



## **DELAY IN LAND TITLE REGISTRATION AND COMMERCIAL REAL ESTATE INVESTMENT IN UYO**

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### **ABSTRACT**

*Registration of title and real estate investment decision play a vital role in the physical and economic development of towns and cities all over the world. The aim of the study is to examine the impact of delay in land registration of title on commercial property investments among investors in Uyo, with a view to formulating the models for predicting the relationship between land registration and real estate investment decision. In order to achieve the stated aim, the following objectives were stated: to analyse the impacts of delay in the registration of land title on real estate investment decision in the study area, to determine the relationship between real estate investment decision and land title registration. Out of the 106 registered Estate Surveyors and Valuers practicing in Akwa Ibom State, eighty-seven (87) was reported to have carried out appraisal in the study area. Each of the 87 firms surveyed had about six (6) appraised investments in their portfolios, making the total number of appraised investments under study to be 522; thus, the sample size for this study was 522. Simple random sampling technique was used to select the commercial properties for the data collection. It was found that the delay in the process of land title registration in the study area caused a total of 16% increase in construction cost, thereby bringing about 27.74% reduction in the developers' profit when the sensitivity analysis was conducted. It was also found out that the rental value decreased by 11% thereby bringing about 76.29% sensitivity indicator towards the net present value. Factor analysis was also employed in the analysis and results from the rotated component matrix showed that Factor\_8, which asserted that there is strong relationship between delay in title registration of real estate and investment decision had the greatest loading*

*factor. This implies that this research work is valid, from the inference drawn using a scientific tool. The research concluded that efforts should be put in place by the Government and other stakeholders to curb the delay in land title registration in Uyo.*

**Keywords:** *Commercial real estate, Land title, Registration, Real Estate Investment, Uyo.*

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## **Introduction**

As a gift of nature and also a platform where all developments take place, land registration is very vital. Registration of title and commercial real estate investment play a vital role in the physical and economic development of towns and cities all over the world. Nations and regions would be severely limited in development without land, which is a key factor for physical and economic growth. In Uyo, most property investors consider best quality locations and other factors such as increase in demand for lettable space, supply of real property, size of the property, among others, while planning to carry out real estate investment (Ekpo, 2021; Ekpo and Udoh, 2021). Little or no consideration is made to consider the proper registration of title to land; probably due to the delay in the development process (Adeniyi *et al*, 2018). The present position concerning property investment in Uyo is that title registration of land has remained the key issue that practicing Estate Surveyors and Valuers and investors are yet to fully exploit.

Land registration has been the focus on many studies (Dixon, 2002; Awolaja, 2012; Udoka, 2017; Isangedighi, 2021). According to Adeniyi *et al* (2018), *Nigeria is ranked 182nd among 190 economies on the ease of registering property as it takes 12.1 steps/procedures and 69.6 days in addition to 10.5% of the property value to complete registration.* Many of the aforementioned studies produced varying results of findings and emphasized the effects of land titles registration on property investment generally, with little consideration given to the delay caused by the registration process and its effects on real estate investment decision. Possible relationships between delay in land registration (in the presence or absence of other factors like, size of the property, demand and supply) and real estate investment decision have therefore elicited the interest of the researchers in this direction. The relationship cannot be

determined without due consideration to the explanatory variables on one hand and real estate investment decision on the other. It is against this background that this study was conceived.

The aim of the study is to examine the impact of delay in land registration of title on commercial property investment decisions among investors in Uyo. In order to achieve the stated aim, the following objectives have been stated:

- i. To examine the impacts of delay in the registration of title on developer's profit.
- ii. To analyse the relationship between delay in the registration of land title and real estate investment decision in the study area.
- iii. To evaluate the extent to which land registration influence real estate investment decision in the study area.

In order to resolve the research questions, the following null hypotheses were postulated:

- (i) There is no significant relationship between real estate investment decision and land registration, in the presence of other explanatory variables in the study area.

## **Review of Related Literature**

### **Land Titling and Registration**

According to Isangedighi (2021), land titling and registration is a form of land reform in which private individuals and families are given formal property rights to land, which had previously been occupied informally. Carrying out formal documentation of land enhances security of land tenure, supports transactions of land, allows better access to credit because of the fact that land titles are used as collateral for loans. Land title registration was introduced in Nigeria by the British Colonial Administration in 1863 (Federal Ministry of Housing and Urban Development, 2006). Despite the relative history of land registration and its importance, the level of registration is very low in Nigeria and in Uyo in particular. It is noted by Federal Ministry of Housing and Urban Development (2006), that less than 15% of the land has been officially registered with title deeds due to ignorance, affordability problems as well as the cumbersome and costly registration processes involved in the registration. Land registration in Nigeria follows the provision of the Land Use Act of 1978.

Section 315 subsection 5d of the Constitution of the Federal Republic of Nigeria (1999) supports the Act thereby giving it more powers.

### **Procedures for obtaining Certificate of Occupancy in Uyo, Akwa Ibom State**

There are two different procedures for the issuance of the Certificate of Occupancy to eligible applicants by the Akwa Ibom State Government. This depends on whether the land of the applicant is an allocated plot in a planned government layout or a privately-owned land. For the purpose of this paper, the procedure for obtaining title for the privately-owned land will be considered. A private land may be said to refer to as land not owned by the government, acquired and managed by an individual. It can also be owned by the community, church and other non-governmental organizations. The processes include:

- (i) Commencement of the process by an applicant which entails obtaining an Application Form for the Certificate of Occupancy from the Land Use and Allocation Committee for a fixed fee payable to a designated account.
- (ii) Submission of the completed Application Form to the Land Use and Allocation Committee with the following documents attached to it: Registered Land Agreement, Survey Plan (original and Photocopy); a current 3-year Tax Clearance with seal affixed; one passport-size photograph, envelopes, photocopy of Certificate of Deposit and evidence of payment of application fee.
- (iii) Advertisement of the application in any local newspaper to see if there could be any objection.
- (iv) Payment of a non-refundable site inspection fee to the Land Use and Allocation Committee to conduct the site inspection after the advertisement period of 28 days.
- (v) Presenting the schedule of approved applications to the state Governor for Approval-in-Principle for the Certificate of Occupancy
- (vi) Sending the endorsed Approval-in-Principle to the Ministry of Lands and Water Resources for further processing.
- (vii) Invitation of the applicant to the Ministry of Lands and Water Resources for submission of the required copies of all documents listed in (ii) above together with 4 passport-sized photographs and 4

- original copies of the survey plan and a written statement of the estimated cost of development of the land (Certificate of Value) prepared and issued by a Registered Estate Surveyor and Valuer.
- (viii) Payment of fees in accordance with the rates in the Table of Fess after due assessment by the Ministry of Lands and Water Resources.
  - (ix) Preparing and submitting the Certificate of Occupancy to the State Governor for endorsement.
  - (x) After due validation by the State Governor, submission of the Certificate of Occupancy to the Internal revenue Service for Stamping, whereby a Stamp Duty assessment will be raised for the applicant to pay.
  - (xi) Registration of the applicant's Certificate of Occupancy at the Deeds Registry and endorsement by the Deeds Registrar and;
  - (xii) The invitation of the applicant to collect the Certificate of Occupancy.

The processes outlined above are not very easy as one may think, thereby hampering commercial property development development in several ways, which include making the interest not to be favourably marketable, hampering cheaper and easier transfer of title, which in turn brings about reduction in developer's profit (Ogunba, 2012) as a result of the delay in the application processes.

### **Land Registration and Real Estate Investment**

Land registration generally may be described as arrangements by which the ownership, possession or other constitutional rights in land can be chronicled (always with a government agency or department) to provide proof of title, enable transactions and to guard against unlawful sales, which vary according to authorities. Land title registration and property investment, according to Udoka (2017), are two processes which are very important in real estate development. His research work was aimed at studying the effect of registration of land titles on property investment. The research adopted a descriptive design, with the data mainly obtained from secondary source. The result, according to the author "showed that registration of title on land over which property investment takes place reduces information asymmetries as both parties to land

transaction can gain access to the same information, with the buyer receiving state guarantees about the authenticity of the registered information on land, thereby reducing land transaction costs, speeds up the process of land acquisition for investors and removing land ownership uncertainty.” Other results from the research indicated that land registration gives the land owners access to cheaper and additional medium- or long-term credit through mortgage; speedy and smooth land transaction; security of property investment in the case of overriding public interest which may be exercised by the state; and makes conveyance for property investment simpler thereby promoting socio-economic development. However, it was recommended by the author, from the research findings, that “any investor who wants to go into real estate should at most consider obtaining a legal title to his/her land where the investment is to take place through proper land registration.” Nwokoro (2019) in his paper “Effects of Registration of Title in Nigeria”. The Study sought to consider the registration of title to land and how it affects the development of real estate. The study employed no research methodology in carrying out the research but went ahead to conclude that it leads to fraudulent sales by land vendors, shorter period of time in investigating title on land, among others. Furthermore, in the literature reviewed, many authors like Chijioke (2012), Ntekim (2015), Adesola *et al* (2017) viewed the results given by Udoka (2017) and Nwokoro (2019) as benefits of land title registration, rather than effects on real estate investment decision. The different views and opinions as well as results given by these researchers aforementioned, elicited the researchers’ interest in developing a completely different research model to probe the effects of land title registration on real estate investment.

However, other authors like Adeniyi *et al* (2018) and Egulam *et al* (2019), Antia and Effiom, (2020) have all listed the negative effects of land title registration to include delay in the development process, which may sometimes lead to non-development of the proposed real estate project and the loss of benefits that would have been derived therefrom. Therefore, this present research work is on the foundations laid by the later authors. Finally, in the literature reviewed, no research work applied any appraisal techniques to analyse any effect of the delay caused by title registration on developers’ profit to arrive at a valid conclusion. It was also observed that no scientific technique of data analysis was used by any of those authors in the analysis, thereby making the research

work to be merely descriptive without any inferential conclusion drawn on them. However, this current research work will fill the gap.

### **Concept of Real Estate Investment Decision**

Nwanekezie (1996) classifies real estate investment decision into five groups according to whether the decision is associated with the acquisition of property, the conservation or preservation of the estate, the development of the estate, the exploitation of the estate and the sales of the estate or realization of its assets.

- (i) **The acquisition of the property:** A real estate can be acquired in two ways. This includes procuring it and by obtaining it. Obtaining a commercial property involves grants and inheritance, while procuring it may be by purchasing it or by lease. A commercial property may be acquired for purposes of personal occupation or for investment.
- (ii) **Estate Preservation or Conservation:** This means managing the estate. It involves the maintenance of the physical structure of the real estate, preserving the environment, ensuring its legal status and maintaining the relationship among the parties operating the real estate.
- (iii) **Development:** The development of a commercial real estate is executed through thorough planning, financing as well as executing construction and modernization works required to meet the investment needs or any other purpose.
- (iv) **Exploitation:** This means obtaining or realizing the full potentials of the estate as an economic resource so as to capture the benefits of controlling the real estate.
- (v) **Sale and Realization of profit:** The realization of the returns or profit of a commercial property happens when the property is disposed of. However, this research work will adopt the sales value to measure real estate investment decision.

### **Methodology**

This research work adopted the cross-sectional survey type of design. Target population was commercial property investments (shops) with useable floor area of approximately 40m<sup>2</sup>. The data was extracted from firms of Estate

Surveyors and Valuers. Out of the 106 registered Estate Surveyors and Valuers practicing in Akwa Ibom State, about eighty-seven (87) were found to have carried out appraisal on commercial property investment in the study area. It was also found that each of the 87 firms surveyed has about five (5) appraised commercial property investments in their portfolios, making the total number of appraised investments under study to be 435; thus, the sample size for this study is 435. Data was compiled on properties which have been duly appraised and managed by the firms of Estate Surveyors and Valuers under study. Data from the records of the Central Bank of Nigeria showed that the average lending rate was 21% between the period of January 2017 and May 2019 and the rate was adopted by the researchers for this study. Factor Analysis was employed to determine the extent to which delay in land title registration influence real estate investment decision in the study area

## Data Presentation and Analysis

### Analysis of the Developers' Profit before Investment Decision Period

The analysis in Table 4.1 represents the appraisal report prepared for commercial properties under study. It is an average of the net cash flow of commercial properties under study prepared for January 2017. The average period of development (taken to complete and let) the properties under study was approximately 21 months.

**Table 1: Base Case**

Period	Item	Net Flow (₦)	P.V. of ₦1 @ 4.88%	P. V. of Cash Inflow (₦)	P. V. of Cash Outflow (₦)
0	Land Cost	4,160,000.00	1		4,160,000.00
1		680,000.00	0.9535		648,380.00
2		700,000.00	0.9091		636,370.00
3		720,000.00	0.8668		624,096.00
4		750,000.00	0.8265		619,875.00
5		750,000.00	0.7880		591,000.00
6		780,000.00	0.7514		586,092.00
7		820,000.00	0.7164		587,448.00

<b>8</b>	Capital Value (sales price)	1,200,000.00 @ 7.5%	0.6831 =	10,929,600.00	
		₦16,000,000.00			
<b>Total</b>				<b>10,929,600.00</b>	<b>8,453,261.00</b>
<b>Net Present Value = ₦2,476,339.00</b>					

From Table 4.1, it was found that the developer’s profit was ₦2,476,339.00. Current rental income of similar properties is ₦1,200,000.00 with an investment return of 7.5% in Uyo. It was also found that the cost of finance before the development period was 21%, which was converted into three-months period using the formula  $(1 + i)^{1/n} - 1$ . The analysis in Table 4.1 may be referred to as the base case where references will be made in relation to changes in the construction cost or rental value caused by the delay in title registration; in order to achieve the aim of this research work.

**Analysis of the Effect of Delay in Land Registration on Investment Decision due to the increase in Construction Cost in Uyo.**

Data from the records of the firms of Estate Surveyors and Valuers in the study area showed that the average construction cost increased by 16% between the period of June 2019 and May 2021. The analysis is shown in Table 4.2. The average period of development (taken to complete and let) the properties under study is also approximately 21 months.

**Table 2: Analysis of the Effects of Delay in Land Registration on Construction cost**

Period	Item	Net Flow (₦)	P.V. of ₦1 @ 4.88%	P. V. of Cash Inflow (₦)	P. V. of Cash Outflow (₦)
<b>0</b>	Land Cost	4,160,000.00	1		4,160,000.00
<b>1</b>		788,800.00	0.9535		752,120.80
<b>2</b>		812,000.00	0.9091		738,189.20
<b>3</b>		835,200.00	0.8668		723,951.36
<b>4</b>		870,000.00	0.8265		719,055.00

<b>5</b>		870,000.00	0.7880	685,560.00
<b>6</b>		904,800.00	0.7514	679,866.72
<b>7</b>		951,200.00	0.7164	681,439.68
<b>8</b>	Capital Value (sales price)	1,200,000.00 @ 7.5% (sales price)	@ 0.6831 =	10,929,600.00
<b>Total</b>				<b>10,929,600.00</b>
				<b>9,140,182.76</b>
<b>Net Present Value = ₦1,789,417.24</b>				

From Table 4.2, it was found that the developer's profit was ₦1,789,417.24. Sensitivity indicator towards the Net Present Value is 27.74%, calculated as  $[(2,476,339 - 1,789,417.24) / 2,476,339]$ . This indicates a great effect of the change in the construction cost on the developers' profit, brought about by the delay caused by land title registration in the study area.

#### **Analysis of the Effect of Decrease in Rental Value on Developer's Profit due to Delay in Land Title Registration in Uyo.**

Data from the firms of Estate Surveyors and Valuers in the study area showed that the average rental value decreased by 11% between the period of June 2019 and May 2021 in the study area. An 11% decrease in the rental value reduced the envisaged rental value from ₦1,200,000.00 to ₦1,068,000.00, which is then used in the capitalization of the of the sales value. The analysis is shown in Table 4.3. The average period of development (taken to complete and let) the properties under study is also approximately 21 months.

**Table 3: Analysis of the Effects of Delay in Land Registration on Developer's Profit**

Period	Item	Net Flow (₦)	P.V. of ₦1 @ 4.88%	P. V. of Cash Inflow (₦)	P. V. of Cash Outflow (₦)
<b>0</b>	Land Cost	1,660,000.00	1		4,160,000.00
<b>1</b>		650,000.00	0.9535		752,120.80
<b>2</b>		670,000.00	0.9091		738,189.20

<b>3</b>		700,000.00	0.8668	723,951.36
<b>4</b>		730,000.00	0.8265	719,055.00
<b>5</b>		730,000.00	0.7880	685,560.00
<b>6</b>		750,000.00	0.7514	679,866.72
<b>7</b>		800,000.00	0.7164	681,439.68
<b>8</b>	Capital Value (sales price)	1,068,000.00 @ 7.5% (sales price)	@ 0.6831 =	9,727,344.00
<b>Total</b>				<b>9,727,344.00 9,140,182.76</b>
<b>Net Present Value = ₦587,161.24</b>				

From Table 4.3, it was found that the developer’s profit was ₦587,161.24. Sensitivity indicator towards the Net Present Value is 76.29%, calculated as  $[(2,476,339 - 587,161.24) / 2,476,339]$ . This indicates a great effect of the change in the rental value on the developers’ profit, brought about by the delay caused by land registration in the study area. However, the 11% decrease in the rental value may not be unconnected to the effect of the global lockdown brought about the deadly corona virus, which the study area had its fair share.

**Table 4.4: Resolution of Theories and Postulations**

Postulations/Theories	Relative Importance Index					
	Strongly Agree (5)	Agree (4)	Undecided (3)	Disagree (2)	Strongly Disagree (1)	Mean
<b>1. Investors do not really pay much importance to obtaining legal title through proper land registration before investment decision.</b>	419	16	0	0	0	4.97

<b>2.</b>	<b>Investors consider the delay process to have negative effect on the development of the proposed project.</b>	348	76	4	7	0	4.79
<b>3.</b>	<b>Land title registration processes increase the construction costs and lending rates of the proposed project.</b>	396	38	0	1	0	4.92
<b>4.</b>	<b>Land registration processes brings about decrease in the proposed rental value.</b>	404	31	0	0	0	4.94
<b>5.</b>	<b>Investors usually consider the demand (number of requests) for commercial real estate before investing.</b>	351	42	27	11	4	4.71
<b>6.</b>	<b>Investors consider the internal and external structure while embarking on</b>	344	91	0	0	0	4.82

<b>real estate investment in the study area.</b>							
<b>7. Real estate investors equally consider the supply (number of lettings) of commercial real estate before embarking on the investment.</b>	334	97	3	1	0	4.79	
<b>8. There is strong relationship between delay in title registration of real estate and investment decision.</b>	348	76	4	7	0	4.79	

Source: Researchers' analysis, 2021

From Table 4.4, it can be deduced that the respondents generally do not consider obtaining legal title through proper land registration before embarking on any real estate investment decision with the highest mean score of 4.97. The respondents were also of the view that land registration processes may bring about decrease in proposed rental value with a mean score of 4.94, while most also attested to the fact that land title registration processes increase the construction costs and lending rates of any proposed project. This tallies with the works of Egulam *et al* (2019), Antia and Effiom, (2020).

Factor analysis was carried out to determine the extent to which delay in land title registration influence real estate investment decision in the study area and the results presented as follows: The study evaluated sampling adequacy using Kaiser-Mayer-Olkin (KMO) and Bartlett's test of sphericity. The appropriate sample, according to Field (2005), must have a value greater than 0.5, but the

study yielded a KMO value of 0.502 (which is greater than 0.5) and is close to 1 as presented in Table 4.5

**Table 4.5: Test of Sampling Adequacy  
 KMO and Bartlett's Test**

Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.502
Bartlett's Test of Sphericity	Approx. Chi-Square	205.198
	Df	28
	Sig.	.000

Source: Researchers' analysis, 2021

In order to obtain small numbers of linear combinations of the eight (8) variables that account for most of the variability in the data, the exploratory factor analysis was carried out and the rotated component matrix shown in Table 4.6.

**Table 4.6: Rotated Component Matrix<sup>a</sup>**

	Component			
	1	2	3	4
Factor_1		.803		
Factor_2				.742
Factor_3			.806	
Factor_4				.697
Factor_5	.531		.442	
Factor_6	-.699			
Factor_7	.791			
Factor_8		.849		

Extraction Method: Principal Component Analysis.

Rotation Method: Varimax with Kaiser Normalization.

From the rotated component matrix above, it can be seen that Factor\_8 (There is strong relationship between delay in title registration of real estate and investment decision) had the greater loading factor of 0.849 followed by Factor\_3 (Land title registration processes increase the construction costs and lending rates of the proposed project).with a factor loading of 0.806 and Factor\_1 (Investors do not really pay much importance to obtaining legal title

through proper land registration before investment decision) with a factor loading of 0.803.

### **Discussion of Findings**

From the analysis, it was found that the delay in the process of land title registration in the study area caused a total of 16% increase in construction cost, thereby reducing the developers' profit to ₦1,789,417.24 from ₦2,476,339.00. This implies the sensitivity indicator is 27.74% towards the Net Present Value (developers' profit). It was also found out that the rental value, which was ₦1,200,000.00 in the viability statement, was found to be ₦1,068,000.00 indicating an 11% decrease in rental value, therefore leading to a fall in the developers' profit from the ₦2,476,339.00 to ₦587,161.24 indicating 76.29% sensitivity indicator towards the net present value (developers' profit).

It was also found that investors do not really pay much importance to undergoing proper land registration before embarking on real estate investment in the study area. In addition, the respondents attested to the fact that land title registration processes bring about decrease in proposed rental value, increase in construction cost as well as lending rates of proposed projects. Results from the rotated component matrix showed that Factor\_8, which asserted that there is strong relationship between delay in title registration of real estate and investment decision had the greatest loading factor. This implies that this research work is valid, from the inference drawn using a scientific tool.

### **Summary. Conclusion and Recommendations**

From the research findings, it can be concluded that delay in the process of land title registration negatively impacts investment decision. It reduces the developers' profit, thereby affecting real estate investment decision. It was recommended that there should be a reform in the process of land title registration. It is also recommended that Government should create more awareness of the benefits of land registration to investors in the study area. In a world where other professionals question the relevance of Estate Surveyors and Valuers, we should employ the use of statistical tools to draw inferences to research works of this magnitude so as to produce facts for policy makers.

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