



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,
JABI, ABUJA
FACULTY OF LAW
2020_2 EXAMINATION

COURSE CODE: PPL421

COURSE TITL: LAND LAW I

TIME ALLOWED: 3 HOURS

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

1. Chuka is the only son of Mazi Okoye of Onitsha and elder brother to 2 sisters. Following Mazi's demise, they elders of Mazi's family distributed Mazi's estate to his children. They gave the Obi (central homestead) to Chuka, an oil palm plantation held by Mazi as Kola Tenant to the Ezeanyi family to Ada (the eldest daughter) and Mazi's shop in Onitsha market to Obiageli (the youngest daughter). Obiageli challenged the distribution presenting a will which claimed Mazi executed a will before his death and entrusted it to her. The will which granted Mazi's entire estate to Obiageli was recorded in an audio cassette with a blank sheet of paper attached where three signatures were appended. Obiageli stated that the signatures are Mazi's, the village Priest's and hers. Chuka contends that he is the only one entitled to inherit the oil palm plantation since he is Mazi's only son and has been giving Mazi money for the rent though no rent had been paid on. He also maintained that Mazi Okoye being a titled man cannot distribute his estate by will. Ada on her own part is very unhappy that the Obi was given to Chuka because her husband recently spent over N10 million renovating same in preparation for Mazi's 80th birthday which did not hold before his death. She therefore argues that she is entitled to inherit the Obi. Advise the parties.
- 2a. The Idi Igi mode of distribution of estate is contrary to natural justice, equity and good conscience. Critically examine this statement making reference to relevant authorities.
- 2b. Akanbi died intestate with no issue. Advise the elders of his family on the rules for distribution of his estate under Yoruba customary law.
3. Discuss any three of the following cases and their relevance to land law in Nigeria.
 - a. *Tapa v Kuka (1945) 18 NLR 5*
 - b. *Abioye v. Yakubu*

- c. *Chief S.O. Ogunola & ors v Eiyekole (1990)4NWLR (pt.146)162*
 - d. *Onisiwo v Fagbenro (1954)21 N.LR 3*
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- 4. Agbaka community have been customary tenants to the Umogun family for generations since 1897. In recognition of this fact, the community visited the Umogun family ancestral home every year during the Ugie festival and offered tributes in cash and kind including N100,000 naira, 50 female goats and 500 tubers of yam. In 1990, Idu Agbaka, the community head issued a notice that customary tenancy has been overruled by the Land Use Act. Stating that the owner of the land where they are customary tenants is the State Government and not the Umogun Family and ordered that all payments of tribute or Ugie Festival visits must stop forthwith. They also carried out protests under the hashtag #EndAgbakaSlavery and applied to the Local Government for customary right of occupancy. The Umogun family head is furious and has been advised to call the Commissioner of Police to crush the Agbaka community. Advise him.
 - 5. With reference to relevant authorities, discuss two ways in which family property may be determined.
 - 6. Advise on the following scenarios
 - a. Lale is the son of the head of the Ariobokun family. Following his attainment of adulthood, he was allocated a portion of the family land for farming. When Treasure Base bank asked to purchase the land from him, he referred them to the family council. Following several unsuccessful attempts at meeting with the Council, the family lawyer – Barr. Justice advised the Lale to collect the purchase price from Treasure Base and prepared the title documents for them to sign. He also signed as Family lawyer.
 - b. Chief Koko is the head of the Kpako family. He just sold a large plot of land within the family estate to Agbaka. The deed of assignment shows that the assignment is between Chief Koko and his heirs/successors in title (assignor) and Mr. TY Agbaka and his heirs and successors in title (assignee). Chief Koko asked Agbaka to deposit the payment for the land into the Kpako Family Bank account and intends to inform the principal members of the family upon completion of the title documents.