



**NATIONAL OPEN UNIVERSITY OF NIGERIA PLOT 91, CADASTRAL ZONE,
NNAMDI AZIKIWE EXPRESS WAY, JABI, ABUJA
FACULTY OF LAW
2023_1 POP EXAMINATION.**

COURSE CODE: PPL522

COURSE TITLE: LEGAL DRAFTING AND CONVEYANCING 11

TIME ALLOWED: 3 HOURS

**INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY 3 (THREE) OTHER
QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS
TOTAL =70 MARKS**

QUESTION 1

a. On 9th July, 2010 Jonny Bravo concluded negotiation with Trust Bank Plc. located at Plot 10 Gerard Estate, Kano State for a loan of N5, 000,000 (five million naira) The loan was secured by a Deed of Legal Mortgage covering Jonny's property located at No 2 Oko Oba Road, Kano State. Jonny Bravo is desirous of obtaining another loan from Unity Bank Plc. using the same property. The Bank insisted on Legal Mortgage. Using the above scenario, draft the following:

- i. Commencement and date
- ii. Parties
- iii. Testimonium,

iv. Execution and Attestation

b. Discuss the creation of successive legal mortgage in 1(a) above, If Jonny Bravo wants to take another loan using the same property.

1c. Would your answer be different if the property was situated in Ibadan, Oyo State.

QUESTION 2

a. Distinguish between the following

- i. Lease and licence
- ii. Lease and assignment
- iii. Lease and sub-lease

b. A lease agreement usually contains covenants agreed upon by the parties. However, where the parties are silent, the law implied into their relationship certain covenant. Discuss.

QUESTION 3

Mr. Proudfoot let out his 3 bedroom flat at No.4, Hart Street, Lagos to Mrs. Juliet. As parties were longtime friends, Mr. Proudfoot told Mrs. Juliet to insure the property and promised to refund her. Mrs. Juliet has approached you to advise her on the following:

- a. Who should insure?
- b. Factors to be considered before advising the parties on who should to insure the property.

QUESTION 4

Mr. Hassan Okoro has approached you for advice on the following:

- a. The rationale of entering into a formal contract before preparing a Deed of Assignment

- b.. Rights and obligations of the parties under the contract
- c. Advantages of the abstract/epitome of title
- d. Right and duties of a Holder of Certificate of Occupancy

QUESTION 5

- a. Discuss the following conditions in a contract of sale of land
 - i. Payment of deposit
 - ii. Possession before completion
 - iii. Differentiate between payment of deposit and part payment
- b. Discuss the challenges facing conveyancers in Nigeria

QUESTION 6

Mr. Leonard Hart is ill and has appointed Tulk Moxhay to manage his property on his behalf which includes among others, to create tenancies and collect rent in respect of his property at No. 4, Kalakuta Republic, Ijokodo, Lagos and do all things necessary incidental to power given to him. Mr. Leonard further instructed Tulk Moxhay to get Governor's consent.

- a. Mention the document Mr. Leonard Hart needs to execute in favour of Tulk Moxhay
- b. Draft the introductory part of the document you highlighted in (a) above
- c. Draft the appointment clause of the document in (a) above
- d. Comment on the requirement of Governor's consent.
- e. Discuss various ways the document in (i) may be revoke.