

**BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW**

FIRST SEMESTER EXAMINATION, 2021/2022 SESSION

PCL 513 - LAW OF SUCCESSION AND ADMINISTRATION OF ESTATES I

INSTRUCTIONS: ATTEMPT ANY FOUR QUESTIONS

EACH QUESTION CARRIES 17 ½ MARKS

TIME ALLOWED: 3 HOURS

LOGICAL AND GRAMMATICALLY CORRECT PRESENTATION OF ANSWERS ARE IMPORTANT

1. a. Dr. Williams, married, drafted his Will and distributed his cars, houses, shares as well as three companies among his two children and wife. He asked his wife to attest the Will.
- b. Prof. Ken brought out his earlier executed will to go through and then cancelled his bequest to his daughter who had offended him, substituting for her his last son.
- c. Your client, Chief Smart Grill, has approached you to write a Will for and on his behalf. He has one wife, Bella and three children, Mariam, Frank and Testimony. He has a company and four houses situated at the following addresses:
 - i. No 4, Iyannu Street, Victoria Island, Lagos;
 - ii. No 12, Jaja street. Akobo Area, Ibadan; and
 - iii. Plot 76, Royal Estate, Eleyele Area, Ibadan

Chief Smart Grill intends to give the first child his first house, Mariam, the second house to his second child, Frank, and the fourth to his last child, Testimony. He intends to transfer the company to his wife Bella Smart. He took a loan from Custody Bank PLC, which he intends to be paid back from his residuary estate if he fails to complete payment before his demise. He intends to appoint the Law Firm of Andrews & Ken of No 10, Ekotedo Street, Lagos as his executors. He appoints Rev Charles and Evangelist Faith as witnesses to the Will.

Discuss the validity of the Wills in questions 1(a) and 1(b) and draft the Will in question 1(c)

2. Osagie, a Benin indigene resident in Osun State, spent his entire childhood in Osun State where he acquired several landed properties in his life time. He had three wives, twelve children (12) children. He subsequently had two (2) other children by his mistress, Dammy. He died leaving a will with a firm instruction that his properties must be divided equally among all his children, and that his sons by his mistress, Dammy, should inherit the house he dwelt in during his life time. His wives and children are aggrieved and have come to you for advice. **Advise them.**
3. Festus and Kent are childhood friends and officers of the Nigerian Police Force. They have been mobilized to maintain peace and repel violent attacks by way of communal clashes in one of the States in the southern part of Nigeria. The clashes have become so intense and the Nigerian Police has requested for military intervention. Festus is so concerned that he might die before help comes from the military. He informed his friend,

Kent, about his fears and instructs him further that if he dies in the peacekeeping effort, his properties should be given to his girlfriend, Maria, leaving nothing for his wife and children.

Examine all the legal issues involved and advise Festus accordingly.

4. A Will may be revoked at any time before the death of the testator. This is an expression of freedom of testation. The freedom to make a Will covers the freedom to revoke it.

In the light of the above, discuss the methods of voluntary revocation of Wills and how a revoked Will could be revived with the aid of relevant judicial authorities.

5. On the 10th November, 2021, Fifteen-year old Joseph went on holiday to Kebbi State with his friends, seventeen-year old Olu and eighteen-year old Smart. Joseph was born blind. While he was swimming in a river; a crocodile attacked him and bit off his left arm. His friends rushed him to a hospital, and he feared that he was going to die. So he decided to make a Will. He dictated the Will to Olu who wrote down his instructions. Joseph left his laptop to Olu, One Hundred Thousand Naira (N100, 000.00) to Smart and the residue of his estate to his guardian who raised him.

Joseph made a thumbprint with his left hand at the end of the Will since he had lost his right hand. Olu and a nurse signed as witnesses. Joseph died shortly thereafter. He is survived by his guardian and grandparents.

Given the above facts, answer the following questions:

- a. Was Joseph legally competent to make a valid Will? Explain and give reasons for your answer.
 - b. What are the essentials of a valid Will?
 - c. Was Olu legally competent to witness the Will? Explain and give reasons for your answer.
 - d. Did Joseph comply with the testamentary formalities for making a valid Will? Explain and give reasons for your answer.
 - e. Suppose the will is invalid, what advice would you give Joseph's guardian and grandparents?
 - f. Discuss the capacity of Olu and Smart to inherit under the Will.
6. Examine the intestate succession laws of southern Nigeria.
7. Write short notes on the following:
- a. Testamentary capacity;
 - b. Nuncupative Will; and
 - c. Sources of the law of succession.