

CASE STUDY MATERIALS

January 2021
Level 3
PROBATE PRACTICE
Subject Code L3-14



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 14 – PROBATE PRACTICE*

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

Instructions to Candidates Before the Examination

- A clean/unannotated copy of the case study materials is attached to this examination.

You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.

- In the examination, candidates must comply with the CILEx Examination Regulations – Online Examinations or with the CILEx Examination Regulations – Online Examinations with Remote Invigilation.

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* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS and LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

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

Your supervising solicitor is William Hooper, who has handed you a number of files and the following documents:

Document 1 Attendance note of meeting with Monica Thompson re: the estate of Jessica Moss

Document 2 Will of Jessica Moss

Document 3 Attendance note of meeting with Aisha Malik

Document 4 Attendance note of meeting with Timothy Green re: the estate of Betty Green

Document 5 Will of Betty Green

DOCUMENT 1

ATTENDANCE NOTE RELATING TO THE ESTATE OF JESSICA MOSS

Date: 5 January 2021

William Hooper attending Monica Thompson in the office, to discuss the estate of her civil partner, Jessica Moss

Jessica Moss was born on 17 July 1965 and died on 29 November 2020. She was a deputy headteacher. She lived with her civil partner, Monica, at their family home, 97 Morse Lane, Bedford, MK43 6BC.

Monica said that Jessica had made her Will in 2014. She explained that Jessica had written her own Will, following advice from a former colleague, whose daughter was a paralegal. Monica brought along both the Will and Jessica's death certificate. The Will is attached [**Document 2**].

Family

Monica and Jessica entered into a Civil Partnership in 2010. Jessica had three children from a previous marriage. Her eldest son, Eric, died three years ago, aged 30. Eric had a daughter, Holly, who is now 6 years old.

Jessica's surviving children are Vaughan and Yasmine. Vaughan is 28 and single. He has no children. Yasmine is 25 and also single, and has a 3-year-old daughter, Willow.

Monica also has two children from a previous relationship: Nat, aged 20; and Olivia, aged 22. They both live in the family home and are both at university. Monica says that Jessica treated them as her own children.

Jessica's parents are both dead. Jessica had two older sisters, Lilly and Alexis. They are both married and live locally.

Estate

The house at 97 Morse Lane, Bedford, is held in Monica's sole name.

When her parents died, Jessica inherited a small bungalow in west Wales, which she co-owns with her two sisters as tenants in common in equal shares. It was recently valued at £240,000.

Jessica made no lifetime gifts prior to her death.

Her other assets and debts are listed below:

Asset	£
Bedford Building Society account	20,000.00
Nateast Bank current account	1,100.00
Sports car	12,500.00
Personal effects including jewellery	10,000.00

Monica said that she is not aware that Jessica had any debts, other than a credit card bill of £725 and the funeral invoice of £6,500, which has yet to be paid.

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DOCUMENT 2

WILL OF JESSICA MOSS

I Jessica Moss of 97 Morse Lane, Bedford declare this to be my last Will and revoke all former Wills.

I appoint my Civil Partner Monica Thompson to be the sole executor of this my Will.

I leave £30,000 to be divided equally between my three children, Eric Moss, Vaughan Moss and Yasmine Moss.

I give the residue of my estate to my said Civil Partner absolutely.

Dated: 17 July 2014

Signed by the Testatrix
in our joint presence and
attested by us in her
presence:

Signed

Witnessed *Eleri Harris*

Nathan Harris

DOCUMENT 3

ATTENDANCE NOTE RELATING TO AISHA MALIK'S WILL

Date: 7 January 2021

William Hooper attending Aisha Malik in connection with her proposed Will.

Aisha called to see me today, to talk about making a new Will. She has a Will that she made in 2010, leaving everything to her husband Fahad. Fahad died in 2017, so Aisha now wants to make a new Will. We acted for her in respect of Fahad's estate.

Aisha is a retired nurse. She is 63 and lives at 134, Moorland Crescent, Kempston, MK43 4EY. She has no children.

Aisha has two brothers, Ismail and Javed. They are both married and Javed lives locally. Ismail has a son, Usama (23). Javed has two daughters, Hania (27) and Rina (19).

Aisha is close to Javed and is very fond of her nieces. Javed's wife died some years ago, and Aisha has been like a mother to Hania and Rina.

She also has a god-daughter, Saima, who was Fahad's niece. Saima has helped to look after her over the past 12 months.

Aisha has not been well recently. She suffered a series of minor strokes in the last 12 months. She has spent some time in hospital and, since being discharged, she is recovering well, although she has had some mobility problems. In addition, she has difficulty remembering things and finds that she tends to be easily confused. She is concerned that the stroke may have affected her ability to understand and remember things. Aisha has seen her GP, who has referred her to the memory clinic. She is currently awaiting an appointment.

Aisha owns her house, which is registered in her sole name, free of mortgage. A local estate agent recently valued it at £275,000. She has savings of around £25,000. She has no loans or debts.

Aisha recently gave Saima a gift of £20,000 to help with her university fees. For this reason, Aisha has decided not to leave anything to Saima in her Will.

Aisha says that she would like to make a Will in the following terms:

- Kempstons to be her executors;
- £5,000 each to Usama, Hania and Rina;
- £5,000 to the Stroke Association of 240 City Road, London EC1V 2PR (Charity Number 211015);
- the rest of her estate equally to her brothers, Ismail and Javed, and if either of them die before her, then their share should go to their respective children.

Turn over

DOCUMENT 4

ATTENDANCE NOTE RELATING TO THE ESTATE OF BETTY GREEN

Date: 8 January 2021

Mr Hooper attending Timothy Green of 88 The Lodges, Kempston, to discuss the estate of his sister Betty. He would like us to deal with the administration of her estate.

Timothy explained that Betty had died recently, aged 61. He has a copy of her death certificate and her original Will [**Document 5**]. He said that he had all the papers relating to her financial affairs at home. She had been suffering from Parkinson's disease for the last few years and he had acted as her attorney under a Lasting Power of Attorney.

Betty had never married, and she had no children of her own. She had lived with their mother, Carol, at 13 Edgeware Street, Kempston, until Carol died seven years ago. Carol left the house to Betty in her Will.

Betty was born on 3 April 1959. She died on 6 November 2020. She was a retired civil servant. She had no family except for her brother Timothy and his children (her nephews, William and Terry). Her best friend Ursula O'Donnell died last year. Timothy is divorced. Both William and Terry are married with children.

Timothy said that apart from the property at 13 Edgeware Street (which was recently valued at £205,000 by a local estate agent), Betty did not own any property. He was not aware of her having made any gifts during her lifetime.

He provided a list of her assets as follows:

Asset	£
Parklands Bank current account	245.00
Parklands Bank savings account	15,000.00
Friends Building Society ISA	15,000.00
Jewellery and personal effects	9,500.00

Betty's only debt is the funeral invoice of £5,000.

Timothy said that Betty had made her Will some years before she was diagnosed with Parkinson's. He is confident that she had full mental capacity at the time she made the Will.

I advised Timothy that I would review the paperwork and would be in touch with him shortly.

DOCUMENT 5

WILL OF BETTY GREEN

1. This is the last Will of me Betty Green of 13 Edgware Street, Kempston
2. I revoke all former Wills
3. I appoint my brother Timothy Green of 88 The Lodges, Kempston, and my friend Ursula O'Donnell of 6 Market Row, Kempston, to be the executors and trustees of my Will
4. I give £5,000 to my said friend Ursula O'Donnell
5. I give the rest of my estate to be divided equally between my brother Timothy Green, my nephew William Green and my nephew Terry Green.

Dated 1 July 2014

Signed by the Testatrix
in our joint presence and
attested by us in her
presence:

Signed *Betty Green*

Witnessed *Helen Boyes*

Frank Reynolds

End of Case Study Materials