



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
JUNE/JULY 2013 EXAMINATIONS

COURSE CODE: LAW522

COURSE TITLE: CONVEYANCING AND LEGAL DRAFTING

TIME ALLOWED: 3 Hours

INSTRUCTION: Answer any 5 questions. All questions carry equal marks

1. With the aid of statutory and decided cases, identify the rights of parties under a contract of sale.
 - b. The vendor in a contract of sale is a trustee of a special kind. Explain statement in view of the Supreme Court decision in *Osagie v. Oyeyinka* (1987) 3 NWLR (Pt. 59) 144.
2. Evidence of traditions which is uncontradicted can support a claim for declaration of title to land. Discuss.
 - b. Explain the express and implied covenants in a lease agreement.
3. Outline the procedure of transfer of land under the registration of title system, identifying:-
 - i. Areas of applicability of the law;
 - ii. Distinguishing between the Registration of Titles Law (RTL) and Registration of Instruments;
 - iii. Advantages and disadvantages of the RTL
4. Distinguish, in line with the provisions of the Land Use Act 1978, and judicial authorities, the terms -
 - a. Head lessor
 - b. Sub-lease
- b. Delineate their rights and obligations as provided under the Act and under case law.
5. Mr. Bright bought a piece of land in the Okoagbon area of Yaba in 1969 from Mrs. Dark. The transaction was evidenced only by a receipt issued by Mrs. Dark. Mr. Bright constructed a wooden house and has lived on the land since the sale. He thereafter obtained a certificate of occupancy in respect of the land. Mrs. Olympio came in 1987 and claimed the same piece of land was purchased by her mother in 1977 from Mrs. Dark, who is now dead. Mrs. Olympio

registered her title under the RTL and sued Mr. Bright for trespass on her land. It was in evidence by all the neighbors that Mr. Bright has been on the land since 1969, when it was all marshy, waterlogged and merely a farm of coconut trees.

Discuss the issues raised by the parties and legal implications.

6. What is root of title?

List and explain the documents that constitute good root of title.

7. a. Discuss the operative part of a Deed of Assignment
- b. Write short notes on:
- Specific performance
 - Rescission
 - Lien
8. a. Draw out the distinction between a tenancy and a lease.
- b. Under what circumstance may an oral lease be created?
9. Outline the procedure for forfeiture and re-entry for non-payment of rent under the Conveyancing Act 1881 and Property and Conveyancing Law 1959.
- b. To whom will the following types of rent be payable?
- i. Ground rent
 - ii. Economic rent
 - iii. Premium