

BOWEN UNIVERSITY
(OF THE NIGERIAN BAPTIST CONVENTION)

IWO, OSUN STATE

COLLEGE OF LAW

2023-2024 SESSION SECOND SEMESTER EXAMINATION

COURSE CODE: PCL 404 COURSE TITLE: EQUITY AND TRUSTS II

Instructions

Attempt at least ONE question from each section, and FOUR questions in all

Each question carries 17^{1/2} Marks

Time Allowed: 3 Hours

SECTION ONE

1. (a) It is very difficult to conceptualize and define the word 'trusts'. However, whichever way we conceptualize it, it must conform to what legal minds have been doing over the ages. **Against this background, define the word 'trusts', and with the aid of the magic triangle, discuss the nature of trusts.**

(b) Distinguish two out of the following legal relationships:
 - i. Trusts and bailment;
 - ii. Trusts and contract;
 - iii. Trusts and agency; and
 - iv. Trusts and power.
2. How is a trust constituted? Discuss the exceptions to the two maxims on constitution of trusts.
3. (a) Appraise discretionary trusts.

(b) List all the duties and disabilities of trustees, and discuss any two of them.

(c) List the powers of trustees and explain fully two of the powers.

SECTION 2

4. With the aid of statutory provisions and decided cases, discuss three occurrences that may give rise to the retirement of a trustee.
5. The appointment of a trustee is said not to be an act in perpetuity. 'A', 'B', 'C' and 'D' are trustees of the estate of 'XY'. A won an American Visa Lottery and traveled to the United States of America where he spent sixteen months before returning to Nigeria. Before his return to Nigeria, he was removed from the office of trustee. 'B' absconded and could not be traced, but surfaced three years later, by which time 'D' had committed a breach of trust by misappropriating trust funds. With relevant statutory and judicial authorities, advise the remaining trustees on the steps to take in the circumstances, providing five justifications for your advice.
6. In order of priority, state and discuss briefly five persons who are statutorily empowered to apply for a grant of letters of administration. In the absence of all that are entitled to apply, what becomes of the estate?