

JOSEPH AYO BABALOLA UNIVERSITY

IKEJI-ARAKEJI, OSUN STATE

COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2023/2024 ACADEMIC SESSION

COURSE TITLE: LAW OF SUCCESSION

COURSE CODE: PPL 512

TIME: 3 HOURS

INSTRUCTION: ANSWER 4 QUESTIONS: 2 QUESTIONS FROM EACH SECTION

SECTION A: ANSWER ONLY 2 QUESTIONS FROM THIS SECTION

1. Mr. Ladepo said to two of his friends in the balcony of his house. "I should like you now to witness my will". It appeared that at the same time he gestured to his coat pocket which contained a folded document which he did not take out. He had already signed the document. He then took one of the proposed witnesses into the dining room and took the document from his pocket, unfolded it and revealed his signature without saying any more. The guest, having signed the document as a witness, went back to the balcony where he remained while the other witness went to the dining room and added his signature. Examine the validity of the will.
2. The deceased was in the Nigerian Air Force and in January, 2022, he wrote a document which he described as his will and which was signed but not attested. He later became a pilot instructor and in August, 2023, he died as a result of an aircraft accident whilst still in Canada during his training. Examine the validity of the will.

What is revocation?

3. Enumerate the various methods of revoking a will.

SECTION B: ANSWER 2 QUESTIONS FROM THIS SECTION

4. What are the essential formalities for a will?

5a. Draft an attestation clause.

Where is the appropriate place to append a signature in a will? Will merely signing of the envelope containing the will be adequate?

5b. The testator was a distinguished late Vice Chancellor and was formerly an engineer. He had made a most complicated will in which he had a great interest and had on many occasions asked his daughter Miss Dolapo, to read over to him. The will could not be found after his death. Discuss the validity of the will.

6. Write notes on the following:

- a. Specific legacies
- b. Demonstrative legacies
- c. Pecuniary legacies
- d. Residuary gifts
- e. General gifts

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JOSEPH AYO BABALOLA UNIVERSITY

IKEJI-ARAKEJI, OSUN STATE

COLLEGE OF LAW

FIRST SEMESTER EXAMINATIONS, 2019/2020 ACADEMIC SESSION.

COURSE CODE: PPL 512

COURSE TITLE: LAW OF SUCCESSION

TIME: THREE HOURS

INSTRUCTION: ANSWER FOUR QUESTIONS IN ALL. AT LEAST TWO FROM EACH SECTION.

SECTION A

1. Late Pa. Simeon Akanji was a native of Ilesa and lived in Akure during his lifetime. He was married to 3 wives, namely Favour, Esther and Teniola. While Favour begat two children, Esther and Teniola have 5 and 8 children respectively. At his death, the property he left behind include, three flats, a bungalow of 6 rooms, cocoa farms, a Toyota Saloon car and Toyota Dyna truck, a pure water factory. Upon his death, the eldest wife insisted that the property be distributed among the 3 wives and the deceased house where he lived during his lifetime be given to her alone. With the aid of decided cases and statutory authorities, discuss in detail the Yoruba Customary Law of Succession. (17.5 marks)
2. Mrs Nwagbara had 6 daughters for her husband during his lifetime. While Mr Nwagbara was alive he worked so hard and acquired two duplexes, an oil and gas filling stations, a supermarket and a trailer which he used for his petroleum products business. At his death, Linus Nwagbara insisted that Mrs Nwagbara's interest is limited to a life estate only because she has no son for her husband. Linus, the brother in law, insists that he is the one entitled to the deceased's estate. Advise the parties. Will your advice be different if the parties involved are from Idoma Customary Law of Succession? (17.5 marks)

3. Discuss in detail the Customary Law of Inheritance in Northern parts of Nigeria.
(17.5 marks)

SECTION B

1. The Wills Law makes it mandatory that for a will be valid, it must be in writing. However, the Wills Act provides an exception for some categories of testators.

(1) Discuss the requirements of a valid Will. (8.5 marks)

(2) Discuss the exceptions to the requirements of the Will being in a written form. (9 marks)

2. Write explanatory notes on any 5 of the following:

(1) The Rule in Parker and Felgate

(2) Capacity of a Testator

(3) Undue Influence

(4) Nuncupative Will

(5) Adebajo v. Adebajo

(6) Revocation of a will.

(3½ marks each. Total: 17.5 marks)

3. The burden of proof of the genuineness of a will lies on the party propounding same. Discuss with the aid of decided cases the proof of due execution of a will. (17.5 marks)

JOSEPH AYO BABALOLA UNIVERSITY, IKEJI-ARAKEJI

COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2016-2017 SESSION

COURSE: LAW OF SUCCESSION I

COURSE CODE: PPL 512

INSTRUCTION: ANSWER ANY FOUR QUESTIONS.

TIME ALLOWED: THREE HOURS

1. Chief Godspower Ola a native of Ikeji, lived all his life in Benin. He was a successful business man with chains of companies in Benin. He got married to two Benin women and was blessed with five sons and two daughters. On the anniversary of his 50th birthday, his application to the Oba of Benin for naturalization as a citizen of Benin was approved to his great delight. He later divorced his two wives and got married to Mabel who bore him a daughter, Gold, a 500 level student of the College of Law JABU, whom he fondly referred to as the apple of his eye. Chief Ola made a Will intending to disinherit his eldest son, Nosa, who was a well-known drunk and drug addict. Nosa who had brought great shame to him as a father. In his will, Chief Ola bequeathed all his properties to his wife Mabel absolutely and included in the Will that "it is my will that nobody shall vary or modify this will and that the native law and custom of Benin shall not apply to alter this Will." His daughter, Gold along with the other children of his former wives, were all beneficiaries under the Will. Because of the love he had for Gold, he requested that she, along with his best friend Andrew, should attest to the Will. At Chief Ola's death and after performing the second burial, Nosa took over the house in Benin claiming it rightfully belongs to him. Discuss the legal issues raised.

2. 'Customary law of intestate succession in many African societies including Nigeria, deny females the right to succession. One explanation for this perspective is the fear that females on marriage will take the family property outside the family.' Discuss this statement as regards the rights of women to succession under Igbo customary law.

3. Yoruba customary law has made provisions for two distinct modes of distribution of the property of a deceased property owner. With the aid of judicial authorities, critically examine these two modes of distribution of property.
4. The Law Students' Society has invited you, as an expert in the Law of Succession, to deliver a paper on "The importance and requirements for a valid Will in Nigeria." What will be the highlights of your paper?
5. 'A Will is revocable only by the Testator at any time before his death. The revocation of a Will cancels it, making it void and stripping it of its binding effect.' Discuss the various modes of revocation of a Will by a Testator.
6. 'The position of the Law is that a person making a Will must be of sound mind and have the necessary mental capacity.' Discuss.

JOSEPH AYO BABALOLA UNIVERSITY

COLLEGE OF LAW

IKEJI ARAKEJI, OSUN STATE

FIRST SEMESTER EXAMINATION

2021/2022 Session

Course Title: Law of Succession I

Course Code: PPL 512

Time Allowed: 3hours

Section A: Answer any two questions in this section.

1. (i) What is a will?
- (ii) List and explain the characteristics of a good Will?
- (iii) Discuss the capacity of the following with respect to making a Will:

The blind

The illiterate

2. Write short notes on:

- (i) Alteration and Attestation clauses
- (ii) Draft an attestation clause
- (iii) Execution of a Will

3. Write short notes on any 2 of the customary laws of succession among the following ethnic groups:

- (i) Hausa
- (ii) Igbo
- (iii) Yoruba
- (iv) Edo

Section B: Answer Any 2 Questions from this section

4. Discuss the rule in:

- (i) Adebajo v. Adebajo
- (ii) Parker v. Felgate
- (iii) Revocation and revival of a Will

4. The burden of proof of genuineness and authenticity of a will lies on the person propounding it. Oshinowo v Oshinowo. State the legal requirements of a valid will.

5. The principle of Igi Ogbe in Benin customary law is incapable of being changed. Discuss. Illustrate your answers with cases .

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IKEJI-ARAKEJI COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2020/2021 ACADEMIC SESSION

COURSE CODE: PPL 512

COURSE TITLE: LAW OF SUCCESSION

TIME: 3 HOURS

INSTRUCTION: ANSWER FOUR QUESTIONS ONLY. TWO FROM EACH SECTION.

SECTION A

1. a. What is a Will?

i. List and explain the characteristics of a good Will

ii. Discuss the capacity of the following with respect to making a Will:

- A. The blind
- b. The illiterate

2. Distinguish between

i. Joint Wills and Mutual Wills

ii. Trust for sale and fully secret trust

iii. Supplementary and surviving clauses

3. Write short notes on:

i. Alteration and attestation clauses

ii. Draft an attestation clause

iii. Execution of a Will

SECTION B

1. Explain the following terms:

a. Specific gift

b. Partial intestacy

c. Vitiating elements of Will

2. Write short notes on any two (2) of the customary law of succession among the following ethnic groups:

i. Hausa

ii. Igbo

iii. Yoruba

iv. Edo

3. Discuss the rule in:

i. Adebajo v. Adebajo

ii. Parker v. Felgate

iii. Revocation and revival of a Will

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IKEJI-ARAKEJI, OSUN STATE COLLEGE OF LAW

FIRST SEMESTER EXAMINATION – 2022/2023 SESSION

COURSE CODE: PPL 512

COURSE TITLE: LAW OF SUCCESSION

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER 4 QUESTIONS IN ALL – QUESTION 1 IS COMPULSORY.

ANSWER ONE OTHER QUESTION FROM SECTION A AND TWO QUESTIONS FROM SECTION B.

SECTION A

Question One – COMPULSORY

1. As briefly as possible, advise your clients in the following situations:

i. Professor Adeniji of JABU, in his lifetime, wrote to Barrister Bali in Ibadan, his Solicitor, asking him to tear up his Will, which Bali Esq. Did. Now that the Professor is late, Salewa is propounding the Will for invalid revocation. Comment.

Would your answer be different if the destruction of the Will was done in the presence of Professor Adeniji?

ii. The Will of Pa Soyemi was in his custody until his death. This fact was revealed to every member at the family meeting held after his demise by his Counsel. Now that the Will cannot be found after his death, what is the presumption?

iii. At the extended family meeting of late Chief Obasanya, it is discovered that the signature and attestation clause of the deceased's Will was torn off. His Solicitor testified to the fact that the content of the document is on all fours with Chief Obasanya's testamentary dispositions. Comment on the validity of the Will.

b. Discuss 3 methods of revoking a Will.

2. What are the necessary formalities for a valid Will? Draft an attestation clause.

3. Write short notes on any 3 of the following legacies:

- i. Specific legacies
- ii. Demonstrative legacies
- iii. General legacy
- iv. Pecuniary legacy
- v. Residuary gifts
- vi. General legacy

SECTION B

Answer any 2 questions from this section.

4. What do you understand by the following terms:

- a. Lapse
- b. Ademption
- c. Abatement

5. Ordinarily, any person can make a valid Will disposing of either real or personal property subject to some exceptions. Discuss the rights of the following categories of people with respect to making a Will:

- a. An alien
- b. A married woman
- c. A minor
- d. Persons of unsound mind
- e. A patient of a mental hospital

6. Pa Adeyeye is desirous of writing a Will. Enumerate the preliminary steps to be taken that are required for a valid Will.