



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,
JABI, ABUJA
FACULTY OF LAW
2021_2 EXAMINATION

COURSE CODE: PPL521

COURSE TITLE: LEGAL DRAFTING AND CONVEYANCING 1

TIME ALLOWED: 3 HOURS

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

Question 1

Mr. Ola Komolafe made his Will on July 12, 2019. Benjamin Areola of 12, High Hills Road, Abuja and Mrs. Esther Richard of 15, Asokoro District, FCT, Abuja attested to the Will. Shortly before Mr. Komolafe made his Will, Miss Lucy whom he acknowledged as his mistress told him “Remember all my sufferings with you all these years, they should not be in vain, while you write your Will”. Mr. Komolafe died July 15, 2019. In his Will, he made the following disposition amongst several others

Clause 1- My house at No.5, Charlie Boy Street, Lagos state to my bosom friend Mr. Andrew Richard of the same address.

Clause 2- Block of 4 flats at 7, Public Street, Maitama, Abuja to my mistress, Miss Lucy.

Clause 3- A Toyota Prado Jeep to Kolapo

Clause 4- The remainder to all my children in equal share.

- a. Comment on the propriety or otherwise of the inclusion of Mrs. Esther Richard as a witness to the Will, and the statement of Miss Lucy in relation to the Will.
- b. State the nature and type of gifts in clauses 2, 3 and 4 and your observations in respect of the clauses, the effects of clause 4 if it is not included in the Will
- c. Draft the Execution and attestation clauses to be included in the Will.

Question 2

Architect Julius Olopade married his wife Dr. (Mrs.) Luara Olopade in 1950 under native law and custom. In 2018, Architect Julius made a Will and deposited at the High court of Oyo state. In 2021, Architect Julius reaffirmed his marriage with his wife, Laura Olopade at the Ikoyi Marriage Registry, Lagos State. Shortly after the celebration, Architect Olopade died. His brother –in –law, Judas challenged the Will that the testator’s Will already stands revoked by virtue of the marriage celebrated in 2021 at the Ikoyi Marriage Registry, Lagos.

- a. Comment on the statement of Judas in relation to the Will of Architect Julius. Support your answer with statutory and judicial authorities if any.
- b. Assuming you act as solicitor to Architect Julius, itemize the points you will note to draft his Will and your advice on when it will be necessary for him to prepare a new Will

Question 3a

You are solicitor in the legal drafting department of the National Assembly. As part of measures being taken against the current security crisis in the country, particularly in the Federal Capital Territory, Abuja, you have been asked to draft a law banning all unauthorized public gathering, street demonstrating, street hawking and parking of vehicles in places other than designated parking lots. The rationale behind this law is to curtail the casualty that results from bandit activities in crowded urban areas. Draft the following clauses in the proposed legislation.

- a. Short title
- b. Long title
- c. Enacting clause
- d. Commencement
- e. Interpretation clause

Question 3b

List five (5) precautionary measures you must note while analysing the drafting and materials you need to consult in drafting the bill

Question 4a

At the Monthly meeting of Bisma continental Limited with the staff on 17th August, 2020, concerns were raised on the abysmally low level of uses of electronic memo in the company as the staff still prefer to use paper memo. The Chairman has set up a compliance committee to review the impact of electronic memo in the 21st century. You have been requested to present a memorandum to the committee (using the name Harry Jackson)

- i. Itemize five (5) advantages of electronic memo in the 21st century and five (5) disadvantages that may affect effective usage of electronic memo

Question 4b

Write short notes on the following components of a Bill

- (a) Preamble
- (b) Commencement

Question 5

Mr. Jonny Ganja of 10, Kakanfo close, Aguda, Lagos is a customer of Lakeside Bank Plc with its head office at No.7a, Adeola Odeku, Victoria Island, Lagos. He applied for overdraft in the sum of N8million from the bank. The bank approved the overdraft at the rate of 10% per annum to be repaid within twelve months. The terms and conditions in the letter of offer were accepted in writing by Mr. Jonny Ganja. Who fully utilized the overdraft, but failed to repay as agreed.

- a. As a solicitor to the bank (using the name Formika Plank) do a letter to recover the debt from Mr. Jonny Ganja
- b. Mr. Jonny Ganja has approached you for settlement in which correspondence was sent to you through his lawyer, Charles Smart and marked "Without prejudice". Comment on the evidential import of the phrase.
- c. Mention five uses of memos

Question 6a

Where the beneficiary under a Will predeceased the testator, the gifts to the beneficiary in the Will fail and revert to the testator's residual estate. Do you agree?

Question 6b

Identify the type of legacy the following are-

- i. I give Andrew, my son, the sum of N5million
- ii. I give my wrist watch to cousin, John
- iii. I give one of my cars to Collins
- iv. I give N2million payable from my Lead way Bank Plc to my son Julius Jnr
- v. I give Janet, my daughter, the walking stick which I purchased in Dubai