



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher
Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

Unit 21 – Probate Practice

Case study materials

January 2024

Information for candidates

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

Instructions and information to candidates during the examination

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are allowed to take your own unmarked copy of the following designated statute book into the examination – ***Blackstone's Statutes on Property Law 31st edition, Meryl Thomas, Oxford University Press, 2023.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer. You work in the Private Client Department of Kempstons, The Manor House, Bedford, MK42 7AB (DX: BD345987).

Your supervising Chartered Legal Executive and head of department is Marcus Wu. You arrive at work to find the following awaiting your attention.

DOCUMENT 1: Email from Marcus Wu re: Benjamin (Ben) Ash deceased

DOCUMENT 2: Will of Ben Ash

DOCUMENT 3: Email from Marcus Wu re: Ikbir Jasvir deceased

DOCUMENT 4: Email from Marcus Wu re: Nigel Oakley

EMAIL FROM MARCUS WU

From: Marcus Wu (marcus.wu@kempstons.co.uk)

To: Trainee lawyer

Date: [*Yesterday's date*]

Subject: Benjamin (Ben) Ash deceased

I met Chris Ash today. He informed me of the death of his father, Benjamin Ash, on 18th December 2023, following a stroke. Benjamin was always known as Ben to distinguish him from his father, who was also called Benjamin. He has asked me to deal with the administration of Ben's estate and he handed me the original of a homemade Will that Ben had made in 2002 (**Document 2**), together with a list of Ben's assets and liabilities, which are set out below.

Ben was 82 years old and married to Edith Ash, who has survived him, and is 79 years old. Ben had two children, Chris, aged 54 and David, aged 51. Chris is married to Fran and he has two children, Gary, aged 19 and Hazel, aged 16. David has never married or entered a civil partnership and has no children.

Ben was previously a client of the firm: it appears we last acted for him about 30 years ago when he bought a few more acres of land to add to his farm.

We hold the deeds to Primrose Farm, Tempsford, Bedfordshire. The farm has been in the Ash family for over four generations. Chris told me that Primrose Farm consists of a four-bedroomed farmhouse, a number of outbuildings and barns, a farm worker's cottage and about 120 acres of arable land. Ben inherited the farm from his father, Benjamin and that, together with the extra land he bought, is in Ben's sole name.

Ben, Edith and David lived together in the farmhouse and Ben allowed Chris to move into the cottage, rent free, after his wedding to Fran 23 years ago. Chris told me his father held very old-fashioned views and had always refused to discuss planning for the future.

Ben ran the farm with the help of Chris and David. He grew mostly wheat, as had his father (Benjamin) before him, and had never been open to ideas to diversify. The bank accounts for the farm were in Ben's sole name. Chris' wife Fran worked for a firm of accountants and had persuaded Ben to let her deal with the paperwork for the farm after she had shown him details of the subsidies he was missing out on.

Neither Chris nor David had been paid a regular wage but Ben would usually give them some money when the subsidy cheques came in, and also after the sale of wheat. Edith was given cash on market day to buy food. Ben always paid the utility bills for both the farmhouse and the cottage Chris lives in, although he had grumbled about the increased bills over the last few years. Chris and Fran used Fran's wages for their day-to-day expenses. Chris said he had always accepted this as Ben had told him that the farm would be his one day.

Chris explained to me that his mother, Edith, had never had paid employment. However, since her marriage to Ben 56 years ago she has continued to work hard, running the home and looking after Ben and David, as well as Chris, until Chris married Fran. Edith also cared for Gary and Hazel when Fran was out at work. She never complained even though she never seemed to get a break. Although in good health she now tires easily. She has no savings in her own name and her only income is the basic state pension.

Turn over

CASE STUDY MATERIALS

Edith still has to look after David who has learning difficulties. He had never got on at school and Edith had schooled him at home from the age of eight. David enjoys living on the farm and helping out with the manual labour. He rarely leaves the farm and gets agitated whenever he needs to do so.

Chris is looking forward to being able to run the farm himself now, with the help of David and Gary, who is completing a general farming apprenticeship through the local agricultural college. However, he is concerned that although the farm has always been passed to the eldest son in the past it does not seem fair for Ben to have left nothing to Edith and David in his Will.

<u>Assets of Ben Ash</u>	£
Primrose Farm (informal valuation)	1, 750,000
Agriculture Bank current account	2,650
Agriculture Bank savings account	85,000
Farm machinery, estimated value	136,000
Personal effects, estimated value	8,000
Cash in house	8,350
	<u>£1,990,000</u>

<u>Liabilities of Ben Ash</u>	£
Funeral Expenses	7,800
Arable Farmers Store	6, 350
Utility bills to date of death	<u>850</u>
	<u>£ 15,000</u>

I shall want you to help me to deal with the administration of the estate and any further advice that Chris requires.

WILL OF BEN ASH

This is the last Will and testament of me Ben Ash of Primrose Farm, Tempsford, Bedfordshire.

1. I revoke all other Wills
2. I appoint my son Chris Ash as my executor
3. I give my entire estate to my said son Chris Ash

Signed on 23 March 2002

By Ben Ash

In our joint presence
and then by us in his

Tom Owen

18 Mead Road

Tempsford

Iris Owen

18 Mead Road

Tempsford

Turn over

EMAIL FROM MARCUS WU

From: Marcus Wu (marcus.wu@kempstons.co.uk)

To: Trainee lawyer

Date: [*Yesterday's date*]

Subject: Ikbir Jasvir deceased

I have an appointment in my diary to see Keerat Jasvir, aged 18, early next week, who is seeking advice about the estate of his late father Ikbir. Ikbir had a heart attack and died suddenly on Monday, aged 53.

He left a wife, Leshva, whom he married 20 years ago in Milton Keynes. She is 42 years old.

Keerat's mother, Leshva, is shocked but has agreed to come in with him. They are new clients to Kempstons and I would like you to assist me with this appointment.

I have very few details at the moment but apparently Ikbir lived with the family in a flat at 25a High Street, Kempston, above the shop where he worked. Keerat has been asked to bring to the appointment all the paperwork relating to Ikbir and his estate that he thinks might be helpful.

EMAIL FROM MARCUS WU

From: Marcus Wu (marcus.wu@kempstons.co.uk)

To: Trainee lawyer

Date: [*Yesterday's date*]

Subject: Nigel Oakley

I visited Nigel Oakley, aged 78, at the Riverside Care Home in Kempston and took some initial instructions to prepare a Will for him.

Nigel moved into the Riverside Care Home in July 2023, following a stroke that left him unable to care for himself. I first acted for Nigel when dealing with the sale of his former home, which completed in December, and he asked me then to visit him in the new year to discuss making a new Will.

Following the stroke, Nigel's speech is a little slurred and I find that I need to give him time to process what I say to him and to formulate his response to me. However, he has always managed to give me clear instructions. He uses a mobility scooter; he has a small one to get round the care home and a more substantial one for outdoor use, because his limbs are partially paralysed.

Nigel is a retired company director and has a good private pension from the company as well as his state pension and attendance allowance. The net proceeds of the sale of his former home amounted to £450,000. He has an independent financial adviser who has invested this for him along with various other stocks and shares that he already owned. Even though the fees for the care home are high, at the moment his pensions and income from his investments cover these fees.

Nigel had to sell most of the contents of his home when he moved into the care home, but he did take his beloved coin collection with him. His nephew, Rory, visits him every week and helps him to take part in online coin auctions.

Nigel never married and has no issue. He was in a partnership with someone when he was younger but that ended over 25 years ago when, as he put it, he was traded in for a 'toyboy'.

Nigel's only relatives are his brother Paul, aged 74, and Paul's children and grandchildren.

His nephew Rory is 49 and he had two children: Samuel who was 23 when he died in a car crash at Christmas and Thea who is 21 and at university. Samuel's girlfriend, Viv, is due to give birth to their child in June later this year.

Nigel's niece Sophia is 46 years old. She and her husband were unable to have children of their own. They have been fostering Wilf, who is 17 years old, on a long-term basis and they adopted Zara, who is 13 years old, nine years ago. Zara has limited contact with her birth mother on birthdays and at Christmas.

Nigel would like to give his coin collection to Thea, who visits him regularly when she is home from university. Then, he would like to divide the rest of his estate into two parts, with one half going to The Stroke Association charity and the other half divided equally between Rory and Sophia's children once they are 21 years old. He felt this would give them a start on the property ladder.

CASE STUDY MATERIALS

By the time we had got this far, Nigel was tired and I arranged that you would go back and see him regarding the new Will on Tuesday next week. I would like you to take this matter on under my supervision.

End of the case study materials

© 2024 The Chartered Institute of Legal Executives

Page 8 of 8