



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

Unit 14 - Probate Practice

Case study materials

January 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.

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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm of Kempstons, Manor House, Bedford, MK42 7AB, DX number 23654 Bedford.

Your supervising solicitor is Janet Eaton, who has handed you a number of files and the following documents.

- | | |
|-------------------|--------------------------------|
| Document 1 | Will of Robert Allen |
| Document 2 | Attendance Note – Robert Allen |
| Document 3 | Attendance Note – Serena Shah |
| Document 4 | Letter from Fred Lambert |
| Document 5 | Will of Peter Lambert |

WILL OF ROBERT ALLEN

1. This is the last Will of me Robert Allen of Blackbird Cottage, 38 High Street, Bedford
2. I revoke all former Wills and testamentary dispositions by me
3. I appoint my sister Kimberley Lennox of 12 Sheep Hill, Lincoln and my brothers Thomas Allen of 97 Drivers Way, St Neots, Cambridgeshire and Lewis Allen of 123 School Road, Kempston, Bedford to be the executors and trustees of this my Will
4. I GIVE
 - a. to my sister Kimberley Lennox the tea set which I inherited from our mother
 - b. to my brother Thomas Allen any ornament or ornaments from my garden as he may choose
 - c. to my brother Lewis Allen my collection of model cars
5. I GIVE the remainder of my estate after all my debts and expenses are paid to be divided between my nieces Florence and Debbie and my nephew Zac as survive me and if more than one in equal shares

In witness thereof I have unto set my hand this 1st day of July 2018

Signed by the said Robert Allen)
in our joint presence))
and then by us in his presence)

Robert Allen

Robin Fairweather

Penny Fairweather

ATTENDANCE NOTE**The estate of the late Robert Allen of Blackbird Cottage, 38 High Street, Bedford.**

Attending Kimberley Lennox of 12 Sheep Hill, Lincoln and Thomas Allen of 97 Drivers Way, St Neots, Cambridgeshire, regarding the estate of their brother, the late Robert Allen.

They handed me a death certificate, together with Robert Allen's original Will, which is validly executed, and various papers relating to the estate.

Robert was born on 29 April 1962 and died on 9 November 2022. He lived in Blackbird Cottage for 20 years. He had worked as a factory supervisor and was a keen collector of model cars.

- Robert had never married and had no children.
- He is predeceased by his parents.
- His brother, Lewis (who is also named as an executor in the Will) died last year, leaving two children, Florence aged 38, who is married with two children (Will aged 6 and Josh aged 2), and Debbie aged 35, who is unmarried and has no children.
- His sister Kimberley is not married. She has one son, Zac, aged 41.
- His brother, Thomas is married without children.

There are no other family members.

The Will is witnessed by Robert's next-door neighbours, Robin and Penny Fairweather.

Robert's assets are as follows.

Asset	Estimated value
Blackbird Cottage	£320,000
Independent Building Society	£38,000
Barkers Bank	£3,800
National East Bank	£4,300
Personal effects (including model car collection)	£10,000

Robert was also due to receive a legacy of £10,000 from Lewis's Will, which has not yet been paid.

He was also in receipt of income from a Trust set up by his late father. On Robert's death, the capital held on trust is paid to Florence, Debbie and Zac.

During his lifetime Robert made gifts to his nieces and nephew. In December 2013, he gave £20,000 to Zac to help with home renovations. In May 2021, he gave £20,000 to each of Florence and Debbie to help them onto the property ladder.

Robert had the following outstanding debts – funeral invoice of approximately £5,500 and an electricity bill of around £280.

ATTENDANCE NOTE – SERENA SHAH

Attending Serena Shah at the office. She has an existing Will made by this firm in 2001. She told me that this Will is now out of date, since her husband died last year and he had been the sole executor and beneficiary of her Will.

She is 87 years old and in poor physical health. She told me that she is also becoming forgetful and the GP is concerned she may be showing early signs of dementia. She is waiting for a referral for an appointment at the memory clinic. She is also unable to drive and relies on her neighbour, Terry, for lifts.

Family

Serena had two sons: Amit Shah aged 56, who has two children – Rosie aged 28 and Jasmine aged 26, they are both unmarried; her older son, Leon, died three years ago, leaving a wife, Radha, and two children, Gabriel aged 23 and Inara aged 22, who are both unmarried.

Serena also has a brother, Leonard Lewis. He is married and has no children. There are no other surviving relatives.

Finances

Serena remains living in the family home at 5 East Street, Bedford. She has savings of approximately £60,000 and has no debts. She recently gave her car to her granddaughter, Inara.

Instructions

Serena referred to her notepad in order to recall her instructions for her new Will.

She would like to appoint Kempstons to act as Executors.

She would like to leave £5,000 to each of Rosie and Jasmine. If either of them die before her, leaving children, those children are to inherit in their mother's place. She wants to leave a further £10,000 to her neighbour, Terry Alder; £5,000 to the RSPCA; and her antique dining table to her daughter-in-law, Radha.

She explained that she does not wish to leave £5,000 to each of Gabriel and Inara, as they will inherit a share of the residue.

The remaining estate is to be divided with 50 per cent to Amit and 25 per cent to each of Gabriel and Inara, with a provision that if any of them should die before her that share should pass to their own child or children.

I have advised Serena that I will prepare a draft Will in accordance with her instructions and contact her when it is ready to be signed.

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LETTER FROM FRED LAMBERT

Mrs J Eaton
Kempstons
Manor House
Bedford
MK42 7AB

Dear Mrs Eaton

Will of Peter Lambert

I write to ask for your assistance in administering the estate of my brother, the late Peter Lambert. I understand from our telephone call that you will need to see me in person, and I will contact your office to arrange an appointment. In the meantime, I thought it might be helpful to set out the position for you.

I have enclosed a copy of the Will, together with a copy of the death certificate.

My wife and I are witnesses of the Will. I recall my brother making the Will in rather a hurry before having surgery a couple of years ago. He had come to my house and signed the Will in front of my wife and I. He was in a rush to get to an appointment and so after he had signed the Will he left, asking my wife and I to sign the Will and return it to him. We signed the Will later that day and I took it back to Peter for him to keep at home.

It might help you if I set out Peter's family situation.

Peter has a wife, Edwina. They have one son, Joseph. Joseph has a son, Andre, aged 12 and daughter, Beatrice, aged 11.

Peter has no other siblings except me. I have a wife, Lynda, and no children.

Our mother and father died many years ago.

Peter had a very good job as a project manager for Planet Pay and spent most of his time working in London. He had a very comfortable lifestyle and had substantial savings, in the region of £800,000. He also owned a property, Honeybee House, which I believe to be worth in the region of £700,000.

I thought it would be helpful to put down the assets that I am aware of and I will bring all documents with me when I visit.

Asset	Value
Honeybee House	£700,000
Savings with London Bank	Approx £800,000
Floyds Bank	£38,000
Motor car	£45,000
Debts	
Funeral	£5,800
Finance for car	£12,200

CASE STUDY MATERIALS

I hope that this information has been helpful to you and look forward to meeting with you soon.

Yours sincerely

Fred Lambert

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WILL OF PETER LAMBERT

I Peter Lambert of Honeybee House, East Street, Chawston, Bedfordshire declare that this is my last Will and testament and I revoke all former Wills

I appoint my son Joseph Lambert and my brother Fred Lambert to be the executors of my Will

I give all of my estate to my wife Edwina Lambert but if she shall die before me then I give all of my estate to my son Joseph Lambert

Dated 23 September 2021

Signed by Peter Lambert
in the presence of us and
then by us in his presence

Peter Lambert

Lynda Lambert

Fred Lambert

End of the case study materials