



**CILEX Level 3 Certificate in Law and Practice/  
CILEX Level 3 Professional Diploma in Law and Practice**

**Unit 14 – Probate Practice**

**Case study materials**

**November 2023**

**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 **not** allowed access to any statute books in the examination.
- 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 in the firm of Kempstons, Manor House, Bedford, MK42 7AB. You are part of the private client team and your supervising partner is Kerrie Haymes.

**Document 1** Attendance Note re Mr & Mrs Browning

**Document 2** Attendance Note re Mr Browning

**Document 3** Attendance Note re the Estate of Remmy Price

**Document 4** Attendance Note re Hardeep Woolf

**ATTENDANCE NOTE RE MR & MRS BROWNING**

Kerrie Haymes attending Mrs Abigail Browning.

**Re New Wills for Abigail and Colin Browning.**

I have acted for Abigail and Colin Browning before, in connection with the estate of Abigail's late sister, Yvonne Smith, and so know them reasonably well.

Abigail told me that Colin's health has deteriorated considerably over the past 18 months. She told me that he suffers with mobility issues due to arthritis. She also mentioned that, at times, he appears confused. Colin's GP has suggested that he is showing signs of dementia but as yet they do not have a diagnosis. Abigail explained that she has asked a neighbour to sit with Colin while she attends our appointment as she is worried that he is not safe on his own.

Abigail explained that she believes Colin made a Will in 1995 following the death of his first wife. This was some years before Abigail and Colin married in 2009. Colin has told Abigail that the Will left his estate to his two sons, Dexter and Ewan, who are both in their early thirties. Dexter is married with one daughter, Georgia, aged 5. Ewan is not married and does not have any children. Colin was an only child and has no other living relatives.

Abigail explained that she has never made a will. She has also been married before, her first husband having died in 1998. She has no children. Abigail said she is very close to her remaining sister, Verity. Verity has two children, William and Zoey, who are both in their twenties.

Abigail and Colin both have significant assets in their sole names. Abigail has investments totalling around £750,000. Colin also has investments totalling around £900,000. The property where they live together, Turnmore Cottage, Main Road, Kempston, is held in Colin's sole name and is worth in the region of £500,000.

Abigail told me that she and Colin had discussed the proposed new Wills and have agreed to make the following provisions:

- Appoint Kempstons to be the executors
- Leave £100,000 to each of Dexter, Ewan and Verity on the death of the first of Abigail and Colin
- Everything else to be left to the survivor
- When the survivor dies, 40% of the estate is to go to each of Dexter and Ewan, and the remaining 20% of the estate is to go to Verity. If any of them shall have died before the survivor, leaving children, those children are to inherit in their parent's place at the age of 18.

I explained to Abigail that I would need to see Colin to take his instructions directly. She seemed a little offended by this but agreed to fix an appointment for me to see Colin at home.

***Turn over***

**ATTENDANCE NOTE RE MR BROWNING**

Kerrie Haymes attending Colin Browning at his home.

As arranged, following my meeting with Abigail Browning, today I visited Colin Browning at his home.

I explained to Abigail that I would need to see Colin alone. She told me that he was having a reasonably good day but might tire easily.

Unfortunately, it was quickly clear that Colin's health was poor, and he appeared very frail. I introduced myself and explained that I had come to speak to him about his Will.

I explained that his current Will was very out of date. He appeared surprised by this. I asked Colin what he thought he had in his estate. He told me that he had some money in his wallet and maybe a few hundred pounds in the bank, but that was all. I asked who owned the house and he explained that he had lived there for a while but was unsure who owned it since his wife died. When I told him that it was my understanding that he owned the house, he found this most amusing and told me I must be wrong. When I mentioned that I understood he also had substantial savings and investments, he told me that I must have the wrong person.

I asked Colin about his family and what he would want to happen to any money when he died. He told me he used to have a wife but that she had died. He also told me that he had two sons. I asked about his granddaughter, Georgia, and he told me that he did not have any grandchildren.

Colin then asked me to remind him why I was there. I explained that I was there to talk about his Will. He appeared surprised and asked me what I needed from him. I asked him whether he knew who owned the house and he explained that he was not sure.

**ATTENDANCE NOTE – RE THE ESTATE OF REMMY PRICE**

Kerrie Haymes attending Mira Webber and her brother Nathaniel Price to discuss the estate of their sister: the late Remmy Price of 324 High Street, Newmarket.

Nathaniel explained that his sister, Remmy, had died in April 2023, aged 47. Nathaniel had a file of papers relating to Remmy's estate, which they had found with her belongings. He is also in possession of Remmy's death certificate. Remmy worked for British Aid for 15 years and often worked abroad helping people affected by natural disasters. Nathaniel does not believe Remmy made a Will during her lifetime.

Mira explained that Remmy was engaged to Steve Fleming, with whom she had worked with for a number of years. Remmy and Steve were very close and had been engaged for approximately five years but had made no plans to get married. Remmy did not have any children. Remmy's parents both died some years ago.

Remmy and Steve had purchased 324 High Street together three years ago. Mira explained that the house is a small two-bedroom cottage, which she believes to be worth approximately £180,000. Remmy had one bank account, which contains approximately £40,000.

Remmy also owned a property in Italy and liked to take a break there at times. Mira estimates that this property might be worth 150,000 euro (approximately £120,000). Remmy also had a bank account in Italy, and it is not thought that this contained more than 2,000 euros (approximately £1,600).

Remmy had no debts, although her funeral is expected to cost approximately £5,500. She is also owed a month's pay from British Aid.

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**ATTENDANCE NOTE RE HARDEEP WOOLF**

Kerrie Haymes attending Hardeep Woolf in connection with his Will.

Hardeep came into the office to discuss updating his Will. He is recently divorced and feels that now would be a good time to review his assets and bring his affairs up to date.

Hardeep's divorce was finalised a few months ago. He has three children, Imogen aged 21, Jasper aged 16 and Leonie aged 14. Hardeep also has two brothers, Sumit and Omar, who are both married, and both have children.

Hardeep has recently purchased a new property, Green End Barn, for £550,000. He also has some investments worth in the region of £130,000 and a sports car worth approximately £80,000. After his divorce, he gave £20,000 to each of Imogen, Jasper and Leonie. The money has been invested for Jasper and Leonie, in their own names. Each will receive their money with any interest when they reach the age of 18.

Hardeep explained that he has a daughter, Sian, from a previous relationship. Sian is 28. Hardeep tells me that Sian has a well-paid job and does not need help from him, whereas his other children are younger and might need his support. However, he is worried that Sian will not be happy with this and may claim that Imogen, Jasper and Leonie have influenced his decision.

Hardeep would like to make a Will including the following:

- His brothers, Sumit and Omar to be the executors
- His sports car, registration number AB73 OAB, to pass to Jasper at the age of 21. If he does not own that specific sports car at the date of his death then Jasper is to receive £50,000 instead
- The sum of £50,000 to each of Imogen and Leonie
- The residue of the estate is to be divided between Imogen, Jasper and Leonie at the age of 21. If any of them have died before Hardeep, leaving a child who attains the age of 21 those children are to inherit, in equal shares, in their parent's place.

I promised to prepare a draft Will and send it to Hardeep for his approval.

**End of the case study materials**

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