



**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 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.

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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 re: Angela Adams deceased

DOCUMENT 2: Asset lists for Angela Adams and Charles Carter

DOCUMENT 3: Email from Marcus Wu re: Issa Jedou deceased

DOCUMENT 4: File copy of Will of Issa Jedou

DOCUMENT 5: Email from Marcus Wu re: Patrick Morgan Will Trust

DOCUMENT 6: Email from Marcus Wu re: Marie Morgan

DOCUMENT 7: Email from Marcus Wu re: Struan Stirling Deceased

DOCUMENT 8: Statement of Assets and Liabilities of Struan Stirling

EMAIL FROM MARCUS WU RE: ANGELA ADAMS DECEASED

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

To: Trainee lawyer

Date: [*Yesterday's date*]

Subject: Angela Adams deceased

I met Daniel Davies yesterday, regarding the estate of Angela Adams, who was the aunt of his late wife. Last year I dealt with the estate of his late wife, Isla, and earlier this year he made a new Will.

Isla's father, Brian Adams, died just over a month ago. Another firm of solicitors is dealing with his estate on behalf of his widow, who is entitled to the entire estate.

Isla was the only child of Brian. Isla and Daniel had two children: Gina and John. Isla had no other children. Daniel was very upset because Gina died five days ago giving birth to Harry. Gina was only 17 years old. John is 15 years old. Harry is thriving and is likely to be able to leave hospital soon.

Brian's funeral took place in London two weeks ago and on the way back Brian's younger sister, Angela Adams, aged 64, and her partner Charles Carter, aged 68, were involved in a fatal vehicle collision when a lorry overturned onto the car Charles was driving, killing them both immediately.

Angela was previously married to Frank Foster, but they divorced in October 2011. Angela had no issue; she never remarried and reverted to her maiden name.

Six years ago, Charles moved in with Angela. Daniel said they appeared to be very happy together when he saw them at various family events. Angela had told Daniel she had planned to retire in September when she reached her 65th birthday.

Angela and Brian had no other siblings, and their parents died some years ago. Charles' parents have both died and he had no siblings.

Charles had a son, Edward, who runs his own business. Following Angela and Charles' deaths Edward has been through their home at 'Swanmead', Great Ouse Road, Stevington, Bedford and has provided Daniel with a list of their assets (**Document 2**).

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CASE STUDY MATERIALS

Edward found a drawer in which Angela kept documents including her birth certificate, driving licence, passport and details of all of her assets. These documents also included a letter from the Teachers' Pension Agency, acknowledging receipt of a letter from Angela nominating Charles to receive all benefits from Angela's pension scheme on her death. Edward was not able to find a copy of any Will for her, nor for Charles. Angela had kept all of the correspondence with the solicitors who acted for her during her divorce from Frank: this contained no evidence to suggest that she had made a Will at all. I said I would, however, check with those solicitors to see if they had made a Will for Angela.

I shall want you to help me advise Daniel with respect to Angela's estate.

ASSET LISTS FOR ANGELA ADAMS AND CHARLES CARTER

Angela's assets (estimated date of death values)	£
Luton Bank Current Account	2,375
Stevington Primary School, wages to date of death	2,650
Teachers' Pension Agency death in service benefits	127,075
Household contents solely owned by Angela before Charles moved in	5, 650
Jewellery	<u>2,250</u>
	£140,000
Charles' assets (estimated date of death values)	£
Milton Keynes Bank Savings Account	63,000
Personal effects solely owned by Charles	<u>7,000</u>
	£70,000
Assets jointly owned by Angela and Charles (estimated date of death values)	£
Bedford Bank Current Account	4, 650
Bedford Bank Savings Account	10,350
Household contents jointly purchased	<u>5,000</u>
	£20,000
Assets jointly owned by Angela and Frank (estimated date of death value)	£
'Swanmead' Great Ouse Road, Stevington, Bedford. Value of whole property (held jointly with Frank Foster as legal joint tenants and beneficial tenants in common)	440,000

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EMAIL FROM MARCUS WU RE: ISSA JEDOU DECEASED

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

To: Trainee lawyer

Date: [*Yesterday's date*]

Subject: Issa Jedou deceased

I met Jemila Jedou yesterday. She informed me of the death of her husband Issa Jedou, aged 58, on Tuesday last week and handed me a copy of his death certificate.

I remember acting for Jemila and Issa when they made their Wills in 2020. Issa had just been diagnosed with early onset dementia, which was in its initial stages. With Issa's consent I obtained a medical report written by Issa's consultant psychiatrist, dated 10th June 2020, that concluded that Issa did have the mental capacity to make a Will at that time. I kept a photocopy of the executed Will on file (**Document 4**) as well as the medical report and comprehensive file notes documenting Issa's instructions and the execution of his Will. Issa insisted on taking his original Will home with him.

Jemila told me that Issa suffered a massive stroke which caused his death. Issa's dementia had got worse, especially over the last two years. Issa and Jemila's daughter, Lalla, who is 26 years of age now, got married in February this year and she and her husband moved into a home of their own, just around the corner, at 7 Ash Grove, Bedford, MK41 8AW. Jemila explained how this had confused Issa. Although Lalla visited them most days on her way home from work, Issa constantly told Jemila that Lalla had abandoned them and that the person visiting them was an imposter who only looked like Lalla. Jemila said it was particularly upsetting as Lalla was Issa's only child and he had enjoyed a particularly close father-daughter relationship with her.

Jemila handed me what is now left of Issa's original Will. She said she had found it torn into four parts and all screwed up in the drawer where they kept their important documents. She has managed to iron the pieces and it appears that all the pieces are there with nothing missing, but Issa had also scribbled out all references to Lalla in the Will. There do not appear to be any other marks on the Will that were made after it was executed. Jemila was not aware that Issa had done this and said that it must have been after Lalla's marriage, as she had put a note of Lalla's new name and address with both her and Issa's Wills and the Wills were fine at that time.

I have made another appointment for Jemila to come in and let me have details of Issa's assets and liabilities. I shall want you to help me deal with the administration of the estate and any further advice that Jemila requires.

DOCUMENT 4
FILE COPY OF WILL OF ISSA JEDOU

I Issa Jedou of 26 Birch Close Bedford MK41 5AW revoke all former wills and declare this to be my last will.

1. I appoint as my executors and trustees my wife Jemila Jedou and my daughter Lalla Jedou both of 26 Birch Close Bedford MK41 5AW.
2. I give to my said daughter Lalla Jedou the tidinit lute and the ardin harp which I inherited from my parents.
3. Subject to the above gifts and to payment of my debts funeral and testamentary expenses I give all my estate to my said wife Jemila Jedou absolutely.
4. If my said wife does not survive me and after payment of my debts funeral and testamentary expenses I give all of my estate to my said daughter Lalla Jedou absolutely provided that if she should predecease me leaving children such children shall take (equally if more than one) the share their mother would have taken had she survived me.
5. My estate is to be divided as if any person who dies within 28 days of my death had predeceased me.
6. My trustees shall in addition to and without prejudice to all statutory powers have the following powers and immunities.
 - 6.1 To pay or apply capital for the benefit of any one or more of my grandchildren or remoter issue provided that the capital advanced shall not exceed the vested or presumptive share in my estate of the beneficiary to whom it is made and all advances shall be taken into account on final distribution of my estate.
 - 6.2 To apply or accumulate income in accordance with section 31 of the Trustee Act 1925 provided that my trustees may apply income for the benefit of a beneficiary as they think fit.
 - 6.3 To invest as freely as if they were beneficially entitled.
 - 6.4 To apply money in the purchase or improvement of land or an interest in land in the United Kingdom or elsewhere on such terms as they may impose in their absolute discretion.

Dated this 15th day of *June 2020*

Signed by the testator)

in our joint presence)

and then by us in his) *Issa Jedou*

Marcus Wu

Kempstons Solicitors

Bedford

Chartered Legal Executive

Karen King

Kempstons Solicitors

Bedford

Trainee Legal Executive

Turn over

EMAIL FROM MARCUS WU RE: PATRICK MORGAN WILL TRUST

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

To: Trainee lawyer

Date: [*Yesterday's date*]

Subject: Patrick Morgan Will Trust

I completed the administration of Patrick Morgan's estate yesterday. Patrick, who was 57, died from cancer in January 2024. Patrick was survived by his second wife, Marie Morgan, who he married in April 2019. He divorced his first wife in 2007.

In his Will, which he made in June 2019, he appointed Kempstons and Marie Morgan as his executors and trustees. He requested that only one partner should act with Marie. A Grant of Probate was issued to Kevin Kempston and Marie Morgan on 10 April 2024. Patrick left his personal effects to his wife Marie Morgan with the remainder of his estate being placed on trust. Marie was given a life interest in the remainder. On her death the trust will come to an end and the monies are to be divided between his two children from his first marriage.

Patrick's estate was straightforward to administer as it consisted mostly of personal effects and cash savings. The estate accounts show that the capital of the trust fund amounts to £275,000. Temporarily, the funds have been placed in an instant access deposit account with the Kempston Building Society.

I shall want you to help me deal with the administration of the Patrick Morgan Will Trust.

EMAIL FROM MARCUS WU RE: MARIE MORGAN

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

To: Trainee lawyer

Date: [*Yesterday's date*]

Subject: Marie Morgan

Marie Morgan, the widow of Patrick Morgan, came to see me today. I went through the estate accounts with her and confirmed that she would be entitled to the income from Patrick's Will Trust (see **Document 5**) for the rest of her life.

Marie also earns approximately £42,000 per year as a senior ward sister in Bedford NHS Trust Hospital. She explained to me that although her job is demanding, she gets great satisfaction from it, and the ward camaraderie is helping her to deal with Patrick's death.

Marie is 54 years old and wishes to make a new Will benefitting her only child, Nicola Oldman, and to consider tax planning for the future. Nicola is the daughter from Marie's first marriage to Oliver Oldman. That marriage ended in divorce in 2011. Nicola, who lives in Dunstable, is 24 years old, single and has no children.

'Woodland Cottage', at Stagsden, Bedford, MK43 8LU was the family home of Marie, Oliver and Nicola. Oliver worked in London as a banker, and as part of the divorce financial settlement Oliver repaid the mortgage, and the cottage was transferred into the sole name of Marie. The property is worth approximately £425,000 now.

Marie also has £323,500 in the Bedford Building Society. Most of this money came from a life assurance policy taken out by Patrick and a death in service benefit from his work pension scheme, both of which passed to Marie outside of Patrick's Will.

In 2014 Marie inherited two valuable necklaces from her godmother. Her other household and personal effects are worth around £12,000.

<u>Summary of Marie Morgan's Assets:</u>	£
1. Woodland Cottage	425,000
2. Bedford Building Society Savings Account	323,500
3. Art Deco 3.90 Carat Diamond Cluster Necklace	29,500
4. Art Deco 14.00 Carat Diamond Necklace	35,000
5. Household and personal effects	<u>12,000</u>
	<u>£825,000</u>

I shall want you to help me advise Marie with respect to her new Will and any further advice she may require.

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EMAIL FROM MARCUS WU RE: STRUAN STIRLING DECEASED

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

To: Trainee lawyer

Date: [*Yesterday's date*]

Subject: Rory Ramsay

I am acting for Rory Ramsay in connection with two matters: firstly, in the administration of the estate of his uncle, Struan Stirling; and secondly, in connection with the death of his stepfather, Walter Weir.

We acted for Struan Stirling when he made his Will in 2016. Struan died on 17 May this year. He was single and had no issue. His nephew, Rory Ramsay, was appointed as his sole executor and inherits all of Struan's estate.

Rory, who lives in London, is the son of Struan's sister, Tara Weir. Tara died in 2015. She divorced Rory's father in 1996 and married Rory's stepfather, Walter Weir, in 1998. Walter died in April 2023 leaving a son, Xander Weir, and a daughter, Vera Vine, from a previous relationship. Walter was still living in the same house in Brighton that he had lived in with Tara since their marriage.

I have now got a complete statement of Struan's assets and liabilities (**Document 8**) which is attached and have calculated that the estate will be liable for £70,000 of Inheritance Tax.

I shall want you to help me with the next steps in the administration of Struan's estate.

When I met Rory yesterday, he also explained to me that his mother Tara had died intestate, and all her estate had passed to Walter under the intestacy rules. Rory had remained on good terms with Walter and continued to visit him every couple of months or so until Walter's death.

At the family gathering following Walter's funeral, which Rory attended, Walter's daughter Vera told Rory that Walter had left Rory some money and some personal effects that had belonged to his mother Tara. Since then, Rory has heard nothing from either Xander or Vera. Neither of them has responded to letters he has written to them nor to phone calls he has made to them.

I shall want you to help me advise Rory regarding anything he may be entitled to from Walter's estate.

STATEMENT OF ASSETS AND LIABILITIES OF STRUAN STIRLING

Assets	£
73 Oxford Road, Bedford, MK42 8XF valued at	386,000
Listed stocks and shares valued at	85,000
Bedford Bank Current Account	478
Bedford Bank Savings Account	22,743
Interest due to date of death	29
2010 Hyundai i20 car	4,500
Household and personal effects valued at	7,475
Private pension due to date of death	410
State pension due to date of death	560
Income Tax refund due to date of death	<u>1,055</u>
	<u>£508,250</u>
Less Liabilities	
Funeral account	7,500
Gas and electricity bill due to date of death	382
Water bill due to date of death	174
Council Tax due to date of death	<u>194</u>
	<u>£ 8,250</u>

End of the case study materials

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