



**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 2025

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, 32nd edition, Meryl Thomas, Oxford University Press, 2024.***
- 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, 14 East Street, Bedford, MK42 7CD (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**, **Document 2**, **Document 3**, **Document 5** and **Document 6**.

You receive **Document 4** ten days later.

The documents are as follows.

DOCUMENT 1: Email from Marcus Wu re: Alison Allott deceased

DOCUMENT 2: Email from Brian Allott, forwarded by Marcus Wu

DOCUMENT 3: Email from Marcus Wu re: Fadi Fadel

DOCUMENT 4: Email from Marcus Wu re: Fadi Fadel deceased

DOCUMENT 5: Email from Marcus Wu re: Karen Kelly deceased

DOCUMENT 6: Email from Marcus Wu re: Rita Reed deceased

EMAIL FROM MARCUS WU RE: ALISON ALLOTT DECEASED

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

To: Trainee lawyer

Date: *(Yesterday's date)*

Subject: Alison Allott deceased

Alison died of cancer on 15 July 2024, aged 57, after a short illness.

In her Will, made on 6 April 2024, Kempstons were appointed as her executors; she left a legacy of her shares in Vintage Fare Ltd (trading as Vintage Fare) to be divided equally between her two children, Charles, aged 30, and Donna, aged 27, and her residuary estate was given entirely to her husband Brian, aged 61.

Vintage Fare is a restaurant in the sought-after Cassiobury Park area of Watford. The business was established by Alison's father, Ernest, in 1969. Ernest was the original chef and Alison worked in the kitchens part time until she left school in 1984. She spent two years at catering college and since 1986, worked as a chef in the business. Both Charles and Donna work full time in the restaurant; Charles taking care of customers and Donna as the head chef.

Brian told me that Ernest set the restaurant up as a private limited company to protect the family assets as far as possible in case the business failed. Vintage Fare Ltd was established with, and continues to have, 100 shares. Ernest was the sole shareholder and director of the company. Ernest appointed Alison a co-director of Vintage Fare in 1998 and she inherited his 100 shares in the company when he died in 2001. The company has never paid dividends, instead directors of the company and other employees have been paid a salary.

Alison was diagnosed with cancer in March 2024. On 6 April 2024 she appointed Brian as a co-director and at the same time transferred 50 of her shares in Vintage Fare Ltd into his sole name.

In addition to the goodwill of Vintage Fare, the company also owns the restaurant premises and the kitchen and dining room fixtures and fittings. It does not have any outstanding loans or mortgages, and it continues to trade profitably.

The probate valuation of the 50 shares that Alison owned at the date of her death was £8,000 per share, making a total of £400,000. I am about to transfer 25 shares to Charles and 25 to Donna. Vintage Fare's accountants have confirmed that the value of each share today is £8,050 and that the value of each share on 6 April 2024 was £7,975.

I am also forwarding you an email that I received from Brian this morning (**Document 2**). His current Will was made shortly after Charles was born and left everything to Alison with a substitutional gift to issue per stirpes. As you can see, he is now considering updating his Will and arranging his affairs in the most tax-efficient way.

I would like you to help me deal with the finalisation of Alison's estate and with advising Brian.

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EMAIL FROM BRIAN ALLOTT, FORWARDED BY MARCUS WU

From: Brian Allott (Brian.Allott@online.com)

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

Date: *(Yesterday's date)*

Subject: Making a new Will

I know that I need to update my Will following Alison's death and feel that now would be the right time to think about this and any tax planning that might be prudent.

Following Alison's death, all of my assets are in my sole name:	£
My home at 21 Lake Drive, Cassiobury, Watford	725,000
50 shares in Vintage Fare Ltd (I think this is their current value)	402,500
Watford Bank Savings Account	175,000
NS&I Guaranteed Growth Bonds	250,000
Household effects (estimate)	<u>8,000</u>
<u>Total</u>	<u>£1,560,500</u>

Both Charles and Donna have children of their own and I am enjoying being able to spend time with my grandchildren in my retirement.

I have a good civil service pension and this covers all of my outgoings without me needing to top it up from my savings.

Alison wanted me to have half of her shares in Vintage Fare to help with the smooth running of it while she was ill and in case Charles and Donna were unable to agree on its future. In fact, they are getting on well and have even discussed expanding the restaurant. I always saw the restaurant as Alison's and am not interested in continuing to be involved in it. I am considering transferring my shares in it to Charles and Donna, and I would welcome any advice you have about this.

EMAIL FROM MARCUS WU RE: FADI FADEL

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

To: Trainee lawyer

Date: *(Yesterday's date)*

Subject: Fadi Fadel

I received a telephone call from Hakim, the eldest son of Fadi, when he told me that his father was seriously ill and wanted to make a Will. Fadi is due to have surgery for late diagnosed cancer in a week's time but the prognosis is not very good.

Fadi is 73 and runs a clothing market stall. He appears to have stalls on market days in different Bedfordshire markets so that he can work six days a week. Fadi seems to be very private and Hakim is not sure what assets Fadi has. Hakim described his father as being a bit of a 'wheeler and dealer'.

I got the impression that when Fadi's brother died intestate a few years ago, there had been a lot of disagreements amongst the extended family and Fadi wants to avoid this. Hakim told me that Fadi has said he wants to leave various personal effects to different members of the family; his clothing stock to be divided equally between his three children, namely Hakim, his sister Isra and his brother Jumah, with the residue of his estate going to his wife, Ghada.

Apparently Fadi uses his computer to keep in touch with extended family members who live abroad and although he is fully competent mentally, he is in a lot of pain and would find travelling to the office difficult. Hakim therefore thought that it would save time and be easiest if as much as possible could be done remotely.

I shall want you to take this matter on as a matter of urgency for me under my supervision.

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EMAIL FROM MARCUS WU RE: FADI FADEL DECEASED

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

To: Trainee lawyer

Date: (10 days later)

Subject: Fadi Fadel deceased

Hakim Fadel has telephoned to inform us that unfortunately his father did not survive his operation. He thanked us for ensuring that Fadi had died leaving a valid Will setting out his wishes.

As the named executors in the Will, Hakim and his mother, Ghada, would like us to deal with his father's estate.

Hakim confirmed that his mother has sufficient funds to live on at the moment as he found a bag containing £25,000 cash in the lock up in which Fadi kept his market trading clothing stock.

Hakim provided me with the following list of Fadi's assets:

162 Great Street, Bedford (believed to be in Fadi's sole name)	£330,000
Bedford Bank Current Account	6,355
Cash (including the cash found in the lock up)	27,645
Clothing stock (approximate value)	7,500
Household and personal effects	<u>8,500</u>
Total	<u>£380,000</u>

I shall want you to take this matter on under my supervision.

EMAIL FROM MARCUS WU RE: KAREN KELLY DECEASED

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

To: Trainee lawyer

Date: *(Yesterday's date)*

Subject: Karen Kelly deceased

Karen Kelly died on 14 June 2024, aged 56, intestate. A Grant of Letters of Administration was issued on 30 November 2024 to her sister Lisa Lowe and her sister-in-law Mandy Kelly.

Mandy is the widow of Karen's brother Neil, who died in 2020. She and Neil had two children: Olivia aged 16 and Paul aged 14. Neil had no other children.

Both Lisa and Mandy live here in Bedford but Karen worked for a leading merchant bank in London. Karen was career focused and had always lived alone.

The gross value of Karen's estate was £1,552,500 and the net value was £1,220,000. Mandy and Lisa have paid £358,000 Inheritance Tax.

Karen owned a two-bedroomed flat at 49A Barrett Road in Hackney. It was valued for probate purposes at £575,000 and although Karen had a mortgage of £324,000, this has been paid off by an endowment life policy. I have completed the sale of the flat today for £650,000 and transferred the net proceeds of sale to the estate savings account with the Bedford Building Society.

Section 27 Trustee Act 1925 notices have expired with no further liabilities coming to light and all known liabilities have been discharged.

The total balance in the estate savings account is now £753,000. The other money came from the closing balances of Karen's bank and building society accounts, her work death in service benefit and the sale value of her other assets after the Inheritance Tax was paid.

I shall want you to assist me in completing the administration of Karen's estate.

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EMAIL FROM MARCUS WU RE: RITA REED DECEASED

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

To: Trainee lawyer

Date: *(Yesterday's date)*

Subject: Rita Reed deceased

Yesterday, I met with Thomas Reed, aged 25, and Violet Reed, aged 24, when they informed me that their mother, Rita Reed, aged 51, had died suddenly in a road accident on Thursday last week. Rita had no other children.

Rita divorced their father, Walt Reed, in 2007. She used her share of the equity in the former matrimonial home as a deposit on 32 Rosedale Way, Kempston, which she then purchased in her sole name with the aid of a mortgage from the Bedford Building Society. Thomas said that there was still a small amount outstanding on the mortgage but that Rita had a life insurance policy that would pay this off. Violet thought that a similar three-bedroomed end-of-terrace house in Rosedale Way had sold for £282,000 earlier in the year.

Following the divorce, Rita had formed a new relationship with Sean Stone, aged 57. Sean was also divorced but, as far as they knew, he did not own any property and he moved into 32 Rosedale Way in November 2009, sharing Rita's bedroom.

Rita and Sean had been open with Thomas and Violet about how they arranged their financial affairs, with Rita paying the mortgage from her wages as an assistant in a dress shop and Sean meeting the other household expenses from his work as a car mechanic. Violet commented that Rita and Sean never had much money but that they had always managed to take the family camping for holidays each year, which everyone enjoyed.

Neither Thomas nor Violet still lived with their mother at the date of her death. Thomas got married last year and has just bought a new house in Luton. He and his wife are expecting a baby at the end of the year and he is hoping that anything he inherits from Rita will allow his wife to delay returning to work after the birth for a year or so. Violet is living with her partner in a rented flat in Bedford. She is hoping to use any money she inherits to help her to buy a property of her own.

Thomas and Violet have asked for advice about their position regarding Sean. They explained that Rita had discussed making a Will but had never got round to it as she did not want to upset any of them and could not decide how she could keep everyone happy. Being younger than Sean, she had always expected that she would outlive him anyway. Thomas stressed that Sean had always been good to him, taking him to Kempston Rovers FC matches. They still enjoyed going to the matches together and discussing the ups and downs of the club in the Southern League.

I shall want you to take this matter on for me under my supervision.

End of the case study materials