



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 and 2** of the case study materials.

- (a) Write paragraphs to be included in a letter of advice to Yolanda, explaining how Cyril's estate will be distributed and how much each person will receive.
(15 marks)
- (b) Write paragraphs to be included in a letter of advice to Yolanda, explaining how Bibi's estate will be distributed and how much each person will receive.
(5 marks)

Yolanda telephones to say that Rose has decided she wants to move back to England and live at 41 Purland Road. 41 Purland Road has not changed in value since Cyril's death.

- (c) Write paragraphs to be included in a letter of advice to Yolanda explaining whether Rose can buy 41 Purland Road, and what advantages there might be if this were possible.
(5 marks)
(Total: 25 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, explaining how much inheritance tax, if any, is payable as a result of Herbert's death and how any tax will be apportioned between the trustees of the Charles Fox Will Trust and Simon.
(22 marks)
- (b) In relation to the application for a grant of probate to Herbert's estate, write a briefing note to Marcus Wu to explain what will need to be sent to the Probate Registry to make the application, and how Marcus will need to deal with the bank account in the name of Herbie Fox within the application.

(5 marks)
(Total: 27 marks)

Question 3

Reference: Question relates to **Documents 4, 5 and 6** of the case study materials.

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

(a) what options are available to protect herself against creditors and potential claimants;

(10 marks)

(b) what options are available to protect herself against a claim from Jessica Bell, if Fatima cannot trace her;

(7 marks)

(c) if no other assets or debts come to light, how Omar's estate will be distributed if she manages to trace Jessica Bell, and how Fatima will receive a good receipt in relation to Ali Khan.

(8 marks)

(Total: 25 marks)

Question 4

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

Write a briefing note to Marcus Wu in readiness for his next meeting with Dov Stedman, explaining the following:

(a) what steps Dov needs to take to deal with the Caveat, and what potential actions might be taken by Rebecca in response;

(6 marks)

(b) any issues with the Will and the household list for Rebecca, and how these should be dealt with in the probate application;

(5 marks)

(c) who inherits the estate, and whether there are any issues with Kathleen and William witnessing the Will.

(12 marks)

(Total: 23 marks)

End of Examination Paper

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