



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 21 – PROBATE PRACTICE*

Time allowed: 3 hours plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- **Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Property Law, 2020-2021, 28th edition, Meryll Thomas, Oxford University Press, 2020.**
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Write paragraphs to be included in a letter of advice to Yvonne, explaining how Cindy's estate will be distributed and how much each person will receive.

(17 marks)

- (b) Write paragraphs to be included in a letter of advice to Yvonne, explaining how Alix's estate will be distributed and how much each person will receive.

(7 marks)

(Total: 24 marks)

Question 2

Reference: Question relates to **Document 3** of the case study materials.

- (a) Write paragraphs to be included in a letter of advice to Simon:

- (i) explaining how much inheritance tax, if any, is payable as a result of Harry's death, and how any tax payable on the death estate and the Charles Faas Will Trust will be apportioned between Simon and the trustees of the Trust;

(17 marks)

- (ii) informing him of the time limit(s) for delivery of the IHT account and when payment of any inheritance tax in relation to non-instalment property is due.

(4 marks)

Simon then telephones to say that he has found out that his father was left a legacy of £5,000 in the Will of his neighbour Bill, who died 18 months ago. The neighbour's son Ernie is the sole executor and the only other beneficiary of the Will. He has administered the estate, but refused to pay Harry's legacy.

- (b) Write paragraphs to be included in a letter of advice to Simon, detailing what, if anything, Harry's estate is entitled to receive from Bill's estate and what action, if any, Simon should take to receive any monies owed.

[NOTE TO CANDIDATES: Ignore any tax considerations for Question 2(b)]

(7 marks)

(Total: 28 marks)

Question 3

Reference: Question relates to **Documents 4 and 5** of the case study materials.

Write paragraphs to be included in a letter of advice to Donna, explaining:

(a) who inherits the assets of Katie;

(16 marks)

(b) who is entitled to administer the estate of Katie and what application to the probate registry they will need to make.

(5 marks)

(Total: 21 marks)

Question 4

Reference: Question relates to **Document 6** of the case study materials.

(a) In readiness for the next meeting with Elizabeth, write a memorandum of advice to Marcus, evaluating:

- which of the people mentioned can make a claim under the Inheritance (Provision for Family and Dependents) Act 1975;
- the guidelines that the court will apply to any such claim;
- the standard of financial provision that can be awarded.

(17 marks)

(b) In readiness for the next meeting with Elizabeth, write a memorandum of advice to Marcus, setting out the nature of the orders that the court can award in an Inheritance (Provision for Family and Dependents) Act 1975 claim.

(5 marks)

(c) If Nicholas decides to settle any potential Inheritance (Provision for Family and Dependents) Act 1975 claim(s), explain the best method of doing so in relation to inheritance tax and what conditions apply.

(5 marks)

(Total: 27 marks)

End of Examination Paper