



A Guide to Deed of Partition: Costs and Requirements for Joint Property Ownership in Nigeria

Description

ICA (Ibe Chido & Associates)

[Joint property ownership](#) is becoming increasingly common in Nigeria, particularly among family members and business partners.

When multiple parties jointly own a piece of land or property, it is essential to have clear legal documentation to delineate ownership rights and responsibilities.

A Deed of Partition is a crucial legal instrument that serves this purpose, ensuring that each co-owner's share is legally recognised and protected.

Understanding a Deed of Partition

A Deed of Partition is a legal document that formally divides jointly owned property among co-owners.

It outlines the specific portions of the property allocated to each owner, effectively converting joint ownership into individual ownership.

This document is particularly important when the property is under a single Certificate of Occupancy (C of O) or Right of Occupancy (R of O), which signifies that the land is owned by more than one person.

Need for a Deed of Partition

1. **Clarification of Ownership and Rights:** A Deed of Partition clearly specifies the portion of the property owned by each co-owner. This clarity helps in [preventing future disputes](#) and misunderstandings regarding ownership.
2. **Prevention of Disputes Among Co-Owners:** By clearly defining each co-owner's share, a Deed of Partition minimizes the risk of conflicts that could arise from ambiguous ownership boundaries or unequal division of the property.
3. **Facilitation of Smooth Property Transactions:** With a Deed of Partition in place, co-owners can independently sell, transfer, or mortgage their individual shares without the need for consent from other co-owners, simplifying property transactions.

Requirements for Executing a Deed of Partition

1. **Legal Documentation Needed:**
 - Current Certificate of Occupancy (C of O) or Right of Occupancy (R of O).
 - Personal identification documents of all co-owners.

- Property survey plan.
- Title documents of the property.

Role of Legal Professionals:

- Engaging a licensed surveyor to accurately measure and delineate the property.
- Hiring a [qualified legal practitioner](#) to draft the Deed of Partition.
- Notarisation and registration of the Deed with relevant authorities.

Steps Involved in the Partition Process:

- Agreement among co-owners on the partition terms.
- Survey and valuation of the property.
- Drafting of the Deed by a legal professional.
- Signing of the Deed by all co-owners in the presence of a notary.

- Registration of the Deed with the Land Registry.

Cost of Executing a Deed of Partition

1. Legal Fees and Charges:

- Fees for legal consultations and drafting of the Deed by a lawyer typically range from 5% to 10% of the value of the specific partitioned plots.

2. Administrative and Government Fees:

- Survey and Valuation: NGN 100,000 – NGN 250,000
- Notarisation Fees: NGN 20,000 – NGN 50,000
- Registration Fees: NGN 50,000 – NGN 100,000 or above (based on property type and size)
- Miscellaneous Charges: NGN 10,000 – NGN 30,000

Estimated Total Cost:

The total cost can vary based on factors such as property location, size, and the professionals engaged.

Below is a simplified cost summary chart for an average property in Nigeria.

Cost Summary Chart

Service	Estimated Cost
Legal Consultation and Drafting	5% – 10% of plot value
Survey and Valuation	NGN 100,000 – 250,000
Notarization Fees	NGN 20,000 – 50,000
Registration Fees	NGN 50,000 – 100,000 or above (based on property type and size)
Miscellaneous Charges	NGN 10,000 – 30,000

Conclusion

A Deed of Partition is an essential document for joint property ownership in Nigeria, ensuring clear ownership and preventing disputes.

By understanding the need, requirements, and costs involved, co-owners can effectively manage their property and enjoy the benefits of clearly defined ownership rights.

FAQs

1. What is a Deed of Partition?

- A Deed of Partition is a legal document that divides jointly owned property among co-owners, specifying the individual shares of each owner.

2. Why is a Deed of Partition necessary?

- It clarifies ownership, prevents disputes, and facilitates independent property transactions by co-owners.

3. What documents are required to execute a Deed of Partition?

Current C of O or R of O, identification documents, property survey plan, and title documents.

4. How much does it cost to execute a Deed of Partition in Nigeria?

- Legal fees range from 5% to 10% of the plot value, while other costs range from NGN 180,000 to NGN 430,000.

5. Can co-owners sell their individual shares after executing a Deed of Partition?

Yes, with a Deed of Partition, co-owners can independently sell, transfer, or mortgage their shares.

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