

**CASE STUDY MATERIALS**

June 2021  
Level 3  
THE PRACTICE OF LAW FOR THE  
ELDERLY CLIENT  
Subject Code L3-15



**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**

**UNIT 15 – THE PRACTICE OF LAW FOR THE ELDERLY CLIENT\***

**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.

***Turn over***

\* 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 employed as a trainee lawyer by the firm of Kempstons, 101 High Street, Bedford, MK42 7AB.

Your supervising solicitor is Thomas Andrews. He hands you a number of files and the following related documents:

**Document 1** Attendance note of a meeting with Mary Fletcher and Sally Rowe

**Document 2** Attendance note of a meeting with Denzil Lewis

**Document 3** Attendance note of a meeting with Ahmed Khan

**DOCUMENT 1**

**ATTENDANCE NOTE**

**Attending:** Mary Fletcher and Sally Rowe

**Date:** 2 June 2021

**Time engaged:** 45 minutes

**Reference:** TA/2021/Fletcher

---

Attending Mary Fletcher in the office with her niece Sally Rowe. We have acted for Sally in the past, but we have never acted for Mary.

Mary is an elderly lady, who walks with the aid of a walking stick. She is very pleasant and well dressed.

Sally explained that Mary never married and does not have any children of her own. Mary's parents have both passed away and she is one of three children. Her elder brother, Derek (Sally's father), died last year and her younger brother, Kenneth, lives in Spain with his wife and two children. Sally explained that Mary and Kenneth are not close and that they do not see each other or speak on the phone.

Sally's late father Derek was close to Mary, and Sally has always been very close to her Auntie Mary too. Sally has a brother, James, who lives in France with his partner and his children. Sally's mother lives locally.

Sally went on to explain that Mary lives alone and, for a few years now, has been finding it hard to look after herself and her home. Mary suffers from memory loss, but no formal diagnosis has been made. Mary is due to visit the memory clinic next month.

Sally explained that she helps Mary by doing her shopping for her, taking her out and doing her banking. Sally also attends all doctor's appointments with Mary and is generally like a daughter to her.

Sally mentioned that Mary has always said that when she dies, she will repay Sally for her kindness by leaving her estate to her and that, in 2010, Mary had made a Will leaving her entire estate to Sally. I asked Mary if she had a copy of that Will with her but before Mary could reply, Sally answered by saying that that Will was revoked in 2018, when she and Mary had had a falling out over the cleaner. At the time, Mary was fond of her cleaner, but Sally did not think she was doing her job properly and suggested to Mary that she found a new cleaner. Mary does not like being told what to do and, as a result, they fell out and did not speak for two years. Mary made a new Will, to leave her estate to three local charities which she supports. Mary did not leave anything to her brother Kenneth or his family.

Following Sally's father's death last year, she and Mary have become close again. Sally explained that Mary now wishes to change her Will again, to leave everything to Sally. I asked Mary what her views were on this and she just smiled and said: 'Yes, that is what I want. Sally looks after me, so I would like to leave everything to her when I die.'

**Turn over**

## **CASE STUDY MATERIALS**

When I asked Mary about her brother Kenneth, she just looked down and did not respond. Instead, Sally said that Mary does not want to leave anything to Kenneth under any circumstances. She then turned to Mary and asked, 'Isn't that right, Mary?'. Mary just smiled and nodded.

Sally went on to say that she and Mary have also spoken about a power of attorney, and that Mary would like to appoint Sally as her attorney. Again, she turned to Mary and asked her to confirm that this is what she wants, and Mary smiled and said, 'Yes'.

Mary was not engaging in our conversation and I could see that she was getting tired and anxious. I suggested arranging another meeting to take instructions regarding the changes to Mary's Will. I gave Mary some information regarding Lasting Powers of Attorney to take away and read.

**DOCUMENT 2**

**ATTENDANCE NOTE**

**Attending:** Denzil Lewis  
**Date:** 3 June 2021  
**Time engaged:** 60 minutes  
**Reference:** TA/2021/Lewis

---

Attending Denzil Lewis in the office. I acted for Denzil five years ago, when his wife Margaret died. At the time, Denzil inherited his wife's estate, which mainly comprised her share of their main home, a few shares and bank accounts.

Denzil, who is 72, explained that his daughter Rosemary is 48, has never been married and does not have any children. Following his wife's death, Rosemary gave up her rented flat in London to move in with her father. Rosemary works for a city bank and has a particularly good income and savings of her own. She is now living with Denzil and works remotely from home.

Denzil, on the other hand, receives a state pension, a private pension of his own and a widower's pension from his wife's employer, which total £12,000 pa. He has used all his savings, as he and his wife relied on several good pensions from her. When she died, most of her pensions ceased at that point, apart from the one which he now receives at a reduced rate.

Denzil was diagnosed with Parkinson's disease shortly after his wife's death. He has been told that as his condition deteriorates, he will find it difficult to climb stairs or walk without a walking frame or other such aid. This is one of the main reasons why Rosemary moved in with her father.

Denzil was concerned about his long-term care and explained that he does not want to have to go into a care home. His daughter has promised to do everything she can to ensure that Denzil is cared for at home, should the need arise. Denzil is worried that he will not have the funds to pay for his care. He also explained that the property will need to be adapted to meet his needs. He will, for example, need a stairlift and a shower room. Denzil also mentioned that the property needs a new boiler and new windows. He does not have the means to pay for the works or any future care.

Denzil is considering transferring his home to Rosemary, so she can take out a mortgage to cover these costs.

Denzil wants to continue living in the property and will continue to pay his share of the outgoings. He will also pay the mortgage repayments of the new mortgage in Rosemary's name, in so far as he can afford to do so. He believes that transferring his property to Rosemary will solve all his problems.

I asked Denzil how much his estate is worth. He confirmed that his house is worth £450,000 and that he has £2,000 in his bank account. He insisted that he cannot get a mortgage, because of his age and income.

**Turn over**

## **CASE STUDY MATERIALS**

Denzil also wanted me to review his Enduring Power of Attorney, a copy of which he handed to me. I noted that his daughter was appointed as sole attorney.

I said I would consider his position and write to him with his options.

DOCUMENT 3

ATTENDANCE NOTE

**Attending:** Ahmed Khan  
**Date:** 4 June 2021  
**Time engaged:** 40 minutes  
**Reference:** TA/2021/Khan

---

Attending Ahmed Khan in the office to discuss his estate. My colleague had acted for Ahmed on a business matter in the past and, at the time, he had promised to come back to review his Will with his wife, Miya. Miya was going to attend this current meeting, but unfortunately, she got held up at work.

Ahmed explained that he and his wife have two children together, namely Sasha and Zain, who are 39 and 36 respectively. Sasha is married and has two children. She and her husband own their own home, which they purchased with help from Ahmed and his wife eight years ago.

At the time, Ahmed had sold his company and used some of the net proceeds of sale to make a gift of £50,000 to his daughter Sasha and her husband to buy their home. The rest of the money was used to buy a property for £300,000 in joint names with his wife. They rent out this property and receive the rental income.

In addition to the rental property, Ahmed explained that his and Miya's main home is worth £650,000 and they have approximately £20,000 of savings. He has a particularly good pension, and Miya will receive a small pension from her employer when she retires next year.

His son, Zain, has recently got married, but he does not have any children. He and his wife are currently living in rented accommodation and want to buy a house. Ahmed and Miya want to help Zain to buy his first home, as they feel it is only fair to do so, because they helped their daughter.

Unfortunately, Ahmed and Miya do not have enough savings to use towards the gift, because Miya will be retiring next year. They are considering selling the rental property and using the net proceeds of sale to make the gift of £50,000 to their son and his wife. They will invest the rest of the net proceeds of sale for their future.

Ahmed has recently had the rental property valued at £370,000. There is no mortgage on the property.

Ahmed handed me a copy of his Will and confirmed that his wife's Will mirrors his. I noted that he has appointed his wife as sole executor and trustee, but if she is unable or unwilling to act, he appoints his two children instead. He leaves the residue of his estate to his wife, but if she dies before him, then his estate will be divided equally between his two children. Ahmed confirmed that he is happy with his Will.

**Turn over**

## **CASE STUDY MATERIALS**

Ahmed also wanted to enquire about a Will for his elderly mother, who is 82 and has vascular dementia. She was diagnosed 12 years ago. He has an Enduring Power of Attorney (EPA) for her, and he explained that she is finding it hard to manage her own financial affairs and that he now needs to implement the EPA. He is one of four children and is the sole attorney. His father died eight years ago.

I advised Ahmed that I will write to him with my advice on the proposed gift and the options available to his mother in respect of her Will and the power of attorney.

**End of Case Study Materials**