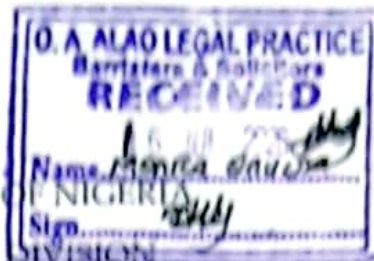




IN THE COURT OF APPEAL
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS



APPEAL NO:

SUIT NO: FHC/L/CS/MISC/486/24

BETWEEN:

1. FIELDREAMS LIMITED
2. IFEANYI NWEKE
3. AMEX SAVINGS AND LOANS LIMITED

APPELLANTS

AND

1. THE CHAIRMAN, ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC)
2. DR. KENNEDY OKONKWO
3. MR. DEMOLA OGUNFEYIMI
4. MRS. OMOYEMI OGUNFEYIMI
5. MR. OLUREMI ADEYINKA MORGAN
6. MRS. OLUYINKA ABIMBOLA MORGAN
7. MR. GBENGA ONABANJO
8. MR. BABATUNDE MONINUOLA
9. MR. ELIJAH A. AYANSINA
10. MR. EJIROGHENE OVIE EKWEVUGBE
11. MR. AZUKA EGBUNIKE
12. MRS. OGHENETEJIRI EGBUNIKE
13. MR. SEGUN ANIMASHAUN
14. MRS. FOLAKEMI AKINLEYE

RESPONDENTS

SIMMONS COOPER PARTNERS
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Name: Tiesha Okeke

Sign: [Signature]

Date: 16-07-26
1:13pm

15.MRS. EBUN MACGREGOR

16.MRS. AURELIA ESIRI

17.MR. OLADIPUPO MICHAEL MARTINS

18.MRS. OLAOLUWALAYOMI STEPHANIE MARTINS

19.GBOLAHAN ODUTAYO

RESPONDENTS

APPELLANTS' NOTICE OF APPEAL

TAKE NOTICE that the 1st - 3rd Appellants being dissatisfied with the Judgment/Ruling of the Federal High Court, sitting at the Lagos Judicial Division, Lagos State, Coram Hon Justice A.O. OWOEYE, as contained in the Judgment/Ruling delivered on 14th July, 2026 in Suit No: FHC/L/CS/MISC/486/26; between, THE CHAIRMAN, ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC) & 18 ORS v. FIELDREAMS LIMITED & 2 ORS, more particularly described in paragraph 2, doth hereby appeal to the Court of Appeal, upon the grounds set out in paragraph 3 and will at the hearing of this appeal seek the reliefs set out in paragraph 4.

The names and addresses of the persons directly affected by this appeal are set out in paragraph 5.

2. PART OF THE DECISION OF THE LOWER COURT COMPLAINED AGAINST:

The whole Judgment/Ruling.

3. GROUNDS OF APPEAL:

GROUND ONE:

The Learned Trial Judge erred in law when he ordered the final forfeiture of the 1st & 2nd Appellants' property comprising of 52 Units of Terraces and

Maisonettes located at Mercyville Estate, Lekki Penninsula Scheme, Iroko-Awe, Eti-Osa Local Government Area, Lagos State in favour of the 2nd - 19th Respondents under Section 17 of the Advanced Fee Fraud and Other Related Offences Act, 2006 when the law does not make provision for a final forfeiture to a private citizen but to the Federal Government of Nigeria.

PARTICULARS OF ERRORS:

1. Under Section 17(1) of the Advanced Fee Fraud and Other Related Offences Act, 2006, where the court is satisfied that the requirements of Section 17 have been fulfilled, the final forfeiture can only be made to the Federal Government of Nigeria and not to private individuals like the 2nd - 19th Respondents as in this case.
2. The Final Forfeiture Order made to the Federal Government for the benefit of the 2nd - 19th Respondents run mutiny to the express provisions of the Advanced Fee Fraud and Other Related Offences Act, 2006 that does not permit a final forfeiture of a property in favour of a private citizen.
3. Section 17 of the Advanced Fee Fraud and Other Related Offences Act, 2006 was not made in favour of the 1st - 19th Respondents.
4. In civil forfeiture proceedings under Section 17 of the Advanced Fee Fraud and Other Related Offences Act, 2006 as in this instant case, the state brings an action against a property (In Rem) rather than against an individual. In the case of unlawful activities, the court is invited to inspect into the origin of the property and if it is proven by the state to the satisfaction of the court that the title of the property lies in unlawful activities, then the court is empowered to transfer title to the state and

not to private individuals or in favour of a private individual like the 2nd – 19th Respondents.

5. The lower court lacks jurisdiction to grant a Final Forfeiture Order in favour of the 2nd – 19th Respondents as same is not provided for under Section 17 of the Advanced Fee Fraud and Other Related Offences Act, 2006.

GROUND TWO:

The Learned Trial Judge erred in law when he granted the Final Forfeiture Order of the 1st & 2nd Appellants' property comprising of 52 Units of Terraces and Maisonettes located at Mercyville Estate, Lekki Penninsula Scheme, Iroko-Awe, Eti-Osa Local Government Area, Lagos State to the Federal Government for the benefit of the 2nd – 19th Respondents where there was no evidence under Section 17(1) of the Advanced Fee Fraud and Other Related Offences Act, 2006 that the property was derivable from unlawful activities under the Advanced Fee Fraud and Other Related Offences Act, 2006, the Money Laundering and Prohibition Act or any other law enforceable by the Economic and Financial Crimes Commission (EFCC).

PARTICULARS OF ERROR:

1. The extant text of subsection (1) of Section 17 of the Advanced Fee Fraud and Other Related Offences Act, 2006 limits the unlawful activities which applies to subsection (1) of Section 17 to: -
 - i. Reasonably suspected to be proceeds of some unlawful activities enforceable under the Act.
 - ii. The Money Laundering Prohibition Act, the Economic and Financial Crimes Commission (Establishment) Act or any other

law enforceable by the Economic and Financial Crimes Commission (EFCC).

2. The purchase of shares in a company is as allowed by the Companies and Allied Matters Act (CAMA), 2020. The sale and purchase of property is authorized by the Articles and Memorandum of Association of the 3rd Appellant.
3. There was no evidence before the lower court to show that the money used to purchase and develop the property comprising of 52 Units of Terraces and Maisonettes located at Mercyville Estate, Lekki Peninsula Scheme, Iroko-Awe, Eti-Osa Local Government Area, Lagos State was shown to be proceeds of some unlawful activity under the Advanced Fee Fraud and Other Related Offences Act, 2006, the Money Laundering Prohibition Act or any other law enforceable under the Economic and Financial Crimes Commission (Establishment) Act.
4. The requirement of reasonable suspicion is that the suspicion should not be baseless or whimsical or less reasonable. The 1st Respondent must adduce evidence of circumstances including available information that justifies or provide reasonable basis for suspecting that the property is proceeds of an activity that is made unlawful by the provision of the legislation listed above.
5. The lower court failed to first ensure that the forfeiture application has satisfied the requirement of Section 17 of the Advanced Fee Fraud and Other Related Offences Act, 2006.
6. The primary burden was on the 1st Respondent to show that the said activity that produced the property was unlawful and to show that the

said activity that yielded the property and or that the activity is in breach of any of the statutes listed under Section 17 of the Advanced Fee Fraud and Other Related Offences Act, 2006.

7. Section 17 of the Advanced Fee Fraud and Other Related Offences Act, 2006 being a statutory provision with expropriatory feature in that it provides forfeiting away or forfeiture of a person property and vesting same on the Federal Government of Nigeria must be interpreted and applied strictly.

8. The Appellants demonstrated in their Affidavit to Show Cause and Exhibits at the lower court that the money for the purchase of the property forfeited for the benefit of the 2nd - 19th Respondents were proceeds from lawful activities in accordance with the Articles and Memorandum of the 1st & 3rd Appellants.

GROUND THREE:

The Learned Trial Judge erred in law when he held that he does not have to look into the affidavit of the Appellants to Show Cause because the Appellants were approbating and reprobating in their affidavit.

PARTICULARS OF ERROR:

1. Before a trial court can say that a party was approbating and reprobating in its affidavit evidence, there ought to be a counter-affidavit from the respondent to show inconsistency in the affidavit evidence of the party.
2. The appellants had consistently maintained in their affidavit evidence that the money used to purchase and develop the property

comprising of 52 Units of Terraces and Maisonettes located at Mercyville Estate, Lekki Penninsula Scheme, Iroko-Awe, Eti-Osa Local Government Area, Lagos State were derivable in part from the proceeds from sale of part of the land and proceeds from the sale of 29 Units of Terraces and Maisonettes and the Appellants never charged their story or evidence in the course of the proceedings.

3. There was no counter-affidavit by the 2nd - 19th Respondents that the above averment were false but the lower court simple said that the affidavit evidence of the Appellants was an act of approbation and reprobation.
4. Facts not disputed are deemed admitted; the Respondents did not file a counter-affidavit to challenge that averment in the Appellants' affidavit evidence on the source of the money that was used to develop the properties and therefore there was no basis or evidence for the lower court to say the Appellants were approbating and reprobating.

GROUND FOUR:

The Learned Trial Judge erred in law and denied the Appellants their right to fair hearing in that issues raised for determination by the lower court were not determined.

PARTICULARS OF ERROR:

1. The Appellants had raised the issue of abuse of court process for the lower court to determine in that similar suit was filed and is pending before Hon. Justice A.O. FAJI at Court 2 of the Federal High Court, Lagos Judicial Division in Suit No: FHC/L/CS/2646/2023; between,

FIELDREAMS ESTATE LIMITED & ANOR v. ECONOMIC AND FINANCIAL CRIMES COMMISSION & ANOR before the 1st Respondent rushed to Hon. Justice A.O. OWOEYE'S Court (lower court) and filed the forfeiture application against the Appellants.

2. Where issues of law has been raised, whether an affidavit is attached or not, the lower court has inherent jurisdiction to resolve all the issues especially the issue of abuse of court process that touches on the jurisdiction of the lower court which consequence is the dismissal of the erring process.
3. The Appellants also raised the issue that the dispute between the Appellants and the 2nd - 19th Respondents was purely a civil contractual dispute which provided for a dispute resolution mechanism through arbitration and not through the 1st Respondent, yet the lower court failed to address this issue.

GROUND FIVE:

The Learned Trial Judge erred in law and denied the Appellants their right to fair hearing by failing to consider all the issues and give effect to all the Exhibits tendered by the Appellants in the proceedings before coming to the conclusion that the prayers of the Respondents is granted as prayed and therefore occasioned a miscarriage of justice.

PARTICULARS OF ERROR:

1. The Appellants tendered Exhibit OCN1 which is the Deed of Assignment for the purchase of the land in 2007 and the land was not purchased from any contractual relationship existing between the 1st & 2nd Appellants and the 2nd - 19th Respondents.

2. The dispute of the sale and purchase of shares agreement between the 1st & 2nd Appellants and the 2nd Respondent was pending at the Federal High Court, Lagos Judicial Division before Hon Justice A.O. FAJI in Suit No: FHC/L/CS/2646/2023; between, FIELDREAMS ESTATE LIMITED & ANOR v. ECONOMIC AND FINANCIAL CRIMES COMMISSION & ANOR for the determination whether a civil and contractual dispute is a matter for the 1st Respondent to be involved in vis-à-vis the 1st & 2nd Appellants' property comprising of 52 Units of Terraces and Maisonettes located at Mercyville Estate, Lekki Penninsula Scheme, Iroko-Awe, Eti-Osa Local Government Area, Lagos State.
3. By Exhibit OCN2, OCN5 (a - o), OCN6 (a - o) & OCN7 (a - d) shows that the dispute between the Appellants and the 2nd - 19th Respondents was purely civil contractual dispute that also provided a dispute resolution mechanism through arbitration/regular court and not through invitations by the 1st Respondent.
4. RELIEFS SOUGHT BY THE 1ST - 3RD APPELLANTS:
 1. AN ORDER of this Honourable Court allowing this appeal and setting aside the Judgment/Ruling of the Federal High Court, sitting at the Lagos Judicial Division, Lagos State, Coram Hon Justice OWOEYE J., as contained in the Judgment/Ruling delivered on 14th July, 2026 in Suit No: FHC/L/CS/MISC/486/26; between, THE CHAIRMAN, ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC) & 18 ORS v. FIELDREAMS LIMITED & 2 ORS.

2. AN ORDER OF PERPETUAL INJUNCTION of this Honourable Court, restraining the 1st - 19th Respondents from acting upon, entering or taking over either by themselves, their agents or privies or assigning of the 1st & 2nd Appellants' property comprising of 52 Units of Terraces and Maisonettes located at Mercyville Estate, Lekki Penninsula Scheme, Iroko-Awe, Eti-Osa Local Government Area, Lagos State.

5. PARTIES AFFECTED BY THE APPEAL:

PARTIES:

1ST - 3RD APPELLANTS:

1. FIELDREAMS LIMITED C/o their Counsel
 2. IFEANYI NWEKE Victor Ukutt, Esq.
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THE RESPONDENTS:

1ST RESPONDENT

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Dapo Akinosun SAN

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MRS. OLAOLUWALAYOMI STEPHANIE MARTINS	

19TH RESPONDENT

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Dated this 15th day of July 2026.



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