



NATIONAL OPEN UNIVERSITY OF NIGERIA
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW
2020_1 EXAMINATION

COURSE CODE: PPL421

COURSE UNIT: 4

COURSE TITLE: LAND LAW I

DURATION: 2 ½ HRS

INSTRUCTION: Answer question 1 (one) and any other 3 (three)

Question 1 carries 25 marks, each other question carries 15marks. Total=70marks

1. Emeka leased a portion of the village square from the Akure Elders-in-council for a term of 10 years commencing on 1 January 2008. On 2 January 2008, he granted Aka temporary use of a portion of the leased land for relocation of his piggery pending completion of toxic waste elimination from Aka's farm. He constructed 5 wooden huts and a brick storey building. Each hut had two flat screen television sets, a DSTV satellite dish and potted plants. He also planted trees around the compound. Emeka relocated to South Africa appointing Aka as his business manager. Aka converted the portion temporarily granted to him to a bacon and sausage factory – constructing a warehouse and administrative building thereon. On 20 December 2017, Emeka wrote to the Elders informing them that he would return the land to them in the state in which it was handed to him in 2008. Advise.
 - a. The Elders-in-Council on what will be deemed to constitute part of the land that Emeka should return to them under the Interpretation Act. **(8 marks)**
 - b. Aka on his rights as a bacon and sausage production factory owner on the land. **(8 marks)**.
 - c. Emeka on the compensation due to Aka for the warehouse and building he constructed. **9 marks** **25 marks in all**

 2. From the earliest of times, colonization involved a system of state capture which made light of the Yoruba custom regarding real property as a sacred gift bequeathed to future generations. Indigenous Yoruba communities finally heaved a sigh of relief following the return of government recognition of unconditional ownership of ancestral lands in 1978, all thanks to an unexpected but ground breaking legislation introduced by a most unlikely saviour. With the advent of this legislation, the notion of 'public ownership of land' in Nigeria was buried forever. Discuss. **15 marks.**
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3. Famoroti travelled to a vast portion of land which he named Ikare, settled on and eventually passed on to his descendants. Ikare is now located within the present-day Ekiti State. Following the great famine of 1867, Afonja and his family travelled to Ikare and Dosunmu, the chief of Ikare offered Afonja a portion of land to cultivate and live on with family. Until his death, Afonja showed appreciation by visiting the palace every year and presenting 'gifts' to Dosunmu. The practice was sustained by Afonja's descendants and is now subject of an annual festival in Ekiti State.

Discuss the nature of title held by: **15 marks in all**

4. The Community Head is all things to all men – trustee, agent, caretaker, manager, even alter ego. His is a God-ordained position. As the Alpha and Omega of community property, sole decision maker and assignor and beneficiary of same, he needs no help and answers to no one in the exercise of his powers. It is therefore in order that he eats as he works. Discuss. **(15 marks)**
5. Advise the parties in the following scenarios: **15 marks in all.**
 - a. The Ayobami family agreed to expend family income in the purchase of land at the Lekki Free Trade Zone. The deed of assignment was executed by Fashola, the Ayobami Family head. Under the deed, the land was transferred in fee-simple to Chief Fashola Ayobami. Following Fashola's death, his children sought to distribute the land in Lekki Free Trade Zone among themselves. **(7.5 marks)**
 - b. Chinelo advertised her land for sale through an agent who called himself 'the Solicitor'. Amaka agreed to buy the land and transferred the purchase price to Chinwe who instructed 'the Solicitor' to acknowledge receipt. The Solicitor verbally communicated same to Amaka, assuring her that the land had been 'conveyed' to her. Amaka took possession of the land without any written proof of the transfer. **(7.5 marks)**
6. With the aid of relevant case law, define and differentiate between patrilineal succession and primogeniture identifying a Nigerian tribe where each is practised. **(15 marks)**