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Navigating – **REAL ESTATE** **DOCUMENTS** **IN NIGERIA**



"A comprehensive guide for Buyers, Sellers, and
Investors to ensure a smooth and secure Real
Estate transaction process in Nigeria"

Bunmi Obidare

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INTRODUCTION

Basic land documents that exist in Nigeria are described in this book. Some are Land titles while some are just transactional documents, showing evidence of exchange of land from one person to another. No singular document may be enough to lay claim to ownership of land except proven by due diligence; especially in cases where the document has details different from those of the person claiming ownership.

It is very important for anyone interested in Real Estate, whether as an Agent, Buyer, Seller or Investor, to know the documents needed in Real Estate transactions. This is to ensure a smooth and secure Real Estate transaction process in Nigeria

In the very beginning, land ownership in Nigeria was held by families and communities. These families and communities had total control of the land. For a number of reasons, a Land Use Decree was made on the 28th of March 1978 by the Government. This decree conferred all lands in every state of the Federation under the control of the State Government. So, families and communities that owned land had to write to the Government concerning their own lands. The Government took part of their land for communal use and left the rest to them. This process is called Excision. It is a process whereby the Government releases a portion of land back to the original owners.



Below are basic documents used in the Real Estate field:

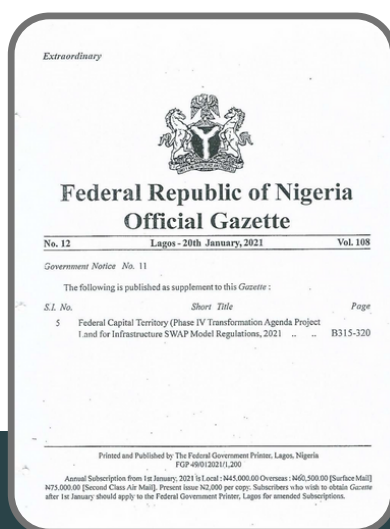
1. Government Approved Excision: This document shows that the Government has approved the land being released back to its original owner, but this is not the final document.

2. Gazette: A gazette is a Government document/Publication where all legal notices that are worthy of note are recorded. For example, Excised lands, New laws and regulations, Government appointments are recorded in a Gazette. When an Excised land is recorded in a gazette, It shows the coordinates and size of land that the government has given back to the original owners. So be careful when someone says a land has government approved excision, it must be documented in a Gazette. Every state has its Gazette. The publication is recognized by Number, location, date and Volume.

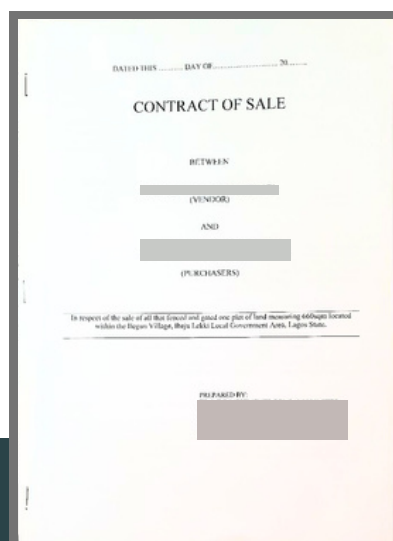
(Example: Federal Republic of Nigeria Official Gazette Vol. 104 No. 25 (01 March 2017))

3. Land Purchase Receipt: This is proof that money was paid for a parcel of land. It is a vital document that can be combined with other documents to prove ownership.

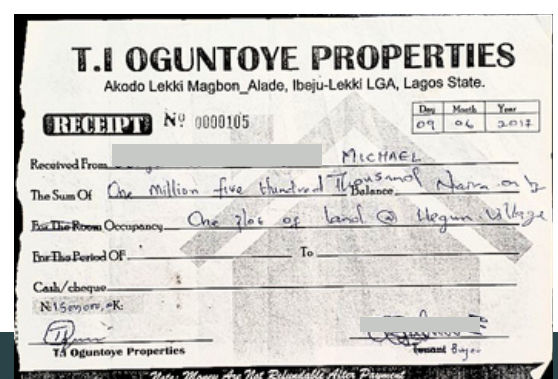
4. Contract of Sale: This is a document that clarifies what land is being bought and the terms of payment. This document is important in cases where the owner of the land agrees to collect payment in installments.



Gazette



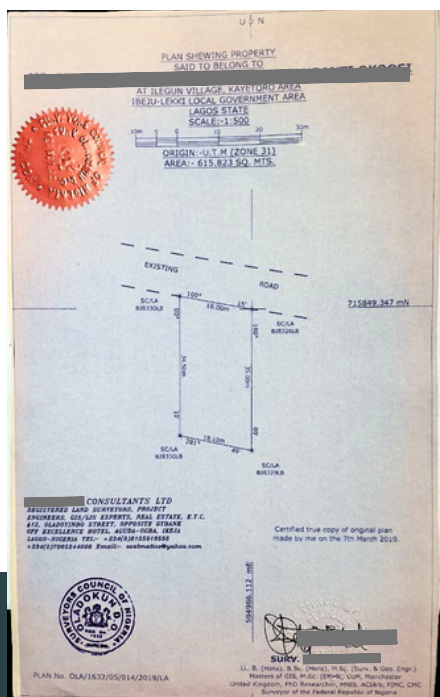
Contract of Sale



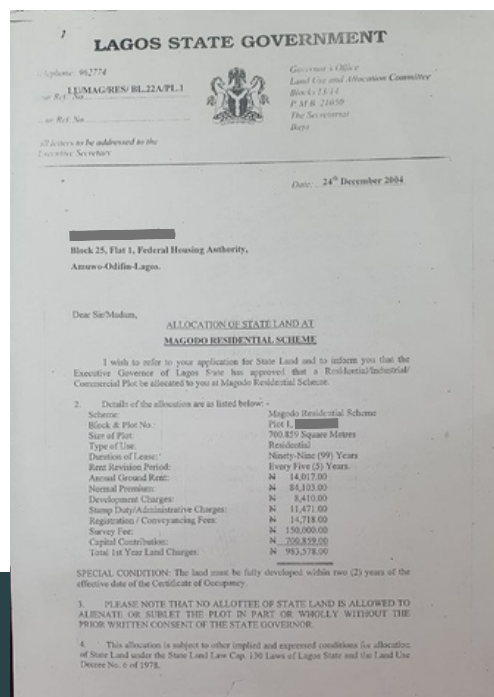
Land Purchase Receipt

5.Survey Plan: This map shows details of the boundaries or coordinates of a piece of land. The document carries the name of the owner, size, location, and the Survey Plan Number of the land. Also, the Registered Surveyor that prepared the plan confirms with a stamp if the land is free from encumbrances with his/her name, signature, and date on the document. A survey plan can be provisional or registered. It is crucial for both buyers and sellers to have an updated and accurate survey plan to avoid encroachment issues and boundary disputes. When a drawn survey plan (provisional survey) is submitted to the Government Survey office and approved, the provisional survey is said to be registered and called Registered Survey Plan. The Registered Survey Plan then becomes a legal document.

6.Letter of Allocation: Buyers of land directly from the Government are given a Letter of Allocation which states that the Government (depending on which state) has approved the allocation of the parcel of land. This contains the buyer's name, land description, cost of the land, terms, and conditions of the allocation. Payment is expected to be made based on Government invoice attached to the Letter of Allocation to further process a Title for the land such as processing the Certificate of Occupancy.



Registered Survey



Letter of Allocation

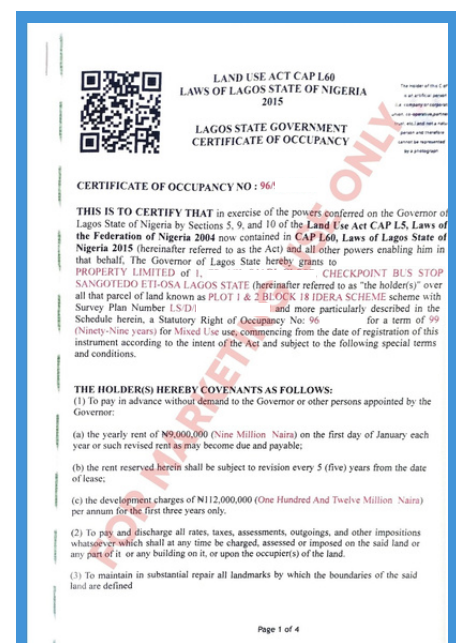
7. Certificate of Occupancy (C of O): Certificate of Occupancy is the highest form of proof of land ownership or Title given for land by the Government for the past 99 years. A Certificate of Occupancy cannot be done without a Registered Survey. Even though the registered survey is proof of ownership, C of O is more recognized. C of O has several advantages and uses but the most common is that it is the acceptable proof of land ownership in institutions. C of O can be used as collateral when seeking loans from financial institutions and as evidence of financial wellbeing by Sureties in law. For buyers, it is crucial to ensure that the C of O claimed by seller is valid and available. The authenticity of the C of O must be verified before proceeding with any transaction. A parcel of land can only have one C of O which is owned by the first buyer, who bought from Government, family, or community, to register the land with Government. Anyone buying such land from a person who has a C of O would just need a Registered Deed of Assignment (Explained in next page) or Governor's Consent as proof of ownership.



Old version -
Certificate of Occupancy



New version -
Certificate of Occupancy



8. Deed of Assignment: The Deed of Assignment is a legally binding document that transfers the ownership rights of a property from one party to another. It contains the names, addresses and status of the seller and buyer, the date of transaction, the history of the land, the description and size of the land, the cost of the land, and signature of both parties and witnesses. Also, it has a portion at the end for consent and signature of the appropriate officer representing the Government at the Ministry of Justice. It is necessary and important for a Deed of Assignment to be recorded at the appropriate land registry to show legal evidence as to the exchange of ownership in any land/landed property transaction to make the general public and government aware of such exchange or transaction.

9. Governor's Consent: This is the registered Deed of Assignment of a property that has C of O with Government. The Government must be aware that the property is being transferred from one party to another to claim ownership. This governor's consent is usually a stamp and signature of the Government representative on the Deed of Assignment. This is to show legal proof that the land has exchanged ownership with the new owner.

Deed of Assignment

10.Right of Occupancy: Unlawful or Illegal owners of Government uncommitted land can apply to be granted the Right of Occupancy for that land through a process called Ratification or Regularization. Regularization is the process of granting Right of Occupancy to those who have incorrectly or mistakenly purchased Government uncommitted land without government approval. This gives the opportunity to obtain legal title to the land. When such an application is approved, the Right of Occupancy given needs to be perfected to a stronger Title called Certificate of Occupancy. Right of Occupancy differs from the C of O in that, Right of Occupancy can be revoked for public interest without compensation while a C of O is usually compensated for when revoked. Owners of land with a Right of Occupancy are expected to apply for a Certificate of Occupancy.

11.Deed of Conveyance: Conveyance is the legal process of transferring property from one owner to another. It is similar to Deed of Assignment but it's different in that Deed of Conveyance can be used to transfer the ownership of a property's (land or building) legal title in the form of a mortgage, gift or other real estate transactions while a Deed of Assignment is primarily based on transferring ownership through sales from one person to another.

12.Letter of Administration: This is the legal authority granted by the Probate Court to a person called the Administrator to administer (manage) the estate or property of a person who died without a will.

———— Thank You ————

We have come to the end of this book. A YouTube video has been uploaded explaining further about this topic. Click on the image below to watch it!



If you have any questions, concerns, or simply need further clarification on any aspect of our offerings, please do not hesitate to reach out.

—About the Author—

Bunmi Obidare, the Lead Real Estate Consultant for TB & T Real Estate, has passion for real estate as a means to sustainable wealth in addition to shelter. As a successful real estate investor, helping others is seamless. Before 2015, the practice of helping people meet real estate need was voluntary. It became a business after attending the six months training powered by The Lady Realtors and sponsored by the United States Consulate, Lagos & Assist-2-Sell Properties in association with African Women in Real Estate. She has attended several trainings for facility management with MAX-MIGOLD Facility Management Training Center in

She is an Associate of the Institute of Environmental Management and Assessment (IEMA), United Kingdom, a Fellow of Leadership for Environment and Development (LEAD) and has M.Sc. in Microbiology. She works in the civil society space as the Executive Director of Keep and Tend Environmental Development Initiative (KATEDI), an environmental NGO formed in 2012.

Bunmi has passion for sustainable family life and living right.



About Us

TB & T Real Estate is under TB & T Investments Company Limited.

Over the past 7 years, TB & T Real Estate has helped buyers, renters, and investors make profitable transactions with value added.

We offer Trust & Value, not just Real Estate. We advice, help you buy and sell, Manage facilities, advice on mortgage process, all customized to suite your needs!

"Trust is scarce, Value is rare, TB & T Real Estate has both".

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