



# EWELUKWA LEGAL

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## Before You Sign, Before You Pay: A Due Diligence Checklist for Land and Property Acquisition in Nigeria



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## **Before You Sign, Before You Pay: A Due Diligence Checklist for Land and Property Acquisition in Nigeria**

***One oversight can cost you everything - verify first, or risk losing both land and money***

Acquiring land or landed property in Nigeria is not merely a transaction; it is a legal process that demands scrutiny at every stage. Many buyers have lost substantial investments due to defective title, fraud, government acquisition, or hidden encumbrances.

This checklist sets out the essential due diligence steps to protect your interest before committing funds.

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### **1. Confirm the Identity and Capacity of the Seller**

- Obtain and verify the seller's full legal name, address, and identification (e.g., National ID, International Passport).
  - Where the seller is a company:
    - Conduct a search at the Corporate Affairs Commission (CAC).
    - Confirm incorporation status, directors, and authorized signatories.
  - Where land is family-owned:
    - Identify the principal family members and head of family.
    - Ensure consent of all principal members.
  - Where land is community-owned:
    - Confirm authority of community representatives to sell.
  - Request evidence of authority (e.g., board resolution, power of attorney).
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### **2. Investigate Title Documents Thoroughly**

- Request and examine the root of title (at least 20–30 years where possible).
- Common title documents include:
  - Certificate of Occupancy (C of O)
  - Deed of Assignment

- Deed of Sublease
  - Governor's Consent
  - Registered Survey Plan
  - Verify that:
    - The seller has valid title.
    - The title is unbroken (no gaps in ownership history).
    - Documents are duly executed and stamped.
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### **3. Conduct Searches at the Land Registry**

- Carry out an official search at the relevant State Land Registry.
  - Confirm:
    - Ownership details match the seller's claim.
    - No prior transfers conflicting with the current transaction.
    - No encumbrances such as mortgages, charges, or liens.
  - Obtain certified true copies (CTCs) of registered documents.
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### **4. Verify Survey Plan and Land Location**

- Obtain a copy of the survey plan.
  - Engage a licensed surveyor to:
    - Confirm the coordinates and size of the land.
    - Ensure the land aligns with what is being sold.
  - Conduct a charting exercise at the Office of the Surveyor-General to determine:
    - Whether the land falls under government acquisition.
    - Whether it is within committed or excised areas.
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### **5. Check for Government Acquisition or Restrictions**

- Confirm whether the land is:

- Under acquisition by the government.
    - Within a committed area (e.g., for infrastructure projects).
  - Verify if the land is “free from acquisition” or properly excised.
  - Ensure compliance with the Land Use Act, which vests land in state governors.
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## **6. Inspect the Property Physically**

- Visit the site personally and, if possible, multiple times.
  - Confirm:
    - The land is vacant or occupied as represented.
    - There are no adverse possessors or squatters.
  - Speak with:
    - Neighbours
    - Local community leaders
  - Look out for:
    - Boundary disputes
    - Signs of litigation or conflict
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## **7. Conduct Litigation and Court Searches**

- Search relevant court registries to confirm:
    - No pending litigation involving the land.
    - No court judgments affecting ownership.
  - Check for disputes involving the seller or prior owners.
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## **8. Verify Planning and Zoning Compliance**

- Confirm land use classification with relevant urban planning authorities.
- Ensure:
  - The intended use (residential, commercial, industrial) is permitted.

- There are no demolition or enforcement risks.
  - Request building approvals (for developed property).
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### **9. Confirm Payment of Statutory Charges**

- Verify that all applicable charges have been paid, including:
    - Ground rent
    - Land use charges
    - Property taxes
  - Request receipts and confirm authenticity with issuing authorities.
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### **10. Review Existing Structures (if any)**

- For developed property:
    - Confirm building plan approval.
    - Verify structural integrity (engage an engineer if necessary).
  - Ensure no illegal structures or regulatory violations exist.
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### **11. Obtain Governor's Consent (Where Applicable)**

- Under Nigerian law, transfers of interest in land require Governor's Consent.
  - Confirm:
    - Whether consent has been obtained for prior transactions.
    - The process for obtaining consent for the current transaction.
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### **12. Prepare and Review Transaction Documents**

- Engage a qualified legal practitioner to:
  - Draft or review the Deed of Assignment or relevant instrument.
  - Ensure proper clauses covering:
    - Indemnity

- Representations and warranties
  - Default provisions
  - Ensure documents are:
    - Properly executed
    - Stamped at the Stamp Duties Office
    - Registered at the Land Registry
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### **13. Structure Payment Safely**

- Avoid full upfront payment without documentation.
  - Use:
    - Escrow arrangements (where possible)
    - Staggered payments tied to milestones
  - Obtain receipts and acknowledgments for all payments.
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### **14. Perfect Title After Purchase**

- Complete post-purchase steps:
    - Stamping of documents
    - Registration at Land Registry
    - Application for Governor's Consent (if not already obtained)
  - Retain all original documents securely.
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### **15. Engage Professionals Throughout**

- Work with:
    - A qualified property lawyer
    - A licensed surveyor
  - Avoid informal or undocumented transactions.
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### **Closing Reflection**

Land in Nigeria can be a blessing or a burden. The difference often lies in diligence. Many disputes that fill courtrooms today began with assumptions, verbal assurances, or incomplete checks.

A careful buyer does not merely trust; he verifies. By following this checklist, you place structure where others rely on chance, and you secure your investment against avoidable loss.

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