

Service Copy

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO: FCT/HC/CV/2358/2022

ALHAJI MAMMAN ZUBAIRU
(TRADING UNDER THE NAME
AND STYLE OF MOH'D ZUBAIRU
AND BROTHERS)

CLAIMANTS

M/5606/2023

Sumat Sweman

18/4/2023

9:15

AND

- ✓ 1. ABDULRAHAMMAN MUMAMMAD
- ✓ 2. DAILY NEED DISTRIBUTORS LIMITED
3. FEDERAL CAPITAL DEVELOPMENT
AUTHORITY
4. MINISTER OF FEDERAL CAPITAL
TERRITORY

DEFENDANTS

MOTION ON NOTICE

BROUGHT PURSUANT TO ORDER 49 RULE 4 OF THE FEDERAL
CAPITAL TERRITORY HIGH COURT (CIVIL PROCEDURE RULES)
2018 AND UNDER THE INHERENT JURISDICTION OF THIS COURT.

TAKE NOTICE that this Honourable Court will be moved on theday
of.....2023 at the hour of 9 O'clock in the forenoon or so soon thereafter
as the 3rd and 4th Defendants/Applicants Counsel may be heard on behalf of the
Applicants praying this Honourable Court for the following Orders:-

1. AN ORDER extending time within which the 3rd and 4th Defendants may
file their Conditional Memorandum of Appearance out of time.
2. AN ORDER extending time within which the 3rd and 4th
Defendants/Applicants may file their Joint Statement of Defence out of time.
3. AN ORDER deeming the attached Conditional Memorandum of Appearance
and Statement of Defence separate copies having been filed as properly filed
and served.

official

6/3/2023

4. AND for such further order or other orders as this Honourable Court may deem fit to make in the circumstances.

Dated this 27th of January, 2023.



Betty A. Emegbulem Esq.,
Linda I. Musa Esq.,
Helen O. Egbunu, Esq.,
Esther I. Okeke, Esq.,
Olanike M. Jimoh, Esq.,
3rd and 4th Defendants Counsel
Legal Services Secretariat
FCDA
No. 1 Kapital Street, Area 11
Garki - Abuja.
betistical0827@gmail.com
08052747232

FOR SERVICE ON:

The Claimant

C/O his Solicitors

Godwin Ojebiyi, Esq.,

Dr. Kabiru Adamu, Esq.,

Mohammed Salihu Esq.,

NORTHEdge ATTORNEYS

(Legal Practitioners for the Claimant)

3rd Floor, Bank of Industry Building,

No. 18 Muhammed Buhari Way

Kaduna

08186744916, 080347770177

ADDRESS FOR SERVICE WITHIN JURISDICTION

HAKIM BAKARE & ASSOCIATES

No. 3 Sfax Street, Wuse Zone 4

Abuja - FCT

08067111131

IN THE HIGH COURT OF THE FEDERAL CAPITAL TEE
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA



SUIT NO: FCT/HC/CV/2558/2022

ALHAJI MAMMAN ZUBAIRU
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AND BROTHERS)

CLAIMANTS

AND

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2. DAILY NEED DISTRIBUTORS LIMITED
3. FEDERAL CAPITAL DEVELOPMENT
AUTHORITY
4. MINISTER OF FEDERAL CAPITAL
TERRITORY

DEFENDANTS

AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE

I, Saidu Wodi, male, Moslem, Nigerian Citizen, of Legal Services Secretariat, Area 11, Garki Abuja do hereby make Oath and state as follows:-

1. That I am a Legal Assistant in the of the Litigation Registry, in the Legal Services Secretariat of the Federal Capital Development Authority, Abuja.
2. That by virtue of my employment, I am conversant with the facts of this case.
3. That I have the consent and authority of my employers and the Counsel handling this matter to depose to this affidavit.
4. That I know **Betty A. Umegbulem Esq.**, of counsel assigned to handle this matter.
5. That **Betty A. Umegbulem Esq.**, of counsel informed me in my office on Friday the 21st of January, 2023 at about 3.30pm in my Office of the following facts which I verily believe her to be true as follows:-

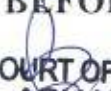
- (a) That immediately this case was assigned to her to handle, she promptly wrote to the relevant Departments for the necessary information to enable her file defence on behalf of the Defendants.
 - (b) That the information was not gotten until the 22nd of December, 2023.
 - (c) That on obtaining the necessary information, she discovered that the 3rd and 4th Defendants/Applicants are already out of time in filing their Memorandum of Appearance and Statement of Defence.
 - (d) That due to reasons adduced in paragraph 5 (b) above, the 3rd and 4th Defendants' counsel could not file their Conditional Memorandum of Appearance and Statement Defence within the time stipulated by the rules of this Honourable Court.
 - (e) That the 3rd and 4th Defendants/Applicants can only file their Defence now with the leave of this Honourable Court.
 - (f) That granting of this application will not in any way prejudice the Claimants/Respondents but it will rather enhance the speedy determination of this suit.
 - (g) That it will be in the best interest of justice to grant this application.
6. That I depose to this Affidavit in good faith believing same to be true and correct and in accordance with the Oath Act, 1990.



DEPONENT

Sworn to at the High Court Registry, Abuja

This 6th day of March 2023.

BEFORE ME

HIGH COURT OF THE FCT
ABUJA
COMMISSIONER FOR OATHS
AISHA A. BALOGA
COMMISSIONER FOR OATHS.


**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

SUIT NO: FCT/HC/CV/2358/2022

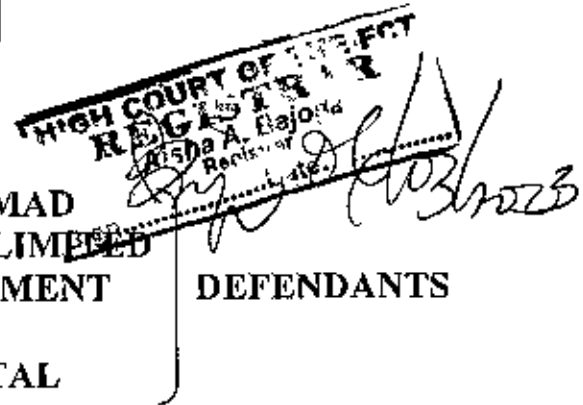
**ALHAJI MAMMAN ZUBAIRU
(TRADING UNDER THE NAME
AND STYLE OF MOH'D ZUBAIRU
AND BROTHERS)**

CLAIMANTS

AND

- 1. ABDULRAHAMMAN MUMAMMAD**
- 2. DAILY NEED DISTRIBUTORS LIMITED**
- 3. FEDERAL CAPITAL DEVELOPMENT
AUTHORITY**
- 4. MINISTER OF FEDERAL CAPITAL
TERRITORY**

DEFENDANTS



**3RD AND 4TH DEFENDANTS WRITTEN ADDRESS IN RESPECT TO
THEIR MOTION ON NOTICE**

We have an application dated 27th of January, 2023. The application is seeking for an order of Court granting leave to the 3rd and 4th Applicants to file their Conditional Memorandum of Appearance and Statement of Defence out of time.

We submit that the delay in filing the Applicants Conditional Memorandum of Appearance and Statement of Defence outside the time stipulated by the Rules of this Honourable Court is not deliberate nor out of disrespect to this Honourable Court.

We submit with total humility to my Lord that by the Rules of this Honourable Court, My lord is empowered to extend time within which parties could file their pleadings. I refer my lord to Order 49 Rule 4 of the Rules the Federal Capital (Civil Procedure Rules) 2019.

→ We submit further that this will enable the Applicant present their own case and also enable my lord to determine the rights of the parties.

We urge my lord to grant our prayers as stated in our Motion paper more so as our application will not occasion any miscarriage of justice but would rather do substantial justice to the suit.

Respectfully submitted my lord.

Dated this 27th of January, 2023.


Betty A. Umegbulem Esq.,
Linda I. Musa Esq.,
Helen O. Egbunu, Esq.
Esther I. Okeke, Esq.,
Olanike M. Jimoh, Esq.,
3rd and 4th Defendants Counsel
Legal Services Secretariat
FCDA
No. 1 Kapital Street, Area 11
Garki – Abuja.
bettyumegbulem@nigerianbar.ng
08052747232

FOR SERVICE ON:

The Claimant

C/O his Solicitors

Godwin Ojebiyi, Esq.,

Dr. Kabiru Adamu, Esq.,

Mohammed Salihu Esq.,

NORTHEDGE ATTORNEYS

(Legal Practitioners for the Claimant)

3rd Floor, Bank of Industry Building,

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DEFENDANTS

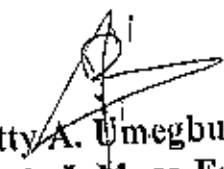
CONDITIONAL MEMORANDUM OF APPEARANCE

The Registrar
High Court the Federal Capital Territory
Maitama, Abuja.

Kindly cause a Conditional Appearance to be entered for **FEDERAL CAPITAL DEVELOPMENT AUTHORITY AND MINISTER OF FEDERAL CAPITAL TERRITORY** sued as the 3rd and 4th Defendants in the above - named suit.

TAKE NOTICE that the Defendants shall be represented by **BETTY A.UMEGBULEM ESQ.**, in this suit.

Dated this 27th of January, 2023.


Betty A. Umegbulem Esq.,
Linda I. Musa Esq.,
Helen O. Egbunu, Esq.,
Esther I. Okeke, Esq.,
Olanike M. Jimoh, Esq.,
3rd and 4th Defendants Counsel
Legal Services Secretariat
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C/O his Solicitors

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Abuja - FCT

08067111131.

2. The 1st and 2nd Defendant

C/o their Counsel

Dayo G. Ashonibare, Esq., LL.M. ACIrb, (UK).

R. E. Ashonibare, Esq.,

Simiat Suleiman, Esq.,

Smart Wofuru Esq.,

F. O. Abdulrahman Esq.,

Levite Solicitors & Arbitrators

Suite SF Anafara Plaza

First Avenue, Gwarinpa

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
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SUIT NO: FCT/HC/CV/2358/2022

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(TRADING UNDER THE NAME
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AND**

CLAIMANTS

- 1. ABDULRAHAMMAN MUMAMMAD**
- 2. DAILY NEED DISTRIBUTORS LIMITED**
- 3. FEDERAL CAPITAL DEVELOPMENT
AUTHORITY**
- 4. MINISTER OF FEDERAL CAPITAL
TERRITORY**

DEFENDANTS

3RD AND 4TH DEFENDANTS JOINT STATEMENT OF DEFENCE

SAVE and EXCEPT as hereinafter expressly and specifically admitted, 3rd and 4th Defendants deny each and every allegation of facts contained in the Claimant's Statement of Claim as if each of such allegations has been separately taken and specifically traversed seriatim.

1. The 3rd and 4th Defendants are not in the position to admit or deny paragraph 1 of the Claimant's Statement of Claim.
2. The 3rd and 4th Defendants admit paragraph 1 a and b only to the extent that the plot is situate at Gbazango Phase 11 Layout , along Kubwa Expressway in Bwari Area Council, Federal Capital Territory, Abuja and within the jurisdiction of this Honourable Court, and deny the other part that the Claimant is the beneficial owner of the said plot No. 242 measuring about 3,000sm and put the Claimant to the strictest proof of same.
3. The 3rd and 4th Defendants are not in the position to admit or deny paragraphs 2, 3 and 4 of the Claimant's Statement of Claim.

4. The 3rd and 4th Defendants deny paragraphs 5 and 6 of the Claimant's Statement of Claim and put the Claimant's to the strictest proof.
5. The 3rd and 4th Defendants are not in the position to admit or deny paragraphs 7, 8, 9 and 10 of the Claimant's Statement of Claim and put the Claimant to the strictest proof thereof.
6. The 3rd and 4th Defendants deny paragraphs 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 of the Claimant's Statement of Claim and put the Claimant to the strictest proof thereof.
7. In further answer to paragraphs 11 – 30 of the Claimant's Statement of Claim, the 3rd and 4th Defendants aver that they are not privy to the transaction between the Claimant and Shehu Liman or any other person.
8. It is the averment of the 3rd and 4th Defendants that the 4th Defendant did not allocate any plot of land in Gbazango Phase 11 Layout Kubwa, Abuja to the Claimant.
9. The 3rd and 4th Defendants contend further that the Claimant did not apply or submit any application for the allocation of plot of land with the 3rd and 4th Defendants.
10. It is also the contention of the 3rd and 4th Defendants that it is only the 4th Defendants that is saddled with the responsibility to allocate, revoke and deal with all the plots consisting of the Federal Capital Territory, Abuja.
11. The 3rd and 4th Defendants contend that the purported allocation of the plot of land in Gbazango Phase 11, Layout Kubwa, Abuja was done by Abuja Municipal Area Council and purportedly signed by a Secretary of Rural Land Use Adjudication Committee.
12. It is the averment of the 3rd and 4th Defendants that the Secretary of Rural Land Use Adjudication Committee has no right whatsoever to sign any allocation letter with respect to any plot of land comprising the Federal Capital Territory, Abuja.

13. The 3rd and 4th Defendants aver further that it is only the Department of Urban and Regional Planning of the 3rd and 4th Defendants that is responsible in establishing the Land Use of any area and re-designing of any District in the Federal Capital Territory, Abuja.
14. The 3rd and 4th Defendants contend further that the Urban and Regional Planning of the 3rd and 4th Defendant upon designing the District, the plot was changed to plot no 550 Jibi District, Kubwa Extension, Abuja.
15. It is the averment of the 3rd and 4th Defendants that plot 56 Cadastral Zone 07-05 Kubwa is same plot as plot 550 Jibi District Cadastral Zone Zone &12, Abuja.
16. The 3rd and 4th Defendants contend further that there is no way the 3rd and 4th Defendants would have issued a revocation notice to the Claimant as the Claimant was not allocated any plot by the 4th Defendant.
17. In further answer to the Claimants' Statement of claim, the Defendants states as follows:
 - (a) That since the creation of the Federal Capital Territory, Abuja, in 1976, the ownership of the entire area/land space comprising the Federal Capital Territory (Bwari District inclusive) became vested on the Federal Government of Nigeria.
 - (b) That Federal Government of Nigeria through the President acting as the Governor of the Federal Capital Territory, exercises its right of ownership and control over land in the Federal Capital Territory including right to allocate and or revoke title over land in the Federal Capital Territory through the Minister of the Federal Capital Territory.
 - (c) That the said right to allocate and or revoke title over land in the Federal Capital Territory being a statutory responsibility cannot be delegated and was never delegated to the Bwari Area Council, any Secretary Rural Land Use Adjudication Committee or any other person as far as land in Kubwa or anywhere within the Federal Capital Territory is concerned.

- (d) That the purported allocation of Plot No. 6 measuring 3000 Gbazango Extension Layout, Abuja was signed by the Secretary, Rural Land Use Adjudication Committee is illegal, null, void and of no effect.
- (e) That the right to allocate Land in the Federal Capital Territory being a statutory responsibility vested only on the Honourable Minister of the Federal Capital Territory, Abuja.
- (f) That the right being Statutory cannot be delegated.
- (g) That the Honourable Minister, Federal Capital Territory never authorized the Bwari Area Council Chairman, Secretary, Rural Land Use Adjudication Committee or any other person to allocate the said plot or issue any letter of allocations to the Claimant.
- (h) That the Honourable Minister, Federal Capital Territory gives authorization for all official functions for and on his behalf in writing.
- (i) That there was no instrument whatsoever authorizing the said purported allocation to the Claimants'.

18. In further answer to the Claimant's Statement of Claim, the 3rd and 4th Defendants aver that upon the Application from **Distinctive Homes limited** dated 25th April, 2001 for an allocation of plot of land in the Federal Capital Territory, Abuja, the 4th Defendant considered the Application and plot 56 Cadastral Zone 07-05 Kubwa was allocated to **DISTINCTIVE HOMES LIMITED** vide an Offer of Statutory Right of Occupancy, dated 1st June, 2011. The said Application for allocation of plot of land in the Federal Capital Territory, Abuja dated 25/04/2001 and the Offer of Statutory Right of Occupancy dated 01/06/2011 are hereby pleaded and shall be relied upon at the trial of this suit.

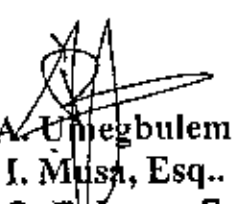
19. The said allocation of plot 56 Cadastral Zone 07-05 Kubwa was duly accepted by the allottee vide an Acceptance Letter of Offer of Grant of Right of Occupancy with the Federal Capital Territory, Abuja, dated 13th of June, 2001. The said Acceptance Letter dated 13/06/2001, is hereby pleaded and shall be relied upon at this suit.

20. The 3rd and 4th Defendants further aver that the allottee of the Plot (**Distinctive Homes Limited**) applied for the issuance of the Certificate of Occupancy in respect of the said plot.
21. It is the averment of 3rd and 4th Defendants that upon the payment for the processing of the Certificate of Occupancy, the Certificate of Occupancy dated 24th of June, 2003, was issued to the said allottee (**Distinctive Homes Limited**).
22. The 3rd and 4th Defendants contend that that in 2004, the 3rd and 4th Defendant introduce the recertification exercise wherein all allocations made from inception of the Federal Capital Territory, Abuja to 2003 were called for recertification.
23. Sequel upon the recertification exercise, **DISTINCTIVE HOMES LIMITED** submitted her title documents for recertification.
24. The 3rd and 4th Defendants contend further that sequel upon the submission of the title documents by **Distinctive Homes Limited**, the old Certificate of Occupancy was cancelled and a new Certificate of Occupancy No. **17a5w-deacz-1268b-4a42u-7au3** dated 1st of March, 2012 vide File No. **MISC 51494** as issued to **Distinctive Homes Limited**. The said Certificate of Occupancy No. **17a5w-deacz-1268b-4a42u-7au3** dated 1st of March, 2012 vide File No. **MISC 51494** issued to **Distinctive Homes Limited**, is hereby pleaded and shall be relied on at the trial of this suit.
25. The 3rd and 4th Defendant contend further that **Distinctive Homes Limited** applied for the registration of Power of Attorney in favour of **DAILY NEED DISTRIBUTORS LIMITED** vide its application dated 20th of June, 2014 with a Board Resolution dated 20th of June, 2014. The said Application dated 20th June, 2014 and Board Resolution are hereby pleaded and shall be relied upon at the trial of this suit.
26. It the averment of the 3rd and 4th Defendants that the said application for registration of Power of Attorney was considered and approved with that of other Applicants. The list of the Approval is hereby pleaded and shall be relied upon at the trial of this suit.
27. Sequel upon the consideration and approval for the Registration of the Power of Attorney, the said Power of Attorney was registered in favour of **Daily**

Need Distributor Limited. The said registered Power of Attorney is hereby pleaded and shall be relied upon at the trial of this suit.

28. The 3rd and 4th contend that the Allottee (**DISTINCTIVE HOMES LIMITED**) applied for development permit to the Department Control of the 3rd and 4th Defendants.
29. It is the contention of the 3rd and 4th Defendants that the Department of Development Control of the 3rd and 4th Defendants upon the receipt of the Drawings for Development made some observations on the drawings submitted to it by the Applicant.
30. It is the further contention that upon compliance with the observations by the Applicant, the drawings was approved and settlement of Building Plans Fees was issued to the Applicant. The said Department of Development Control Observation, Recommendation and Settlement of Building Plan Fees are hereby pleaded and shall be relied upon at the trial of this suit.
31. The 3rd and 4th Defendants aver that upon the payment of the Building Plan Fess, the Applicant was issued with an official receipt No. FCTA 000286367 in the sum of **Nine Million, Eight Hundred and Ninety Naira, Seven Hundred and Forty Naira (N9,890,740.00)**. The said official receipt No. FCTA 000286367 in the sum of **Nine Million, Eight Hundred and Ninety Naira, Seven Hundred and Forty Naira (N9,890,740.00)** is hereby pleaded and shall be relied upon at trial of this suit.
32. The 3rd and 4th Defendants contend that upon the settlement of the Building Plan fees, the Applicant was issued with Conveyance of Building Plan Approval dated 20th November, 2014. The said Conveyance of Building Plan Approval dated 20th November, 2014, is hereby pleaded and shall be relied upon at the trial of this suit.
33. **WHEREOF** the 3rd and 4th Defendants deny the Claimants claim in its entirety and urge this Honourable Court to dismiss the suit with substantial cost for being frivolous, vexatious, gold digging and lacking merit.

Dated this 16th of January, 2023.


Betty A. Umegbulem Esq.,
Linda I. Musa, Esq.,
Helen O. Egbunu, Esq.,
Esther I. Okeke, Esq.,
Olanike M. Jimoh, Esq.,
3rd and 4th Defendants Counsel
Legal Services Secretariat
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FOR SERVICE ON;

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C/O of their Counsel
Godwin Olebiyi, Esq.,
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Mohammed Salihu
NORTHEDGE ATTORNEY
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C/o their Counsel,
Dayo G. Ashonibare, Esq, LLM ACIrb, (UK),
R. E. Ashonibare, Esq.,
Simiat Suleiman, Esq.,
Smart Wofuru Esq.,

**F. O. Abdulrahman Esq.,
Levite Solicitors & Arbitrators
Suite SF Anafara' Plaza
First Avenue, Gwarinpa
FCT, Abuja.
08033661414, 08034812254
levitesolicitors@gmail.com**

MEC 18328

599569
9/5/00



FORM MFCT/LA 1

FEDERAL REPUBLIC OF NIGERIA
APPLICATION FOR STATUTORY RIGHT OF OCCUPANCY
URBAN/RURAL LAND WITHIN THE FEDERAL CAPITAL
TERRITORY

The Honourable Minister,
Ministry of Federal Capital Territory,
Private Mail Bag 25,
Abuja

PART 1 - TO BE COMPLETED BY ALL COMPANIES/FIRMS

1. Name of Company. DISTINCTIVE HOMES LIMITED
2. Contract Address of Company. PLOT 438, MICHAEL OKPARA ST. WUSE, ABUJA
3. *If a Company or other organisation, state whether registered in Nigeria as (a Company or partnership Please see Note C below Limited Company or Partnership or under the Land (perpetual Succession) Act or Registration of Business Names Act. 1990
4. Registration details of paragraph 6 as applicable (e.g. photostat of registration certificate). ATTACHED Registration No. RC 405,05
5. Name and address of Agent or Registration particulars, power of Attorney (if any). No Year. 2000 Yes/No. No
6. Do you, your spouse or company of which you are a Director already hold undeveloped plot(s) under Statutory Right of Occupancy within the Federal Capital Territory? No
7. If Yes, describe exact location and size of plot(s). No *Commercial/Industrial/Trading/Postal/Filling/Station/Place of Worship
8. Specific purpose for which land is required. Station/Place of Worship
9. Sufficient description of land including size of plot required. If land is outside schools, etc. approved layout, state plot number, block number, street or ward number etc.
10. *Is the land developed? Is so, give details including estimated value of improvement
11. *If underdeveloped, state estimated value of improvement offered and time required for erection (Please see note C below) NT 100,000,000 - 0.00 WITHIN 4 YEARS
12. If land required in connection with mining leases to be served and dates of expiry of each.
13. Length of term required (in Years) 99 YEARS
14. Particulars of Approved Building plans (where applicable)
15. Any other information

- Notes: (a) Two copies of this form and any attachments, should be submitted to the Hon. Minister
Department of Land Administration M.P.C. P.M.B. 25 Abuja
(b) Information supplied on this form is treated as strictly confidential
(c) Applicants for INDUSTRY PLOTS should, in addition attach a letter of clearance from the
Federal Ministry of Commerce

(i) Places of worship/Agriculture/Schools etc.	2,500.00
(ii) Mining/Quarry	N130,000.00
(iii) Residential Area	N135,000.00 per
(a) Low Density Area	N250,000.00
(b) Medium Density Area	N200,000.00
(c) High Density Area	N175,000.00
(iv) Commercial Area	N200,000.00
(a) District and Sector Centres	N350,000.00
(b) Central Area	N200,000.00
(v) Petrol Filling Station	
(vi) Industrial Area	N220,000.00
(a) Light Industry	N250,000.00
(b) Heavy Industry	

- (f) A maximum of two years is allowed for completion improvements.
(g) It is offence to make a false statement or claim on this form and that any certificates of occupancy obtained through such false claim is fraudulent and may result in its nullification.
(h) The Ministry accepts no responsibility for an application term not completed properly and for which reason such an application may be rejected.
16. I enclose herewith a non-refundable application fee of N10,000.00 residential; N15,000.00 commercial; N15,000.00 industrial; quarry & petrol stations and others N2,500.00.
I agree to forfeit fifty percent (50%) of the fee (where applicable) subsequently paid if I withdraw my application for reasons other than death, bankruptcy or other extenuating circumstances which occur between acceptance offer and final issue of the Certificate of Occupancy.
17. I hereby declare that all answers to the questions listed above and facts given by me in this form and the annexure hereto are true and complete.

Date 25TH April, 2001

Signature of Applicant or Agent/Attorney

PART II - FOR OFFICIAL USE ONLY

- (i) File Reference
(ii) Application fee paid 50,000
(iii) Application No.
(iv) Date Received
(v) Comments by Action Office

(a) R.V. No. 599568
(b) T.R. No. 9/5/001





FEDERAL REPUBLIC OF NIGERIA
FEDERAL CAPITAL TERRITORY, ABUJA
OFFER OF STATUTORY RIGHT OF OCCUPANCY

Name: **DISTINCTIVE HOMES LIMITED**
Address: **WUSE ZONE 5, PLT 438 MICHAEL OKPARA ROAD, ABUJA, FCT, NIGERIA**
New File Number: **MISC 51494**
Old File Number: **MISC 18328**
R-of-O Date: **01/06/2011**

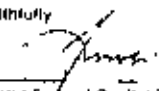
I am hereby directed to convey the approval of the Minister of the Federal Capital Territory of the grant of a Right of Occupancy in respect of Plot No: **550** having an area of approximately **2.00Ha** in Cadastral Zone **F12** of **J1B1** on the following terms and conditions:

(i) Premium:	N 1,000.00/m²
(ii) Rent Per Annum:	N 15.00/m²
(iii) Improvement Value:	NOT LESS THAN FIVE MILLION NAIRA
(iv) Purpose:	COMMERCIAL (NOT SPECIFIED)
(v) Lease Term:	90 YEARS
(vi) Rent Revision:	EVERY FIVE YEARS

(2) Furthermore, the following conditions shall, in addition to other conditions, be included in the Certificate of Occupancy evidencing the grant of this Right of Occupancy:

- (i) Within three years from the date of the commencement of this Right of Occupancy to erect and complete on the said plot buildings and other works that conform with the purpose for which the plot is granted and that is approved by the Federal Capital Development Authority or any other Agency / Department empowered to do so.
 - (ii) Not to erect or build or permit to be erected or built on the said plot any buildings other than those permitted to be erected by virtue of the land use or not make or permit to be made additions or alterations to the said buildings to be erected or buildings already erected on the plot except in accordance with plans and specifications approved by the Federal Capital Development Authority or any other Agency empowered to do so.
 - (iii) Not to alienate the Right of Occupancy hereby granted or any part thereof by sale, assignment, mortgage, transfer of possession, sublease or bequest, or otherwise howsoever without the full payment of the fees hereby prescribed.
 - (iv) Not to alienate the Right of Occupancy hereby granted or any part thereof by sale, assignment, mortgage, transfer of possession, sublease or bequest, or otherwise howsoever without the prior consent of the Minister First and foremost.
 - (v) The Minister or any public officer duly authorised by the Minister on his behalf shall have power to enter upon and inspect the land comprised in this Right of Occupancy or any improvements effected therein at any reasonable hours during the day and the occupier shall permit and give free access to the Minister or any such officer to enter and so inspect.
- (3) A breach or failure to comply with any of all of the terms stated herein shall be liable to the revocation of this Right of Occupancy.
- (4) This Right of Occupancy shall commence on the date of acceptance as signified by you in writing and shall be within two months from the date of this Right of Occupancy.
- (5) You would also be required to pay other fees and charges at a rate to be determined for the survey preparation and execution of the Certificate of Occupancy, and building plan approval.

Yours faithfully,


For Minister Federal Capital Territory

Contact Address: Zuma Chambers Suite
2nd Floor, Plot 79, off
Ladoke Akintola Boulevard
Central Abuja
No. 6, Oke Agbe Str.
Central Abuja
08023747663

Work Phone:
Home Phone:
Mobile Phone:
Facsimile:

E-mail:

Date:

13/06/11
DD MM

The Minister,
Federal Capital Territory, Abuja

Sir,

LETTER OF ACCEPTANCE / REFUSAL OF OFFER OF GRANT OF RIGHT OF OCCUPANCY
IN THE FEDERAL CAPITAL TERRITORY, ABUJA

I wish to refer to your offer of grant of Right of Occupancy dated 01/06/2011
in respect of the plot with the particulars below:

New File Number: MISC 51496
Plot Number: 650
Cadastral Zone: F12
District: J1B1
Plot Size: 2.00Ha

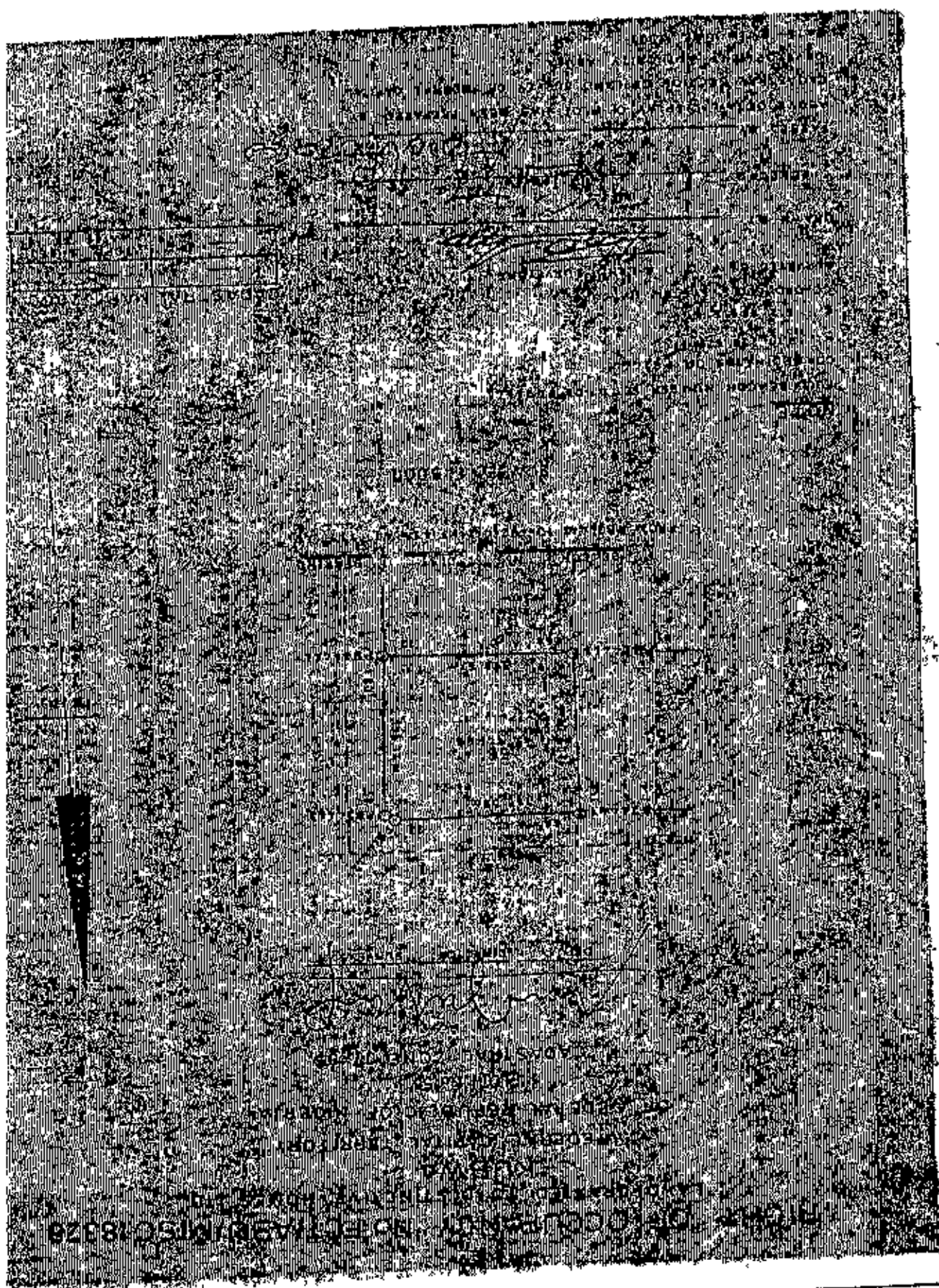
and to state that I accept ☒ reject ☐ the offer and the terms and conditions
therein as conveyed to me vide letter under reference.

In addition, I agree to keep the Minister informed of any change in my contact address
for the duration of the lease term.

Yours faithfully,



DISTINCTIVE HOMES LIMITED





Supreme Plaza, Suite 16, Plot 1242
Akintola Boulevard, Garki 11, Abuja
Tel: 234-9-7800881

The Director Lands
Abuja Geographical Information Systems
Federal Capital Territory Administration
No4, Peace Drive,
Garki, Abuja

Dear Sir,

AUTHORITY TO REGISTER POWER OF ATTORNEY ON CERTIFICATE OF OCCUPANCY NO 17a5w-deacz-1268b-4a42u-7au3

The above refers,

The Board of Directors of **DISTINCTIVE HOMES LIMITED** hereby request your permission to Allow the Bearer **DAILY NEED DISTRIBUTORS LIMITED** to register Power of Attorney on Certificate of Occupancy No 17a5w-deacz-1268b-4a42u-7a03 of 1st March, 2012 issued by Hon. Minister of the Federal Capital Territory, (Abuja Geographical Information System) Ministry of the Federal Capital Territory, Abuja

Thank you for your kind and usual co-operation.

Dated this 20th day of June, 2014

By Order of the Board

Director


Secretary

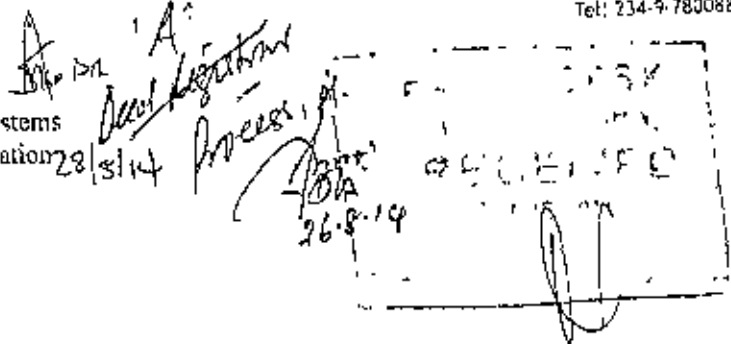


DISTINCTIVE HOMES LIMITED

Supreme Plaza, Suite 16, Plot 1242
Akintola Boulevard, Garki II, Abuja
Tel: 234-9-7800881

12-0(13)

The Director Lands
Abuja Geographical Information Systems
Federal Capital Territory Administration
No 4, Peace Drive,
Garki, Abuja



Dear Sir,

**AUTHORITY TO REGISTER POWER OF ATTORNEY ON CERTIFICATE OF
OCCUPANCY NO 17a5w-deacz-1268b-4a42u-7au3**

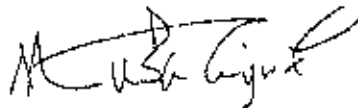
The above refers,

The Board of Directors of **DISTINCTIVE HOMES LIMITED** hereby request your permission to Allow the Bearer **DAILY NEED DISTRIBUTORS LIMITED** to register Power of Attorney on Certificate of Occupancy No 17a5w-deacz-1268b-4a42u-7au3 of 1st March, 2012 issued by Hon. Minister of the Federal Capital Territory, (Abuja Geographical Information System) Ministry of the Federal Capital Territory, Abuja

Thank you for your kind and usual co-operation.

Dated this 20th day of June, 2014

By Order of the Board


Director


Secretary

[illegible]

0005 153405

NOV 1960

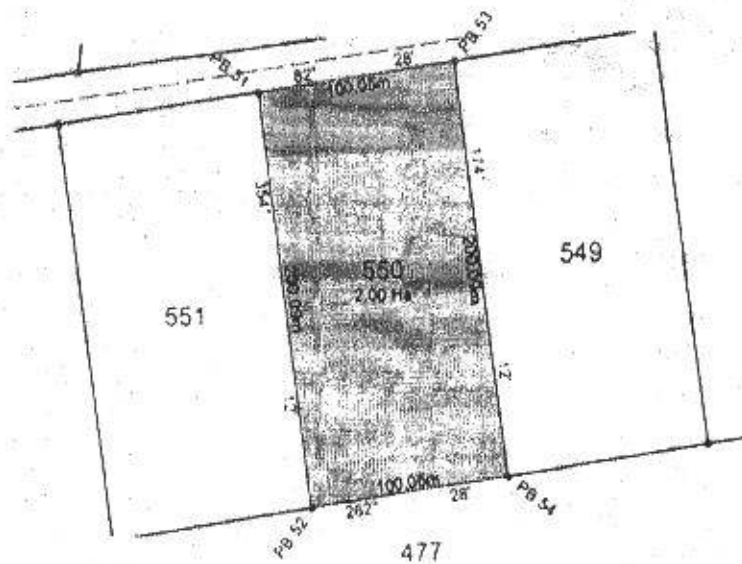
A black and white photograph of a rectangular object, possibly a piece of fabric or paper, with a grid pattern. The grid is formed by faint lines and small circular markers at the intersections. The object is placed on a dark, textured surface.

SCHWAB DOUGLAS KIRBY

FEDERAL BUREAU OF INVESTIGATION
 DEPARTMENT OF JUSTICE
 WASHINGTON, D. C. 20535
 DIVISION OF IDENTIFICATION
 LABORATORY
 400 ANDOVER ROAD
 BOSTON, MASSACHUSETTS 02118
 TELEPHONE 617-552-3000
 TELETYPE 617-552-3000
 FAX 617-552-3000

ENCLOSURE

DIRECTOR OF SURVEYING AND MAPPING



SCHEDULE AS DESCRIBED IN GRAPHICS ABOVE

CADASTRAL MAP 1:5000

PREPARED BY: Abuja Geographic Information Systems 29th February 2012

312/1008	000
000	000



DISTINCTIVE HOMES LIMITED

Supreme Plaza, Suite 16, Plot 1242
Akintola Boulevard, Garki II, Abuja
Tel: 234-9-7803881

BOARD RESOLUTION

At the ordinary meeting of the above-named company, the following resolutions was reached and passed.

1. That Daily Need Distributors Limited be and hereby appointed as Attorney over all that property situate and particularly known as plot 550 MISC 51494, Cadastral Zone F12 Certificate of Occupancy No 17a5w-deacz-1268b-4a42u-7au3.
2. That Daily Need Distributors Limited can transact with all Federal Government Agencies and relevant bodies infavour of the said property.

Dated this 20th day of June, 2014.

Signed:

Musa Dangoggo Aliyu

Director

Saadatu Aliyu

Director

MEMO

**FEDERAL CAPITAL TERRITORY ADMINISTRATION
LAND ADMINISTRATION DEPARTMENT**

To:

DIRECTOR, LANDS

Thro:

DEED REGISTRAR

Subject:

REGISTRATION OF POWER OF ATTORNEY

Date:

14th April 2016

Please find attached list of applications for registration of power of attorney donated in favour of respective holder(s). The policy files evidencing the grant of the title have been checked and verified against any encumbrance considering our records as at date.

Outstanding charges as it relates to this process shall be assessed and payments ensured for documentation.

You may therefore wish to recommend for approval to enable us process the registration inline with Sec. 3(2) of the Land Registration Act, Cap 515 Laws of the Federal, 1990.

Above for your further directives, please.

Balogun, Tijani

Principal Estate Officer, Lands.

A. P. (A)
Deed Registrar
File No. 214/16
Date 21.4.16

SCHEDULE OF POWER OF ATTORNEY FOR APPROVAL (14TH APRIL, 2016)

S/NO	NEW FILE NO	DONOR/HOLDER(S)	DONEE/PROSPECTIVE HOLDER(S)	PLOT NO.	DISTRICT	REMARK
1	ED. 10274	JOSIAH GIMAI OLENLOA	KENNETH AFAM MOZIA	486	B09	Approved
2	AB. 11459	UMAR FARUK MUHAMMED ALIERO	JULIUS BERGER NIGERIA PLC.	1506	B07	Approved
3	MISC. 51494	DISTINCTIVE HOMES LIMITED	DAILY NEED DISTRIBUTORS LIMITED	530	F12	Approved
4	OD. 10174	JANET OLABISI ADEYEYE	JOSEPH ADELANI ADEYEYE	668	B05	Approved
5	KG. 12423	GABRIEL ODUMAH MUSA	ALH. ABDULKALIMAN SHERIF MUHAMMAD	624	B04	Approved
6	YB. 60127	USMAN A. ABUBAKAR	ALHAI BELLO ADAMU	253	B08	Approved
7	KG. 12486	SANITEDI SIAIBU	SALISU SAIDU HABIB	471	B02	Approved
8	KN. 10760	WADA YUNUSA	ALH. LABARAN YUNUSA DAMBAITA	252	B04	Approved
9	OY. 10127	SAMUEL FOLA CALLED	IDOWU OLUOLALE OBASA	382	B19	Approved

PEO
SIGN.

DEED REGISTRAR
SIGN.

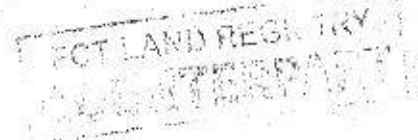
DIRECTOR LANDS
SIGN.

[Signature] 14/04/16
20/4/16

[Signature] 20/4/16

IRREVOCABLE POWER OF ATTORNEY

DONATED BY



DISTINCTIVE HOMES LIMITED

DONOR

TO

DAILY NEED DISTRIBUTORS LIMITED

DONEE

In respect of

2-Hectares of Land Plot No 550,

Jibi District, Cadastral Zone F12, Abuja

Certificate of Occupancy No. 17a5w-deacz-1268b-4a42u-7au3

File No. MISC 51494

Prepared by

**Idris Yakubu, Esq
Beachcroft Solicitors
Suite 301 BM House Ladoke Akintola
Garki 11, Abuja**

IRREVOCABLE POWER OF ATTORNEY

BY THIS IRREVOCABLE POWER OF ATTORNEY dated the 20th day of June, 2014, We **DISTINCTIVE HOMES LIMITED** of Suite 16 Supreme Plaza, plot 1242 Ladoke Akintola Boulevard, Garki 2, Abuja (hereinafter called "the Donor") which expression shall where the context so admits include its heirs, successors-in-title and/or assigns of the one part, hereby appoint **DAILY NEED DISTRIBUTORS LIMITED** of Area A Extension, Last Road Nyanya, Abuja (hereinafter called "the Donee") which expression shall where the context so admits include its successors-in-title and/or assigns of the other part, as our Attorney in our name and on our behalf to execute all act and any of the acts and things following:

1. To take possession of our property lying and situated at Plot 550 Jibi District, Cadastral Zone F12 Abuja FCT, Measuring about 2 Hectares and covered with Certificate of Occupancy No. 17a5W-deacz-1268b-4a42u-7au3 with file no. MISC 51494 (hereinafter called the property) particularly described in the schedule.
2. To enjoy all the Rights, Title and Interests in the Certificate together with Appurtenances on the Plot to which the Certificate relates, and the full benefits thereof and all remedies for enforcing same.

IN WITNESS WHEREOF the parties have signed this DEED and affixed their hands and common seal the day and year first above written.

SIGNED, SEALED and DELIVERED

by the within named "DONOR" (DISTINCTIVE HOMES LIMITED)

In the presence of

Musa Gyl

DIRECTOR

seal



[Signature]

DIRECTOR



SIGNED, SEALED and DELIVERED

by the within named "DONEE" (DAILY NEEDS DISTRIBUTORS LIMITED)

22/04/16

50,000 2

[Signature]

OLIS JAKUBO RAO
GARKI II ABUJA

10AM 22 APR 16
[Signature]

In the presence of

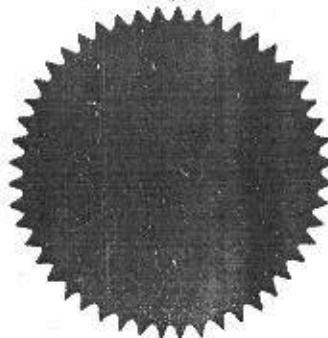
[Signature]

DIRECTOR

[Signature]

DIRECTOR

seal



REGISTERED
OFFICE
Lagos State

[Signature]



NO. 158	DATE 58
IN 158	BY 58
FOR Field	OFFICE Field
U.S. FISH AND WILDLIFE SERVICE	



ABUJA METROPOLITAN MANAGEMENT COUNCIL
No. 2 Juba Street, Zone 6, P.M.B. 24 Wuse - Abuja

DEPARTMENT OF DEVELOPMENT CONTROL

Our Ref: PCDA/DC/NP/GID/16088

FILE STATUS

Date: 22-Oct-14

Your Ref:

NAME OF DEVELOPER

DISTINCTIVE HOMES LIMITED

POSTAL ADDRESS

PLOT NO.

550

LANDUSE

COMMERCIAL/BUS

DISTRICT

J1B1

CONTACT PHONE 08098811366

CADZONE

F12

New Submission

OBSERVATIONS

PLANNING

>Recommended, insert beacon number on site plan.

ARCHITECTURAL

>Relate the site plan with the floor plan/provide scale on the new site plan and seal

STRUCTURAL

>Recommended, office and warehouse are architecturally linked together; structurally link them from foundation level.***provide roof beams structural detail,***provide x-sectional detail for all floor beams; if a beam has differing x-sectional properties along its length, provide details for all differing sections.***WAREHOUSE= provide top reinforcement for BTA and BTC both carrying 2 columns***provide structural calculation sheets for entire structure justifying the selection of universal steel sections including roof truss,***seal all structural detail legibly,***provide a professional geotechnical investigation report

ELECTRICAL

>Recommended, provide load schedule and respective current demand for the site plan lighting,***blow up all floor plan lighting for legibility,****introduce sub lv panel,***provide load summary for the entire ware house leading to the ratings of installed KVAS,***provide fire/alarm current layout.

MECHANICAL

>Recommended, the office and warehouse should be submitted as a single block instead of 2 blocks,***provide FIRE fighting design for the entire building especially the warehouse.

RECOMMENDATIONS

- <>Planning aspect recommended, subject to above comment.
- <>Architectural aspect not recommended.
- <>Structural aspect recommended, subject to above comment.
- <>Electrical aspect recommended, subject to above comment.
- <>Mechanical aspect recommended, subject to above comment.

RESUBMISSION OF AMENDED PLANS MUST BE MADE WITHIN 3 DAYS FROM THE DATE OF THIS LETTER, OR ELSE A NEW SUBMISSION WILL HAVE TO BE MADE.

BASHIR MADAKI SUNUSI

28/10/14

EXPRESS-WAY

50000

200000

135594

46921

25570

29676

144229

WAREHOUSE 1

WAREHOUSE 2

WAREHOUSE 3

WAREHOUSE 4

WAREHOUSE 5

PROPOSED SITE PLAN

ABUJA METROPOLITAN MANAGEMENT COUNCIL
DEPARTMENT OF DEVELOPMENT CONTROL

No. 2 Juba Street, Wuse Zone 6, P.M.B. 5212 Abuja

FCDA/DC/BP/CID/16088

DISTINCTIVE HOMES LIMITED

Jiba

DATE

20-Nov-2014

PLOT NO:

550

CAD. ZONE:

F12

FILE NO:

NAME OF DEVELOPER:

DISTRICT:

CONVEYANCE OF BUILDING PLAN APPROVAL

With reference to your application for approval of your proposed Building plan, you are hereby granted approval, subject absolutely to the following conditions which you are expected to read and abide by:-
That you are to re-establish any missing beacons before approval would be given to you to commence with development.

That the approval is for development of 1 no. one (1) suspended floor warehouse/office complex.

That the area reserved for garden and other open spaces as contained on the approval Site Layout, shall not be built-up in the future and of at least 5 trees must be planted within the premises to protect the environment.

That you are to maintain fencing heights of 1.5m in the front elevation, or any side fronting any road, 0.5m of which is to be either of iron grill or perforated blocks; and 2.0m of solid sand Crate blocks at the rear and side.

That you are not permitted to fence the front and any side of the building abutting road(s). Side fencing must align with the foundation line of the building.

Fence is temporary structure. Its approval can be withdrawn by Development Control Department and demolished with seven (7) days notice without any compensation.

That you should notify the Authority and obtain Setting-out approval before you commence construction on the site.
That you shall not use such explosives whose vibration from your site could affect adjacent site and surroundings, during excavation of back outcrop.

That the Authority is not liable for any fault arising from design construction and usage failure or any deviation whatsoever from the conditions of this approval.

That the building(s) if constructed shall only be used for the purpose for which the plan approval is granted and no change of usage is allowed without the formal consent of this Authority.

That a complete set of the approved Drawings be kept at site at all times during and after construction.

That you facilitate access to site by designated Development Control Staff at all times.

That you are to maintain a DPC level of 0.45m above the established road level.

That the Authority is not liable for any impact which your proposed building may suffer in the course of provision of the infrastructure in the area.

That during physical construction, concrete mixing black moulding and any such acts should be strictly confined within your plot, public right of way storm-water drains and similar public utilities should not be tampered with by the work on your site.

That on completion, you must make fire-fighting provision for each dwelling unit building and solid waste disposal/collection within the premises.

That you report on completion work to the Authority so that an official will certify that the Building(s) is/are suitable for human habitation together with your built drawing.

That the approval of this plan automatically lapses after six (6) months and two (2) years from the date indicated herein if construction is not started and completed respectively.

That the Authority reserves the right to withdraw this approval at any stage of implementation if deems necessary.
The verge between your building and the road, public right of way, storm water drains as well as similar public utilities should not be obstructed or tampered with.

That construction materials and waste found on any of the areas mentioned above will lead to closure of site pending payment of approved fines of N50,000.00 and N100,000.00 respectively each time.

That the fence/gate house should not be built until infrastructure is in place.

That this approval is considered void if it is discovered that any information leading to its grant is false or forged.

That the building is subject to require renovation every four (4) years.

Failure to comply as stated above is contravention of the law, and the Authority will take appropriate action against you.

Please note that construction should not commence in area where the roads and infrastructure are not completed. The Chief Resident Engineer, for your District must be consulted for collection of information on all infrastructures serving your plot. There should be a Sign Board containing details of the plot i.e.

(a) Location

(b) Plot No.

(c) C of O No.

(d) Date of Building plan/Setting-Out Approval.

Thank you for active participation in the development of Abuja.

CEB7F5A3709C5EC7453734EAF235

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO: FCT/HC/CV/2



ALHAJI MAMMAN ZUBAIRU
(TRADING UNDER THE NAME
AND STYLE OF MOH'D ZUBAIRU
AND BROTHERS)
AND

CLAIMANTS

1. ABDULRAHAMMAN MUMAMMAD
2. DAILY NEED DISTRIBUTORS LIMITED
3. FEDERAL CAPITAL DEVELOPMENT
AUTHORITY
4. MINISTER OF FEDERAL CAPITAL
TERRITORY

DEFENDANTS

3RD AND 4TH DEFENDANTS' WITNESS STATEMENT ON OATH

I, Rifkau Ishaya Female, Christian, Nigerian Citizen of Department of Development Control of the 1st, 2nd and 3rd Defendant, hereby makes Oath and State as follows:-

1. That I am a Principal Estate Officer with the Lands Department of the Federal Capital Territory Abuja.
2. That by virtue of my position as aforesaid, I am conversant with the facts of this case.
3. That I have the consent and authority of my employers to depose to this Witness Statement on Oath.
4. That the plot is situate at Gbazango Phase 11 Layout, along Kubwa Expressway in Bwari Area Council, Federal Capital Territory, Abuja and within the jurisdiction of this Honourable Court, and deny the other part that the Claimant is the beneficial owner of the said plot No. 242 measuring about 3,000sqm and put the Claimant to the strictest proof of same.

5. That they are not privy to the transaction between the Claimant and Shehu Liman or any other person.
6. That the 4th Defendant did not allocate any plot of land in Gbazango Phase 11 Layout Kubwa, Abuja to the Claimant.
7. That the Claimant did not apply or submit any application for the allocation of plot of land with the 3rd and 4th Defendants.
8. That it is only the 4th Defendants that is saddled with the responsibility to allocate, revoke and deal with all the plots consisting of the Federal Capital Territory, Abuja.
9. That the purported allocation of the plot of land in Gbazango Phase 11, Layout Kubwa, Abuja was done by Abuja Municipal Area Council and purportedly signed by a Secretary of Rural Land Use Adjudication Committee.
10. That the Secretary of Rural Land Use Adjudication Committee has no right whatsoever to sign any allocation letter with respect to any plot of land comprising the Federal Capital Territory, Abuja.
11. That it is only the Department of Urban and Regional Planning of the 3rd and 4th Defendants that is responsible in establishing the Land Use of any area and re-designing of any District in the Federal Capital Territory, Abuja.
12. That the Urban and Regional Planning of the 3rd and 4th Defendant upon designing the District, the plot was changed to plot no 550 Jibi District, Kubwa Extension, Abuja.
13. That plot 56 Cadastral Zone 07-05 Kubwa is same plot as plot 550 Jibi District Cadastral Zone Zone &12, Abuja.
14. That there is no way the 3rd and 4th Defendants would have issued a revocation notice to the Claimant as the Claimant was not allocated any plot by the 4th Defendant.
15. That since the creation of the Federal Capital Territory, Abuja, in 1976, the ownership of the entire area/land space comprising the Federal Capital Territory (Bwari District inclusive) became vested on the Federal Government of Nigeria.

16. That Federal Government of Nigeria through the President acting as the Governor of the Federal Capital Territory, exercises its right of ownership and control over land in the Federal Capital Territory including right to allocate and or revoke title over land in the Federal Capital Territory through the Minister of the Federal Capital Territory.
17. That the said right to allocate and or revoke title over land in the Federal Capital Territory being a statutory responsibility cannot be delegated and was never delegated to the Bwari Area Council, any Secretary Rural Land Use Adjudication Committee or any other person as far as land in Kubwa or anywhere within the Federal Capital Territory is concerned.
18. That the purported allocation of Plot No. 6 measuring 3000 Gbazango Extension Layout, Abuja was signed by the Secretary, Rural Land Use Adjudication Committee is illegal, null, void and of no effect.
19. That the right to allocate Land in the Federal Capital Territory being a statutory responsibility vested only on the Honourable Minister of the Federal Capital Territory, Abuja.
20. That the right being Statutory cannot be delegated.
21. That the Honourable Minister, Federal Capital Territory never authorized the Bwari Area Council Chairman, Secretary, Rural Land Use Adjudication Committee or any other person to allocate the said plot or issue any letter of allocations to the Claimant.
22. That the Honourable Minister, Federal Capital Territory gives authorization for all official functions for and on his behalf in writing.
23. That there was no instrument whatsoever authorizing the said purported allocation to the Claimants.
24. That upon the Application from **Distinctive Homes limited** dated 25th April, 2001 for an allocation of plot of land in the Federal Capital Territory, Abuja, the 4th Defendant considered the Application and plot 56 Cadastral Zone 07-05 Kubwa was allocated to **DISTINCTIVE HOMES LIMITED** vide an Offer of Statutory Right of Occupancy, dated 1st June, 2011.

25. That the said allocation of plot 56 Cadastral Zone 07-05 Kubwa was duly accepted by the allottee vide an Acceptance Letter of Offer of Grant of Right of Occupancy with the Federal Capital Territory, Abuja, dated 13th of June, 2001.
26. That the allottee of the Plot (**Distinctive Homes Limited**) applied for the issuance of the Certificate of Occupancy in respect of the said plot.
27. That upon the payment for the processing of the Certificate of Occupancy, the Certificate of Occupancy dated 24th of June, 2003, was issued to the said allottee (**Distinctive Homes Limited**).
28. That that in 2004, the 3rd and 4th Defendant introduce the recertification exercise wherein all allocations made from inception of the Federal Capital Territory, Abuja to 2003 were called for recertification.
29. That upon the recertification exercise, **DISTINCTIVE HOMES LIMITED** submitted her title documents for recertification.
30. That sequel upon the submission of the title documents by **Distinctive Homes Limited**, the old Certificate of Occupancy was cancelled and a new Certificate of Occupancy No. **17a5w-deacz-1268b-4a42u-7au3** dated 1st of March, 2012 vide File No. MISC 51494 as issued to **Distinctive Homes Limited**.
31. That **Distinctive Homes Limited** applied for the registration of Power of Attorney in favour of **DAILY NEED DISTRIBUTORS LIMITED** vide its application dated 20th of June, 2014 with a Board Resolution dated 20th of June, 2014. The said Application dated 20th June, 2014 and Board Resolution are hereby pleaded and shall be relied upon at the trial of this suit.
32. That the said application for registration of Power of Attorney was considered and approved with that of other Applicants. The list of the Approval is hereby pleaded and shall be relied upon at the trial of this suit.
33. That upon the consideration and approval for the Registration of the Power of Attorney, the said Power of Attorney was registered in favour of **Daily Need Distributor Limited**. The said registered Power of Attorney is hereby pleaded and shall be relied upon at the trial of this suit.

34. That the Allottee (**DISTINCTIVE HOMES LIMITED**) applied for development permit to the Department Control of the 3rd and 4th Defendants.
35. That the Department of Development Control of the 3rd and 4th Defendants upon the receipt of the Drawings for Development made some observations on the drawings submitted to it by the Applicant.
36. That upon compliance with the observations by the Applicant, the drawings were approved and settlement of Building Plans Fees was issued to the Applicant. The said Department of Development Control Observation, Recommendation and Settlement of Building Plan Fees are hereby pleaded and shall be relied upon at the trial of this suit.
37. That upon the payment of the Building Plan Fees, the Applicant was issued with an official receipt No. FCTA 000286367 in the sum of **Nine Million, Eight Hundred and Ninety Naira, Seven Hundred and Forty Naira (N9,890,740.00)**.
38. That upon the settlement of the Building Plan fees, the Applicant was issued with Conveyance of Building Plan Approval dated 20th November, 2014.
39. That I deny the Claimants claim in its entirety and urge this Honourable Court to dismiss the suit with substantial cost for being frivolous, vexatious, gold digging and lacking merit.
40. That I depose to this Witness Statement on Oath in good faith believing same to be true and correct and in accordance with the Oaths Act, 2011.

R.ri

DEPONENT

SWORN TO at the High Court Registry

This ... *6th* ... day of ... *March* ... 2023.

BEFORE ME

[Signature]
HIGH COURT OF THE FED.
ARL JONER FOR OATH
COMMISSIONER FOR OATHS
AISHA A. BAJOGA