



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 2018-2019, 26th edition, Meryl Thomas, Oxford University Press, 2018.**
- 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, 2 and 3** of the case study materials.

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

- (a) how Yolanda's estate will be distributed, making clear which interests will be vested and which will be contingent, and the approximate extent of each person's entitlement;
(7 marks)
- (b) who will be entitled to administer Yolanda's estate;
(5 marks)
- (c) the effect, if any, of handing over of the keys to the deed box by Yolanda and Cyril subsequently returning them;
(5 marks)
- (d) what, if any, legal claims are open to him in relation to Yolanda's estate and his chances of success.

(13 marks)
(Total: 30 marks)

Question 2

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

- (a) Write paragraphs to be included in a letter of advice to Fatima, explaining what, if any, legal claims are open to her siblings to challenge Rose Khan's Will.

(12 marks)

Fatima decides to give 20% of the estate to each of her two siblings (40% in total) in order to avoid family conflict and legal fees.

- (b) Write paragraphs to be included in a letter of advice to Fatima, explaining, in relation to inheritance tax and capital gains tax, the most tax-efficient way to structure the transfer of 40% of the estate to her siblings and to make the gifts to Callam and the University.

(8 marks)

(Total: 20 marks)

Question 3

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

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

- (a) how much inheritance tax, if any, is payable on Herbert's estate and by whom it will have to be paid;

(19 marks)

- (b) when any inheritance tax due must be paid, the implication of this date and each of the options available to Gideon in his capacity of executor to fund the payment of the inheritance tax.

(6 marks)

Probate has now been obtained and, as part of the administration, Gideon sells the café shares eight months after the date of Herbert's death for £400,000 and also the buy-to-let property for £538,000.

- (c) Write a briefing note to Marcus Wu, explaining the inheritance tax and capital gains tax implications of these sales.

(5 marks)

(Total: 30 marks)

Turn over

Question 4

Reference: Question relates to **Documents 7 and 8** of the case study materials.

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

(a) how Isla's estate will be distributed;

(15 marks)

(b) what, if any, remuneration she will be entitled to receive for acting as executor.

(5 marks)

(Total: 20 marks)

End of Examination Paper