



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**FACULTY OF LAW, DEPARTMENT OF PRIVATE AND PROPERTY LAW**  
**Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja**  
**2022\_2 POP EXAMINATION**

**COURSE CODE: PPL424**  
**COURSE TITLE: LAW OF TRUST I**  
**TIME ALLOWED: 3 HOURS**

**Instruction: ANSWER QUESTION 1 (ONE) AND ANY 3 (THREE) OTHER QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ATTRACT 15 MARKS EACH)**

**Question 1**

Bert has recently died and his validly executed will appoints your law firm, LAWSON & CO as his executor and leaves his entire estate to his granddaughter Mehek. After the will is read several persons come to see you. Bert's son Dave tells you that last week Bert called the family together and stood up and said 'I now hold my house "Treetops" on behalf of you Dave'. Bert's friend Erlich approaches you and says that Bert has shares in a company called Evagreen which are held on trust for him by his accountants Thimble & Co. Erlich states that in front of him Bert telephoned Thimble & Co and told them to transfer the shares to Erlich. Tony also approaches you and states that two days before Bert died he called Tony to his bedside and said, 'If I don't make it I want you to have my Rolex watch'. Advise the parties on the validity of the purported gifts.

**Question 2**

Chief Kogbe died testate and in his will, he made the following disposition, Discuss the nature of the Will, the conditions, if any attached to each disposition, maxim and the implications on the disposition.

'N1,000000 on trust to be divided equally between my children.

'N10,000,000 on trust to each of my brothers contingent on them reaching age 25.'

'N25 million on trust to my children.' How should this be shared and on what principle?

**Question 3**

The most important contribution of Equity to English law is undoubtedly the trust. Discuss.

**Question 4**

The intention to create a trust is particularly important because, once established, the trust is generally considered to be irrevocable. Critically discuss the nature of this requirement under a trust.

**Question 5**

Sophia and Amber are the trustees of the Baba Kekere Trust created five years ago by the late Baba Kekere for the benefit of his wife, Refika for life with remainder to his two sons, Usman (now aged 18) and Chinedu (now aged 15) contingent on them reaching the age of 25. If either of his two sons should die before the age of 25 their share shall accrue to the survivor. The trustees wish to know their responsibilities with regard to the following requests from the beneficiaries:

- i) Chinedu is desiring to undertake skiing lessons and requests assistance from the trust.
- ii) Usman wants to start up in business to market new- age herbal medicines via the internet and requests assistance from the trust.
- iii) Refika requests an advance of capital so she can buy a house.

**Question 6**

Explain what is required for a trust to be charitable, and analyse how such trusts differ from private trusts.