

**BOWEN UNIVERSITY**  
**(OF THE NIGERIAN BAPTIST CONVENTION)**  
**IWO, OSUN STATE**

**COURSE CODE: PCL 514**

**COURSE TITLE: LAW OF SUCCESSION II**

**2023/2024 ACADEMIC SESSION SECOND SEMESTER EXAMINATION**

**INSTRUCTIONS**

**ANSWER ANY 4 QUESTIONS**

**TIME ALLOWED: 3 HOURS**

**EACH QUESTION ATTRACTS 17<sup>1/2</sup> MARKS**

1. The estate of a deceased person will be administered whether the person leaves behind a Will or not. **Discuss with the aid of the provisions of the law on administration of estates.**
2. With the aid of statutory authorities, explain the validity of the following appointments of executors:
  - a. Madam Cash appointed the law firm of Agabje & Agbaje as the executors of her estate. Her children are disappointed with this appointment. They are of the view that Madam Cash could appoint only very close family members as executors. They wish to challenge this appointment on the ground that a law firm could not be appointed as executors validly.
  - b. Idowu, by virtue of his Will, appointed Ayo of No. 15, Crescent Street, Iwo, Osun State, as one of the executors of her estate. Ayo suddenly became bankrupt after Idowu made the Will.
  - c. Alhaji Tanko appointed Master Goodluck, a 17-year old, as the sole executor of his Will.
3.
  - a. Dr. Laide and Pastor James were appointed as executors to Chief Bankole's estate. Chief Bankole died in January 2018. After giving the Chief a befitting burial, Dr. Laide and Pastor James thought that their duties were over. **Advise them on their powers and duties as executors to the estate.**
  - b. Mr. 'X' is the sole executor to Chief Olowo's estate. Before the Chief's burial, his family is in urgent need of funds to cater to the burial plans, stock up the deceased's shop, and pay the school fees of the his children. They are in a dilemma as the church that the deceased attended until his death expects all burials to be conducted within one week of the death of a registered church member. One of Chief's debtors has just paid back the money he owed him, which money would be sufficient to satisfy these urgent needs. Mr. 'X' is yet to apply for probate and is not sure if the law permits him, as the executor to the deceased's estate, to expend the deceased's money before obtaining probate.  
**Advise Mr. 'X' on the extent and limitations (if any) of his powers as an executor before probate is granted.**
4. Write short notes on any three of following:



- a. Death of an executor;
  - b. *Bona Vacantia*;
  - c. Procedure for obtaining Letters of Administration;
  - d. Remuneration of personal representatives; and
  - e. Distinctions between probate in common form and probate in solemn form.
5. Mr. Jim appointed Mr. Jacobs, his childhood friend and a very rich man at the time of his appointment, as the sole executor of his estate. However, Mr. Jacobs had gone bankrupt after his appointment but before Mr. Jim died. Mr. Jim was very wealthy due to his profitable transnational businesses. He also left vast real estate in strategic locations on the globe as well as diverse sums of foreign currencies, which were found in his bedroom and statement of domiciliary bank accounts. After gaining access to some of the monies, Mr. Jacobs expended the sum of N50 Million in facilitating Mr. Jim's funeral, which took place within three days of the latter's demise. In addition, Mr. Jim paid for his wife's travel all over Africa from the funds. He bought five houses from the funds and took over Mr. Jim's fleet of cars. He sold Mr. Jim's Bentley to his own son for N1million. He has taken over Mr. Jim's businesses and appointed his own wife and children as directors of his companies. Mr. Jacobs pays himself a monthly salary of N1million from the estate of Mr. Jim.

Conversely, since the Mr. Jim died, Mr. Jacobs gives paltry sums of money to the deceased's wife and four children, which could not sustain life. The wife and children of Mr. Jim have approached Mr. Jacobs to distribute the estate as Mr. Jim directed in his Will without success because Mr. Jacobs insists that he is busy and not ready to distribute the estate until five year's time.

**Examine all the legal issues involved.**

6. Ukiti leased his land to Maraba to develop. The parties agreed that Maraba would pay an annual ground rent of N100,000 and build an event centre as well as a shopping complex on the land. The property would revert back to Ukiti in 30 years' time.

Fifteen years into the lease, Ukiti, who was the only child of his parents, died intestate. He had lost his wife and three children in a motor accident two years before his demise. Ukiti's parents and grandparents have all died. He is, however, survived by Jador, his only half-brother. Jador has demanded that the ground rent payable by Maraba must be paid to him but the latter has refused to do so on the ground that Jador is not a child of the deceased. Maraba's lease has just expired, and Jador demands that Maraba must hand over the properties to him to no avail. Jador instituted an action in court to recover the properties and the arrears of the ground rent from Maraba, but Jador died after the case was set down for definite hearing, leaving no child of his own.

**Advise on all the legal issues involved in this case. Would your answer be different if Ukiti's Will had been found, leaving all his properties to Felix, his friend of over 30 years by the Will?**