 minutes
3. Group discussion on activity 2-30 minutes
4. Sample presentation on activity 3-45 minutes

**15 Minutes Break**

1. Group exercise on computation of Capital Gain Tax base on case study 5-40 minutes
2. Sample presentation by selected students on activity 5-35 minutes
3. Tutor summarizes on activities 3-5-30 minutes
4. General assessment and evaluation-15 minutes

**CASE STUDY 1**

General Usman Amaechi Adebayo was former military administrator in Rivers State in 1996. He now lives in Abuja being a senator of the Federal Republic of Nigeria. He owns properties in Port Harcourt; Lagos, Ibadan, and Kaduna. He granted Amina exclusive possession of plot 5a, Okoye Street, Port-Harcourt for a period of 5 years. And because of his political involvement, he does not want any direct management of the properties. He therefore authorised Amina to manage his property at plot 5a Okoye Sreet, Port-Harcourt, by giving out the said property to other persons, collect rents from them and to render account of the rents so collected; to sell his property at 10, Blantyre st, Lagos Island; and the property at Jos Street. Kaduna. Chief Usman Amaechi Adebayo wants to use his property at Ibadan to secure a loan of N50 minutes from Zenith Bank, in preparation for his bid for re-election in 2010. Being conscious of the risks involved in politicking in Nigeria, he has asked his solicitor, Taofeek Ibrahim, to prepare his will in which he intends to devise his properties amongst his children, Peter, Ngozi and Adaeze. He wants his wife, Uju, and his son Peter to be executors of his will.

**CASE STUDY 2**

Alhaji Usman Amaechi Adebayo inherited the house (twin duplex) at No.10 Blantyre Street, (Ikoyi),Lagos Island from his mother. Who died on 12 January 1985 leaving the house and other personal properties to him by her will dated 31st October, 1980 and admitted to probate in July, 2006. Probate was granted to her executors-Chief Nonso Idonige, Mr. Wakaaka and Alhaji Muktar Hasim.

Chief (Mrs) O. Eskor, of No.11 Park Lane Ikoyi, Lagos agreed to buy the house at No. 10,

Blantyre Street with a Title No.LO: 2301 and survey plan no. LA/123W/567 prepared by A.A Ajisegiri licensed surveyor. However, she wants the property to be in the name of her company DEOS Nig. Ltd of the same address. The asking price is 10 minutes naira but the parties have settled for N8m. The sum of N6m will paid on execution of the contract and the balance within 3 months Alhaji Usman Amaechi Adebayo lives at No.4, Democracy Layout, Asokoro, Abuja and insisted that the balance must be paid as agreed before title passes. The Owner covenants to indemnify the buyer in case of any adverse claim. Joseph Finelaw, Solicitor to Alhaji Adebayo was later paid the sum of N6 Million; he deposited N3 million into his account and bought a Cherokee Jeep with the remaining money.

**CASE STUDY 3**

Alhaji Usman Amaechi Adebayo, during the preparation for his senatorial campaigns sometime in 2003, kept the title documents to his two mansions in Port Harcourt with his childhood friend, Ogbuefi Lucky. He wanted to ensure that he has something to rely on irrespective of the outcome of the elections.

After the party’s primaries in June 2009, Alhaji Usman Amaechi Adebayo discovered that he requires more money if his 2011 re-election ambition was to be a reality. He needs additional sum of N100 minutes naira. To raise the money, he intends to take a loan of N30 minutes from First Bank Plc, with his property in, Ibadan, Oyo State as security for the loan. In addition he has already applied to Zenith Bank for an additional sum of N20 minutes on the same terms and conditions as the earlier mortgage agreement (which had been perfected). Furthermore he believes his childhood friend Oguefi Lucky Lucy will be able to personally raise the sum of N50 minutes for him, and he intends to pay back immediately he wins the election.

Zenith Bank, instructed its solicitors, to prepare a draft of the legal mortgage between the bank and Alhaji Usman Amaechi Adebayo. The loan is N50 million naira, to be secured by his duplex at No.4 Iyaganku Street Ring Road, Ibadan. The property is covered by certificate of occupancy dated 12/10/92 with registration no. Is 13/13/92. The parties in their negotiation have agreed to 12% interest rate to be paid within a period of 48 months.

However, the bank wants to include a clause to ensure that the interest rate is paid promptly and ensure that there is a consequence for delay in payment. In addition the bank desires that its right to exercise power of sale becomes exercisable earlier than the time stipulated by the law. Also Alhaji Usman Amaechi Adebayo is not to sublet the property without the bank’s prior consent ; the agreement is to be made subject to obtaining governors consent and the property shall not be redeemable until at least 24 months after the execution of the contract.

Unfortunately, Alahaji Usman Amaechi Adebayo, a year after winning the re-election

refused to pay his childhood friend the money he borrowed from him and Ogbuefi Lucky intends to sell the properties whose title documents were with him to satisfy the debt.

Similarly, he is in breach of the mortgage with Zenith Bank. His total outstanding including interest is 80 minutes (loan balance 30 minutes, interest 50 minutes). The bank had instructed auctioneers to sell the house without any form of notice to Alhaji Usman Amaechi Adebayo. The bank believes that the terms are clearly spelt out in the mortgage and there is no need for any form of notification. First Bank also intends either to sell the house or take possession; because he is in breach of the covenant not to assign the house without their prior consent.

However the Solicitor to First Bank advised them to rather appoint a receiver instead of selling the property; alternatively, he adviced that First Bank should procure the services of the Nigerian Army to deal ruthlessly with the Alhaji Adebayo.

**CASE STUDY 4**

Mrs Eskor is eager to move into the property and she wants to do so upon execution of the contract. She also wants the interest rate to be 22% should the vendor defaults. To protect himself the purchaser wants the deposit of 8% paid by Mrs Eskor to his solicitor to be held as a stakeholder and he wants his solicitor to act for both parties. In addition he wants the insurance to be taken in his name and the premium paid by Mrs Eskor. Also she is to take the property subject to the occupation of the boys quarters by tenants, whose tenancy will expire in July, 2010. The vendor also wants Mrs Eskor to pay an additional sum of N1m for the custom made door at the entrance to the house. While preparing the contract, the Solicitor to Mrs Eskor put the interest rate at 80% without the authority of Mrs. Eskor.

**CASE STUDY 5**

Chief Alabi Yahaya bought a plot of land from Lagos State Government in 1990 for

N50,000.00. He completed a building consisting a block of 4 flats (3 bed room each). He spent N950,000.00 to complete the project. In 2007 he sold the block of flats to Madam

Ayinke Gbajumo, the Iyaloja of Mushin market, Lagos for N4million. Omowe, esq is the solicitor handling the sale on behalf of the parties. He advised Chief Yahaya not to pay any taxes. Madam Gbajumo wants the sale perfected as quickly as possible as she wants to apply for a mortgage facility from Sky Bank Plc and the block of flats is to be used as security.

Madam Gbajumo has asked Omowe esq. to do everything possible to assist her so that she does not pay consent and registration fees to government.

**CASE STUDY 6**

Chief Fidelis Anthonio, is 65 years Old and a buissnessman who is married to Chief (Mrs) Fidelia Anthonio, his wife of over 35 years. He got married to her when they were both studying in England on the 14th of February 1973. He is from Lagos State. They have six children- Felicia (35), Francis (33), Faith (31), Florence (27), Felix (25) and Fortune (20). He has recently instructed his Solicitor, Kemi Pam to draft a Will for him on the following terms:

· Executors of his will- his wife Chief (Mrs) Fidelia Anthonio, Mrs Felicia Umeh (his daughter) and his son Dr. Francis Anthonio.

· His property at 9 Lagos Street, Ebute Metta, Lagos to be given to his wife

· His house at 14, Obafemi Awolowo Road, Ikeja to be given to all his daughters- Mrs Felicia Umeh, Dr (Mrs) Faith Bickersteth and Mrs Florence Ajani equally.

· He wants his Rolex wrist watch to be given to his first son, Dr. Francis Anthonio, his two walking sticks to be given to his third son, Fortune.

· The house in Ikorodu to be given to his first son to be used as a hospital and it must never be sold

· The shares in first bank, UACN and Nigerian Breweries to be given to his wife.

· The sum of =N= 500,000 to his second son, Felix.

· The sum of =N=50,000 to be given annually to the priest of SS&S Catholic Church,

Idi –Araba, Lagos.

· Toyota Camry 1998 model Reg. No FT 243 LSR to his third son, Fortune

· Toyota Camry 2002 model Reg. No GW 757 AAA to his Second Son, Felix

· Nissan bluebird Reg. No AX 223 KJA to his driver of twenty years Mr Okon.

· He wants the house at 9, Lagos Street to go to all his sons when his wife dies