



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

January 2025

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.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – ***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

Answer ALL questions.

Question 1

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

- (a) Explain what further information you will want from Isla and Jaime before you prepare draft Wills for them.

(10 marks)

Marcus Wu wishes to ensure that everything is done to answer any questions that may arise in the future about the validity of Jaime's new Will.

- (b) Explain to Marcus the issues that may be raised concerning:

- the capacity of Jaime to make a Will;
- the intention of Jaime to make the Will you draft for him; and
- the steps you will take to satisfy any questions that may arise in the future.

(15 marks)

(Total: 25 marks)

Question 2

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

- (a) Explain to Charles and Daniel what the beneficial entitlement to Arthur's residuary estate will be according to the terms of his Will.

(9 marks)

- (b) Explain to Charles and Daniel what duties in contract and in tort Black and Blue Solicitors would have owed when drafting and arranging for the execution of Arthur's Will.

(7 marks)

- (c) Advise Charles and Daniel of the options available to each of them in connection with taking out a grant of representation to Arthur's estate.

(5 marks)

Assume it is now 25 September 2025. A Grant of Probate to Arthur's estate was issued to Charles and Daniel on 11 April 2025 and you are ready to distribute the residuary estate. Daniel is very reluctant to agree to any distribution other than to Arthur's legitimate issue.

- (d) Explain to both Charles and Daniel:

- why, as executors and trustees, they cannot do this; and
- any steps Grace might take if they do not include her in the distribution.

(9 marks)

(Total: 30 marks)

Question 3

Reference: Question relates to **Documents 4, 5 and 6** of the case study materials.

(a) Advise Otka and Palmer:

- how Niki's estate will be divided in principle; and
- who is entitled to apply for a grant of representation to Niki's estate.

Note to candidates: no calculations are required for the above.

(8 marks)

(b) Explain to Otka why and how she will be able to have 8 Fen Walk appropriated to her as part of her share of Niki's estate.

(6 marks)

For the purpose of the question below **only**, assume that 8 Fen Walk will be appropriated to Otka as part of her share of Niki's estate.

(c) Explain to Otka and Palmer, with reference to any exemptions and reliefs, why no Inheritance Tax will need to be paid as a result of Niki's death.

(11 marks)

(Total: 25 marks)

Question 4

Reference: Question relates to **Documents 7 and 8** of the case study materials.

(a) Explain to Xander who will be entitled to take out a grant of representation if he decides not to act as an executor.

(6 marks)

(b) Advise Xander whether it would be possible to deal with Vince's estate without taking out a grant.

(5 marks)

(c) Explain to Xander how he can avoid being responsible for Vince's debts if he does decide to act as executor.

(9 marks)

(Total: 20 marks)

End of the examination

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