



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,  
JABI, ABUJA  
FACULTY OF LAW  
2021-2 EXAMINATIONS.**

**COURSE CODE: PPL423  
COURSE TITLE: GENERAL PRINCIPLES OF EQUITY I  
TIME ALLOWED: 3 HOURS**

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

**Question 1**

Akume, the only child of Chief Koko has just inherited a vast property consisting of several estates from his father. However, Akume suffered hemorrhage stroke and was confined to a wheel chair; and needed assistance to oversee his property and he approached his friend, Chichi, a registered nurse that if she would care for him till his death, he would transfer Valleyview estate to her. Feeling good about the proposition, Chichi quit her job as a registered nurse at a government hospital and moved to Akume's property as his care-giver and supervisor of his estate. Eight years after, Chichi realized that the job she has taken was a little larger than she anticipated. She began to feel that the transfer of Valleyview estate to her was insufficient compensation for her work. She approached Akume and said "this arrangement isn't fair. Unless you transfer Koko Gardens to me as well, I am out of here". Feeling that without Chichi's assistance, he would need to move to a nursing home. Akume decided to transfer Koko Gardens to Chichi. Akume handed Chichi a signed memorandum of transfer and a letter to his solicitor, Barrister Godswill, authorizing him to release Koko Gardens' certificate of title to Chichi. Chichi obtained Koko Gardens certificate of title from the solicitor while Valley view certificate remained with the solicitor. Three years later, Akume suffered another stroke and slipped into a comma. Six days after, Akume died without coming out of the coma. Barrister Godswill has read Akume's will in which he gave his entire property empire to his niece. The properties were all still registered in Akume's names.

Advise Chichi on whether she is entitled to the Valleyview Estate. What type of orders can be made in fulfilling the expectations?

**Question 2**

What is the distinction between estoppel and laches?

### **Question 3**

John is owed N10,000 by Rosemary, a guest who stayed at the hotel for a long time. He intends to bring proceedings against her to claim this sum but has learned that, very shortly, she intends to sell her stamp collection which he believes is her main asset. If it is sold then, even if John wins the case, Rosemary is likely to have no assets to satisfy the judgment. Is there any action which he can take to prevent the sale of the stamp collection?

### **Question 4**

Although the jurisdiction to grant equitable remedies is discretionary, the exercise of the jurisdiction is dependent on recognised principles.’ (Virgo, 2012, p. 715) Critically consider this statement in the light of case law on the application of discretion in equity.

### **Question 5**

Lekan mortgaged his property situate at Marwa Estate as security for a loan of N200,000,000.00 to Chocks Bank Plc. Lekan contracted to sell the mortgaged property to Chief Musa at the sum of N300,000,000.00. They both agreed that Chief Musa should acquire the property free from encumbrances and should also pay part of the purchase price to Lekan to enable him apply to discharge the mortgage debt and interest. Chief Musa having been satisfied with Lekan’s title paid the sum of N200,000,000.00 to his Solicitor as agreed. The part payment was never applied for the redemption of the mortgaged property. Subsequently, Lekan proceeded to sell the mortgaged property to one Ernst at the sum of N500,000,000.00 who immediately perfected the sale. Chief Musa argued that the legal implication of the transaction was that the ownership in equity was vested in him by virtue of the agreement for sale and that the legal estate was never vested in Ernst. Ernst on his part, argued that on the discharge of the mortgage debt by Lekan, Chocks Bank Plc was not bound by any duty other than a duty to Lekan to reconvey the legal estate to him. Advise the parties on the nature and ranking of their respective interests.

### **Question 6**

“There is no single concept of equity”. Critically consider this view of equitable jurisdiction