



**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**

**Question paper**

**June 2023**

**Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)**

**Instructions and information**

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- You can use your own unmarked copy of the following designated statute book – **Blackstone’s Statutes on Property Law 2022-2023, 30th edition, Meryl Thomas, Oxford University Press, 2022**
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

***Turn over***

## Answer ALL questions

### Question 1

Reference: Question relates to **Document 1** of the case study materials.

- (a) Explain the formalities for executing a Will and the most appropriate way for Marcus Wu and you to witness Afonso executing the Codicil to his Will while he is still self-isolating. The Codicil has been prepared in accordance with his wishes.

**(18 marks)**

Afonso is anxious that neither of his children should be made aware of the changes he is making to his Will.

- (b) Advise him of Kempstons' duty of confidentiality in respect of his Will and Codicil, both before and after Afonso's death.

**(8 marks)**

**(Total: 26 marks)**

### Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

- (a) Explain who will be entitled to Giv's estate.

**(12 marks)**

- (b) Explain what type of grant should be applied for to enable Giv's estate to be administered and who should apply for it.

**(12 marks)**

**(Total: 24 marks)**

### Question 3

Reference: Question relates to **Documents 4 and 5** of the case study materials.

Draft paragraphs for inclusion in a letter to Peter and Roger, explaining:

- (a) how much inheritance tax, if any, is payable as a result of Nora's death. Also explain how any tax payable on the death estate and the Sarah Yale Will Trust will be apportioned (to the nearest £) between them, as the personal representatives of Nora's estate, and the trustees of the Trust; and

**(18 marks)**

- (b) how the burden, if any, of any inheritance tax payable on the death estate will fall on Peter, Roger and Tanya.

**(7 marks)**

**(Total: 25 marks)**

### Question 4

Reference: Question relates to **Documents 6 and 7** of the case study materials.

- (a) Explain whether an Inheritance Tax Account will need to be delivered before obtaining a grant.

**(10 marks)**

- (b) Explain what, if any, affidavit evidence might be required to support Vera and Wilf's application for a Grant of Probate to Una's estate

**(5 marks)**

- (c) Explain to Vera and Wilf how the payment of Una's debts, funeral and testamentary expenses will affect the gifts she made in clauses 3 to 6 of her Will.

**(10 marks)**

**(Total: 25 marks)**

**End of the examination**