

7/10/24



IN THE HIGH COURT OF LAGOS STATE
IN THE PROBATE REGISTRY
HOLDEN AT IKEJA

AFFIDAVIT IN SUPPORT OF CAVEAT

I, Christian Chukwuka Wigwe, Male, Christian, Nigerian of full age, an entrepreneur, certified mediator with specialization in transformative mediation and arbitration respectively, resident at Plot 718, Sentinel Crescent, Durumi District, Federal Capital Territory, Abuja do hereby make oath and state as follows:

1. I am a cousin to Herbert Onyewumbu Wigwe (hereinafter referred to as "the deceased"), who passed away on 9th of February, 2024 along with his wife, Doreen Chizoba Wigwe, and son, Chizi Wigwe in an aircraft crash.
2. The deceased owned multiple real and personal assets both in Nigeria and abroad and left behind the following children (in their order of seniority):
 - a) Otutochi Channel Wigwe - 25 years old
 - b) Chituru David Wigwe - 16 years old
 - c) Wegu Hannah Wigwe - 14 years old
 - d) Okachi Great Wigwe - 2 years old.
3. I am familiar with the circumstances surrounding the deceased's Will and the appointment of guardianship (ad litem) for his minor children - David, Hannah and Great.
4. The deceased's Will dated the 9th of July, 2013 was lodged at the Probate Registry.
5. The purported Will was executed in the United States of America ("USA"), and concerns have been raised regarding its applicability to the assets and matters within Nigeria's jurisdiction.
6. I do not know who lodged the Will in the Probate Registry of the Lagos State High Court, given that the Will was drawn up in 2013 in the USA and the deceased was accustomed to keeping his affairs separate and segregated in different countries.
7. I verily believe that the Will was lodged at the Probate Registry of the Lagos State High Court after the death of the deceased to give the impression that the deceased intended its applicability to extend to his assets in Nigeria.
8. The purported Will seems to apply primarily to the assets of the deceased located in the USA. Its language and provisions suggest a focus on matters within the USA.

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9. The Will does not clearly state that it extends beyond the USA to cover assets or matters within Nigeria. This raises concerns about whether the deceased's assets in Nigeria are addressed or governed by the Will at all.
10. The Will does not mention any beneficiaries, neither does it make provision for the guardianship of the deceased's minor children under Nigerian or American law.
11. The minor children have since been brought up in Nigeria in accordance with Nigerian values and customs.
12. Since the death of Herbert and Chizoba Wigwe (parents of the minors), it is not clear who has acted as legal guardian for the minor children, other than the fact that they live at No. 10, Oronmiyan Street, Queen's Drive, Ikoyi, Lagos, which is where their parents lived. The family had moved into the residence just three months prior to their parent's death.
13. In accordance with African values and good order, it will naturally be the father of the deceased, Pastor Shyngle Wigwe who will act as guardian to the minor children or at the very least, he will be consulted to ascertain who should act as guardian.
14. Pastor Shyngle Wigwe (grandfather) should ordinarily play a role in determining the welfare of his grandchildren. Given his fatherly role, his involvement in their upbringing would be both natural and beneficial.
15. Pastor Shyngle Wigwe has suffered an unimaginable loss with the passing of his son, Herbert Wigwe, his daughter-in-law, Doren Chizoba Wigwe, and his grandson, Chizi Wigwe, (his children) all in one day. This traumatic event has deeply affected him and his family.
16. In light of this, appointing or enabling Pastor Shyngle Wigwe to act as the legal guardian of his grandchildren would not only provide stability for the children but also serve as a significant part of the healing process for him. His role as guardian would help him cope with this profound loss while ensuring the welfare of his grandchildren is well cared for.
17. Besides the traumatic circumstance under which Pastor Shyngle Wigwe lost his children, he is well-qualified and accomplished to perform the role of a legal guardian in that:
 - a) He is a trained Electrical Engineer by profession.
 - b) He retired as an accomplished civil servant after rising to the height of his career as the Director-General of NTA;
 - c) He is a devoted Christian;
 - d) He is the head of the Wigwe family;
 - e) He is a certified Mediator.

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18. Notwithstanding these credentials that equip Pastor Shyngle Wigwe to act in the capacity of guardian or to be consulted as to whom should act in that capacity, the business partner of the deceased, Aigboje Aig-Imoukhuede has assumed indirect guardianship and custody of the deceased's children.
 19. In assuming this indirect role of guardianship, Aigboje Aig-Imoukhuede has subtly created a situation that makes it difficult for Pastor Shyngle Wigwe to act as guardian for the children, particularly the minor children.
 20. Aigboje Aig-Imoukhuede has also cleverly withheld relevant information regarding the deceased's Estate from Pastor Shyngle Wigwe and other members of the family disempowering any such member from making informed decision regarding the deceased's children (his grandchildren).
 21. I was informed by Pastor Shyngle Wigwe on the 6th day of October 2024, at approximately 8pm, at his residence located at 7, Epsom Street, Northern Foreshore Estate, Off Chevron Drive, Eti-Osa LGA, Lagos State, that the circumstance under which Aigboje Aig-Imoukhuede has caused Pastor Shyngle Wigwe to be excluded from the affairs of the deceased's minor children and blocked him from accessing any information regarding the management of the assets of the deceased are as follows:
 - a) Aigboje Aig-Imoukhuede is currently controlling the assets of the Late Herbert Wigwe. While Pastor Shyngle Wigwe, otherwise natural guardian of Herbert's minor children, would usually not be bothered by this, the way Aigboje Aig-Imoukhuede is handling the assets is grossly undermining Pastor Shyngle Wigwe's role as guardian and the head of the Wigwe family.
 - b) Aigboje Aig-Imoukhuede's access to Herbert's funds gives him a certain level of influence over decisions that affect the deceased's children. Although he is not their legal guardian, his control over the estate puts him in a position where he indirectly acts as one. This situation has made Pastor Shyngle Wigwe uneasy.
 - c) Ordinarily, Pastor Shyngle Wigwe would not have an issue with Aigboje Aig-Imoukhuede managing Herbert's assets. However, Aigboje Aig-Imoukhuede's influence is now extending beyond financial matters and affecting areas where Pastor Shyngle Wigwe should have full authority.
 - d) Pastor Shyngle Wigwe feels that his natural role as guardian is being undermined. Aigboje Aig-Imoukhuede's decisions concerning the estate are crossing into the territory that Pastor Shyngle Wigwe should manage for his grandchildren. This overlap is causing tension.
 - e) Pastor Shyngle Wigwe is concerned that if this continues, his legal and natural role as guardian will be further eroded.
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- f) Aigboje Aig-Imoukhuede has continued to cover some financial support of the deceased's dependent parents, Pastor Shyngle Wigwe and Mrs. Stella Affiong-Wigwe, as well as the ongoing expenses related to the deceased's children.
- g) Despite his continued financial involvement, he has not provided any formal updates or disclosed how these expenses are being met or their impact on the overall Estate.
- h) This lack of transparency has left the beneficiaries and other stakeholders uninformed about the financial status of the Estate and whether these expenses are affecting its value or liquidity.
- i) He has not disclosed any information regarding the general welfare, care, education or guardianship of the minor children or the administration of the Estate.
- j) The absence of critical information or any accounting makes it unclear how much of the deceased's wealth is being expended for the sustenance of the deceased's dependents.
- k) The deceased cousin, Uche Wigwe has been named in a suit instituted in the USA against the airline company that owned the helicopter that crashed causing the death of the deceased, his wife and his son.
- l) Aigboje Aig-Imoukhuede appears comfortable with a situation where Uche Wigwe is named as guardian even if it undermines the authority of the family as long as it gives Aigboje Aig-Imoukhuede some indirect control over the affairs of the deceased knowing that he has an over bearing influence over Uche Wigwe.
- m) Despite these concerns, Aigboje Aig-Imoukhuede seems unconcerned. His main interest appears to be preserving his influence and maintaining control over the assets of the deceased, which Uche Wigwe, under his direction, allows him to achieve.

22. During our conversation on the same day, time and location stated above, Pastor Shyngle Wigwe informed me of the above stated facts and expressed the following concerns, which I verily believe:

- a) That the significant age gap between Aigboje Aig-Imoukhuede and both Uche Wigwe and Otutochi Wigwe, along with Aigboje Aig-Imoukhuede's prominent status, raises doubts about the independence of the decisions made by Otutochi Wigwe and Uche Wigwe, particularly in their roles as guardians of the minor children and in managing the deceased's estate.
- b) That Aigboje Aig-Imoukhuede's influence over both Otutochi Wigwe and Uche Wigwe is affecting the proper guardianship of the minor children.

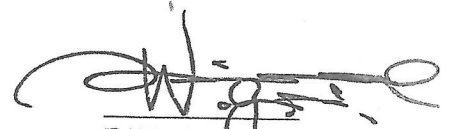
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- c) That this influence extends to decisions concerning the deceased's estate, undermining the autonomy of the family in these critical matters.
 - d) That Aigboje Aig-Imoukhuede's overbearing influence over Otutochi Wigwe and Uche Wigwe creates tension within the family, given the delicate nature of the estate and guardianship issues.
 - e) Aigboje Aig-Imoukhuede's overbearing nature, coupled with his unrestricted access to Herbert's wealth, is leading some family members to gravitate towards him in an effort to secure his favor. This dynamics is creating tension within the family, as it is systematically alienating other members, and this could strain relationships and lead to divisions among family members if not addressed appropriately.
23. The purported Will (against which a Caveat is being filed) which has been deposited with the High Court within the jurisdiction prescribes that:
- a. Chizoba Wigwe, the deceased's wife, is the first choice as personal representative. However, she has passed away.
 - b. Betty Blanco, the deceased's solicitor and an American, is named as the second choice to act as the representative in the event of Chizoba's death.
 - c. With Chizoba Wigwe's death, Betty Blanco would ordinarily assume the role of the personal representative of the deceased's assets.
 - d. Betty Blanco, being an American, is unlikely to manage the deceased's assets in Nigeria due to jurisdictional and practical limitations.
 - e. As a result, Uche Wigwe, who was named as the default representative, has now assumed the role of personal representative.
 - f. A scheme appears to have been orchestrated to position Uche Wigwe as the personal representative, knowing that Aigboje Aig-Imoukhuede wields considerable influence over Uche Wigwe.
 - g. Through this arrangement, Aigboje Aig-Imoukhuede becomes an indirect controlling agent over the deceased's assets, without being formally accountable to the beneficiaries or dependents of the Estate.
 - h. Uche Wigwe is now placed in a conflicting role, serving as both the personal representative of the deceased's Estate and the guardian of the minor children.
 - i. This dual role creates a clear conflict of interest and great responsibility, which could affect the proper management of the Estate and the guardianship of the deceased's minor children.
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24. It is considered an abomination within the Wigwe family hierarchy to nominate Uche Wigwe, the cousin of the deceased, as the guardian of the minor children while their grandfather is still alive.
 25. The family believes that Uche Wigwe's nomination as both the personal representative of the Estate and the guardian of the minor children undermines the authority and role of the family head, Pastor Shyngle Wigwe.
 26. The dual roles of Uche Wigwe as personal representative of the Estate and guardian of the children present a significant conflict of interest, which raises concerns about fairness and transparency in the administration of the deceased Estate.
 27. This awkward situation is being fuelled by Aigboje Aig-Imoukhuede, who has a strong and overbearing influence over Uche Wigwe who is unable to confront him.
 28. By supporting Uche Wigwe's appointment, Aigboje Aig-Imoukhuede ensures that he can indirectly control key decisions related to Herbert's family matters.
 29. Aigboje Aig-Imoukhuede appears to be taking advantage of Uche Wigwe's respect and reluctance to oppose him, allowing Aigboje Aig-Imoukhuede to exert undue influence over matters that should be handled by the family.
 30. Aigboje Aig-Imoukhuede also holds sway over Herbert's eldest daughter, Otutochi Wigwe, further consolidating his influence. This allows him to manage affairs that should ordinarily remain within the control of the family.
 31. It is essential that the children's welfare is prioritized in all decisions relating to the estate. Proper oversight is crucial to prevent any conflicts from impacting their rightful inheritance including the Wigwe family values. The estate should serve to support their upbringing and education as well as peculiar values, until they reach the age of majority.
 32. Otutochi Wigwe, the 25-year-old daughter of the deceased, requires assistance from the grandparents to take care of her younger siblings.
 33. Otutochi Wigwe, having grown up knowing Aigboje Aig-Imoukhuede as her father's business partner is reluctant to ask relevant questions out of fear of antagonizing him. In addition, being brought up in the African values, she is hesitant to challenge such traditional values by asking pertinent questions in relation to the administration of the deceased's Estate as well as the guardianship of her minor siblings.
 34. To avoid such apprehension for confrontation, Pastor Shyngle Wigwe expected that he will be consulted in the affairs of the deceased particularly as regards the welfare and custody of the minor children. That he will stand as an interested party to protect the interest of the deceased's children.
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35. Aigboje Aig-Imoukhuede has imposed a domineering presence in Otutochi Wigwe's life, such that there is reason to ascertain whether her decisions are truly independent.
 36. Aigboje Aig-Imoukhuede has deliberately orchestrated the scheme above including relying on the purported Will of which concerns have been raised about its applicability to assets in Nigeria, to give Uche Wigwe undue authority that undermines the deceased's family hierarchy.
 37. The ultimate goal, being to give Aigboje Aig-Imoukhuede a controlling dominance over the deceased's family and by extension, his assets.
 38. Aigboje Aig-Imoukhuede's influence over Otutochi Wigwe has tended toward encouraging an unperturbed distance between her and her grandfather as long as this enables him to remain in direct or indirect control of the deceased's assets.
 39. Aigboje Aig-Imoukhuede's actions continue to create tension within the family.
 40. Pastor Shyngle Wigwe, who is 90 years old, is deeply distressed by the lack of respect shown to him by Aigboje Aig-Imoukhuede in matters concerning the guardianship of his minor grandchildren.
 41. The exclusion of the grandfather, who is an accomplished civil servant and certified mediator, from decisions related to the guardianship of his minor grandchildren and management of his deceased son's Estate continues to cause him significant emotional pain.
 42. The decisions regarding the guardianship of the deceased's minor children, including the appointment of Uche Wigwe, were made without consulting the grandfather, who holds a key leadership role within the family.
 43. The grandfather's health has deteriorated due to the anxiety and distress caused by improper care and welfare of his grandchildren and the lack of information regarding his deceased son's Estate.
 44. The deceased's Will lodged in the Probate Registry of the Lagos State High Court refers to a Trust having been created. But the Will does not provide any specific details regarding the terms or conditions of the Trust, leaving the family uncertain about its proper administration.
 45. The absence of clear instructions about the Trust raises questions about whether the best interests of the minor children will be safeguarded.
 46. I am informed by Pastor Shyngle Wigwe that the deceased's family requests that a caveat be placed on the grant of letters of administration/probate of the deceased's Estate to prevent any further action being taken without their involvement.
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47. This affidavit is made in good faith and in the best interest of the deceased's minor children and the family as a whole.


DEPONENT

SWORN to at the High Court Registry, Lagos, Nigeria

This 7th day of OCTOBER, 2024.

BEFORE ME

Okubate A. A. A.
ASST. CHIEF ADMIN.
& HR OFFICER

COMMISSIONER FOR OATHS



004 313 89 38
Probate Registry, Lagos