



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

June 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 allowed to take your own unmarked copy of the following designated statute book into the examination – **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.

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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer, and 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 dated [Yesterday's date] June 2023 re: Afonso Dallot

DOCUMENT 2: Email from Marcus Wu dated [Yesterday's date] June 2023 re: Giv Fareedi deceased

DOCUMENT 3: Will of Giv Fareedi

DOCUMENT 4: Email from Marcus Wu dated [Yesterday's date] June 2023 re: Nora Owens deceased

DOCUMENT 5: Will of Nora Owens

DOCUMENT 6: Email from Marcus Wu dated [Yesterday's date] June 2023 re: Una Xia deceased

DOCUMENT 7: Will of Una Xia

EMAIL

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

To: Trainee lawyer

Date: [Yesterday's date] June 2023

Subject: Afonso Dallot

We acted for Afonso Dallot on the purchase of his bungalow at 25 Golden Meadows, Bedford in 2021, following the death of his wife Beatriz from Covid-19 in 2020.

He also made a Will in 2021, leaving everything equally between his daughter, Catia Faria, and his son, Enzo Dallot.

I spoke to Afonso on the telephone this afternoon, when he told me that he had tested positive for Covid-19 that morning and was having to self-isolate at home. He wanted to make two changes to his Will by appointing two of the partners in Kempstons as the executors of his Will in place of his children and giving a legacy of £50,000 to Catia. Otherwise, his Will is to remain unchanged.

Catia has been very good to him since Beatriz died, taking him shopping and doing his laundry. Unfortunately, Catia and Enzo are no longer speaking to each other and Enzo appears to be very suspicious of everything Catia does. Afonso has not mentioned the changes he is considering making to his Will to either Catia or Enzo.

Afonso is very anxious that these changes should be made as a matter of urgency while he is still self-isolating, as he is worried that his health might deteriorate suddenly because of the Covid-19 infection as happened to Beatriz. The infection does not affect Afonso's testamentary capacity.

I shall want you to help me advise Afonso in relation to this.

Turn over

EMAIL

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

To: Trainee lawyer

Date: [Yesterday's date] June 2023

Subject: Giv Fareedi deceased

I met Idella Iqbal today. She informed me of the death of her brother, Giv Fareedi, on 5 June 2023 in a car accident.

Giv was 57 years old and single. He had married Handan in 2010 but they were divorced after only five years of marriage.

Idella had been going through Giv's papers and handed me a copy of the only Will he appeared to have made (**Document 3**).

Neither Giv nor Handan had any children. Giv and Idella's parents died within a few months of each other in 2018. Idella has two children of her own, Leila, aged 25 and Mansour, aged 23. Giv and Idella also had an older brother, Jafar, but he died in 1998. They had no other brothers or sisters.

Jafar never married but after his death the family found out that while he was at university in 1995, he had a daughter, Kimia. Idella told me her parents were very upset to find out that he had a child and no one in the family had kept in touch with Kimia or her mother.

As part of their divorce settlement, Handan kept the house at 16 Swan Close, Bedford, which is now in her sole name, and Giv bought a new house at 3 Acacia Gardens. Idella believes that the mortgage on that house will be paid off by a life policy. Giv also had some savings in the Bedford Bank but other than that his only assets appear to be his car and household contents.

I shall want you to help me to obtain a grant and to deal with the administration of the estate.

WILL OF GIV FAREEDI

This is the last Will and testament of me Giv Fareedi of 16 Swan Close, Bedford.

1. I revoke all other Wills
2. I appoint my Wife Handan Fareedi as my executrix
3. I give my entire estate to my said Wife Handan Fareedi

Signed on *23 March 2011*

By *Giv Fareedi*

In our joint presence
and then by us in his

Tomas Orta
18 Swan Close
Bedford

Ida Orta
18 Swan Close
Bedford

Turn over

EMAIL

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

To: Trainee lawyer

Date: [Yesterday's date] June 2023

Subject: Nora Owens deceased

I had a meeting with Peter Owens and Roger Owens, the two children of Nora Owens, who died on 28 April 2023 aged 79.

They gave me her original Will and a copy is attached (**Document 5**).

Nora was divorced from their father in 2005; he died in 2016.

In September 2019, Nora's mobility became restricted and she bought 43 Oakgrove Way, Bedford jointly with Peter, following his divorce, so that he could help to look after her. They contributed equally to the purchase price of £395,000 and owned it as beneficial joint tenants.

At the same time, Nora gave £150,000 to Roger out of the sale proceeds of her former home in Everton Road. Nora made no other lifetime gifts.

Nora's mother, Sarah Yale, died in 1997 and in her Will left Nora a life interest in her estate, with her five grandchildren as the remaindermen of the Will trust. The Sara Yale Will Trust is currently worth £650,000 and the trustees are partners in a Bristol firm of solicitors.

Nora's estate consists of:

Assets:

43 Oakgrove Way (One half share)	£240,000
Cash in bank	£200,000
Jewellery	<u>£15,000</u>
	<u>£455,000</u>

Liabilities:

Funeral account	£6,500
Other debts	<u>£3,500</u>
	<u>£10,000</u>

I shall want you to help me obtain a grant and to deal with the administration of the estate.

WILL OF NORA OWENS

This is the Last Will of me Nora Owens of 18 Everton Road Bedford

1. I revoke all other Wills
2. I appoint my sons Peter Owens of 20 Silverdale Close Bedford and Roger Owens of 35 Filton Road Bristol to be my executors
3. I give my jewellery to my Granddaughter Tanya Owens of 35 Filton Road Bristol
4. Subject to the payment of my debts funeral and testamentary expenses I give the residue of my estate to my sons Peter Owens and Roger Owens in equal shares absolutely but if either should die before me leaving issue they shall take their father's share in equal shares per stirpes

Signed this 21st day of January 2006)

by the Testatrix in our joint presence)

and then by us in hers)

Nora Owens

Edward Green

5 Moss Road Bedford

Brian Green

5 Moss Road Bedford

Turn over

EMAIL

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

To: Trainee lawyer

Date: [Yesterday's date] June 2023

Subject: Una Xia deceased

I met with Vera Brown and Wilf Xia today. They told me that their mother, Una Xia, died on 29 May 2023 aged 59.

They gave me two official copies of her death certificate and her original Will (**Document 7**). I noted that the Will appeared to have been typed up on a personal computer and had not been stored very safely as it was crumpled and there appeared to be a torn-off corner. Vera said she had found it at the back of a drawer in Una's bedroom.

Una and their father, Yan, divorced in 2017 and he now lives in Hong Kong. Una was born in Bedford and had never lived anywhere else. As part of the divorce settlement, Yan set up a trust fund of £200,000. His then solicitors, Miltons, are the trustees of this trust. Una had a life interest in the trust, with the capital being paid to Vera and Wilf on her death. Yan also paid Una a lump sum of £20,000, which she used to open her Bedford Bank account. Una did not own any property and rented her home at 12a Winter Gardens, Bedford.

Una had a job working in the local convenience store but she had been signed off work sick for the last nine weeks. Una had never contributed to a pension. When Vera went through her mother's papers, she found letters about unpaid rent and unopened bills that remain unpaid. Wilf has been in contact with Una's creditors and gave me the following list of Una's assets and liabilities.

<u>Assets:</u>	£
Bedford Bank account	11,000
Jewellery (estimate)	1,500
Other personal chattels (estimate)	6,000
Income from the trust (to date of death)	372
Unpaid wages (statutory sick pay) (to date of death)	<u>328</u>
	<u>£19,200</u>

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Liabilities:

Funeral account	4,500
Rent arrears	2,250
Water bill outstanding (to date of death)	158
Dual fuel bill outstanding (to date of death)	485
Bedford Bank Credit Card (including interest to date of death)	<u>4,757</u>
	<u>£12,150</u>

Vera and Wilf confirmed that apart from the usual small Christmas and birthday presents, Una had never made any lifetime gifts.

I shall want you to help me obtain a grant and to advise Vera and Wilf on how to deal with the rest of the administration of Una's estate themselves.

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CASE STUDY MATERIALS

DOCUMENT 7

WILL OF UNA XIA

This is the Last Will of me Una Xia of 12a Winter Gardens Bedford

1. I revoke all other Wills
2. I appoint my daughter Vera Brown and my son Wilf Xia to be my executors
3. I give my jewellery to my granddaughter Zoe Brown
4. I give the money in my Bedford Bank account to my son Wilf Xia
5. I give the rest of my personal chattels to my daughter Vera Brown
6. Subject to the payment of my debts funeral and testamentary expenses I give the residue of my estate to my children Vera Brown and Wilf Xia in equal shares absolutely but if either should die before me leaving issue they shall take their mother or father's share in equal shares per stirpes

Signed by Una Xia)

in our joint presence)
and then by us in hers)

Una Xia

Elsie Jones
9 River Street Bedford

Stuart Jones
9 River Street Bedford

End of the case study materials

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