

CASE STUDY MATERIALS

June 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 of Kempstons, Manor House, Bedford, MK42 7AB; DX number 23654 Bedford.

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

- Document 1** Attendance note relating to Sinead Fitzpatrick's Will
- Document 2** Attendance note relating to the estate of Alice Williams
- Document 3** Will of Alice Williams
- Document 4** Attendance note relating to the estate of Tina Kaur
- Document 5** Will of Tina Kaur

DOCUMENT 1

ATTENDANCE NOTE RELATING TO SINEAD FITZPATRICK'S WILL

Attending Sinead Fitzpatrick in connection with her proposed Will.

Sinead and her sister Roisin called to see me today, to talk about updating Sinead's Will. Sinead has a Will that she made in 2012, leaving everything to her husband Padraig. Padraig died last year, so Sinead now wants to make a new Will. We acted for her in respect of Padraig's estate.

Sinead is 72 and lives at 43 Greenfield Road, Kempston, MK43 4EY. She has no children.

Sinead has two sisters, Roisin and Niamh. They are both married and live in Kempston. Roisin has two sons, Archie and Bernard. Niamh has one daughter, Ciara. Sinead is very close to her sisters and their families.

Sinead is in poor health at the moment. She suffers from diabetes, and this has affected her eyesight. It has been gradually deteriorating, to the extent that she has recently been registered blind. In addition, Sinead suffered a minor stroke a few months ago. Although she has recovered physically, she increasingly has difficulty remembering things and sometimes becomes confused. She is concerned that the stroke may have affected her ability to understand and remember things. Roisin says that Sinead has been referred to the memory clinic and is awaiting an appointment.

Sinead 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 £30,000. She has no loans or debts.

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

- Kempstons to be her executors;
- £2,000 each to Archie, Bernard and Ciara;
- £5,000 to the Royal National Institute of Blind People (RNIB) of 105 Judd Street, London WC1H 9NE (Charity Number 226227);
- the rest of her estate equally to her sisters Roisin and Niamh and if either of them die before her, then their share should go to their respective children.

I assured her that I would consider her instructions and get in touch with her when I had prepared her Will.

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DOCUMENT 2

ATTENDANCE NOTE RELATING TO THE ESTATE OF ALICE WILLIAMS

Attending Freddy Williams of 102 Thanet Place, Kempston, to discuss the estate of his late sister, Alice. He would like us to deal with the administration of her estate.

Freddy explained that Alice died recently, aged 60. He had brought with him a copy of her death certificate and her original Will [**Document 3**]. He said that he had some other papers at home relating to her financial affairs.

Alice was born on 30 December 1960. She died on 6 April 2021. Alice had lived in Kempston all her life. She had never married, and she had no children of her own. She was a retired data analyst and was living with her partner Gina Dawes when she died. Her father died many years ago and her mother Vivian died in 2019.

Alice is survived by her partner, Gina Dawes. Gina has two sons, Harry (aged 25) and Jason (aged 23). Alice's only other surviving family are her brother, Freddy, and her nieces and nephews. Freddy has one son, Kieron (aged 24). Alice's sister, Betty, died in 2015. Betty had a daughter, Louisa (aged 17).

Freddy said that Alice did not own a house. She had been living with their mother until their mother's death in 2019. After her mother's death, Alice moved in with Gina. However, she did have some savings and investments and an expensive sports car. Freddy was not aware of Alice having made any gifts during her lifetime.

He provided a list of her assets, as follows:

- | | |
|----------------------------------|----------|
| • Midwest Bank current account | £840 |
| • Midwest Bank savings account | £15,000 |
| • Shares in British Airways | £12,000 |
| • D&A stocks and shares ISA | £105,000 |
| • Jewellery and personal effects | £15,000 |
| • Porsche sports car | £35,000 |

Alice's only debts are the funeral invoice of £5,250 and a credit card bill of £570.

Freddy is confident that Alice had full mental capacity at the time she made the Will.

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

DOCUMENT 3

WILL OF ALICE WILLIAMS

1. This is the last Will of me Alice Williams of 12 Mill Road, Kempston
2. I revoke all former Wills
3. I appoint my mother Vivian Williams of 12 Mill Road, Kempston and my friend Gina Dawes of 39 Gower Close, Kempston to be the executors and trustees of my Will
4. I give my Porsche sports car to my friend Gina Dawes
5. I give the rest of my estate to be divided equally between my brother Freddy Williams and my sister Betty James provided that if either should predecease me leaving children living at my death their children shall take their parent's share and if more than one in equal shares absolutely

Dated: 10 July 2014

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

Signed *Alice Williams*

Witnessed *Gina Dawes*

Witnessed Matthew Harris

Turn over

DOCUMENT 4

ATTENDANCE NOTE RELATING TO THE ESTATE OF TINA KAUR

Attending Richard Alba of 334 Long Row, Kempston, to discuss the estate of his sister, Tina Kaur. He would like us to deal with the administration of her estate.

Richard explained that his sister Tina had recently died, aged 57. He had a file of papers, including her death certificate and original Will, together with bank statements and other financial documents.

Tina was born on 7 January 1964 and died on 9 April 2021. She had worked as a schoolteacher and had taken early retirement in 2019.

Richard said that Tina had married Sanjay Kaur in 2007. Sanjay had died in 2017. Richard explained that Tina did not have any children; however, Sanjay had two sons from a previous marriage, Danesh (aged 23) and Vishal (aged 25). Danesh and Vishal have always lived with their mother Wendy, Sanjay's ex-wife. Tina was on good terms with Sanjay's sons and saw them regularly.

Richard said that both his and Tina's parents are dead. Apart from Richard, Tina's only living relative is their brother Ian, who lives in Wales. Ian is 52 and married to Zara; they do not have any children. Richard is 47 and widowed with a daughter, Yolande, who is 17. Tina's elder brother, Barrie, died in 2015. Barrie had a son, Callum, who is 25.

Richard said that Tina had downsized to a small bungalow after Sanjay died. She owned the bungalow in her sole name and had paid off the mortgage. A similar property in her street recently sold for £250,000. He is not aware of her having made any gifts during her lifetime. He said that she did not inherit anything from Sanjay, because he left his whole estate to his sons when he died.

Richard has provided a list of Tina's assets (all held in her sole name) as follows:

	£
• Banksafe plc current account	120.00
• Banksafe plc savings account	2,000.00
• Banksafe plc ISA	11,950.00
• Personal belongings (including car and jewellery)	20,000.00

Tina has only a couple of debts: her funeral invoice, which will be around £5,000; and outstanding utility bills of £250.

Richard said that Tina made her Will in 2009.

DOCUMENT 5

WILL OF TINA KAUR

1. This is the last Will of me Tina Kaur of 27 Green Hill Kempston
2. I revoke all former Wills
3. I appoint my husband Sanjay Kaur of 27 Green Hill Kempston to be the executor and trustee of my Will
4. I give £500 to my nephew Callum Alba
5. I give £500 to my niece Yolande Alba
6. I give the residue of my estate to my husband Sanjay Kaur absolutely.

Dated: 21 July 2009

Signed by the testator in the presence of the following witnesses and by them in her presence

Signed: *Tina Kaur*

Witnessed: *Madeline Best* *Emily Smith*

End of Case Study Materials