



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 21 – Probate Practice

Question paper

June 2022

Time allowed: 3 hours and 15 minutes (includes 15 minutes' reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone's Statutes on Property Law 2021-2022, 29th edition, Meryl Thomas, Oxford University Press, 2021.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions

Question 1

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

- (a) Explain what would happen if the gift to the church in clause 4 of Mr Turner's Will failed because it had closed or had changed name and how you would remedy this in the draft Will.

(5 marks)

- (b) Mr Turner seeks your advice as to what would happen if his grandchild did require money from his Will to finance her studies. Advise him how she could access this money.

(8 marks)

- (c) Explain how the bequest, in clause 3 of Mr Turner's Will, would be dealt with if Mr Turner no longer owned his house when he died because it had been sold during his lifetime.

(7 marks)

Mr Turner returned his signed Will to the office the following day. Unfortunately, he died unexpectedly on the following weekend. You have now retrieved his Will from storage and have discovered that it had been returned to the office but had **not** been executed properly.

- (d) Explain whether Kempstons would be held accountable for this.

(5 marks)

(Total: 25 marks)

Question 2

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

- (a) Advise Susan whether the Will has been executed properly. **(5 marks)**
- (b) Advise who will benefit from the Will now that George has died. **(5 marks)**
- (c) Explain, stating your reasons, whether Kevin will receive the legacy due to him in the Will. **(5 marks)**
- (d) Explain whether Renshu Chang could make a claim against the estate and what orders are available for the court to make if he is successful with his claim. **(10 marks)**

(Total: 25 marks)

Turn over

Question 3

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

- (a) Explain the steps involved in proving the Will of Percy Hughes on the basis that you have all the information available and that this is a taxable estate. **(10 marks)**
- (b) Sidney seeks your advice about the handwritten amendment to the will in which the clause containing the gift to charity has been crossed out. Advise him whether the charity will receive this gift. **(5 marks)**
- (c) You are preparing a checklist of the steps you should take to deal with the house once the grant of probate is issued. Explain what you would include in that checklist. **(10 marks)**
- (d) Your client Sidney Hughes keeps to his promise and now instructs you to prepare his Will. Describe the information you need from him to do this. **(5 marks)**
- (Total: 30 marks)**

Question 4

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

You are under pressure from one of the beneficiaries to finalise the administration of the estate as soon as possible. You have advised that this cannot be done until the estate accounts are approved.

Consider the estate accounts in **Document 6** of the Case Study Materials and answer the following:

(a) Explain the purpose of the estate accounts. **(5 marks)**

(b) 45 Ravenswood Road was sold for £50,000 more than the probate value. Explain whether this would give rise to a Capital Gains Tax liability for the estate.

[Note to candidates: There is no need to calculate the tax here.]

(5 marks)

(c) In the Synopsis it refers to the fact that the nil rate residence band was claimed. Explain what this means and what you need to show to qualify for it. **(5 marks)**

(d) Explain why the executors paid Income Tax on the building society interest received after the death instead of it being covered by the personal savings allowance. **(5 marks)**

(Total: 20 marks)

End of the examination

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