



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 2019-2020, 27th edition, Meryl Thomas, Oxford University Press, 2019.**
- 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.

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

(a) the options as to who could obtain the grant of probate and your recommendation of which option should be taken;

(6 marks)

(b) how Ali's estate will be distributed.

(22 marks)

(Total: 28 marks)

Question 2

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

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

(a) the options available to Barclays in relation to its mortgage and which option the bank is likely to choose;

(5 marks)

(b) how the other liabilities in Leo's estate will need to be dealt with.

(18 marks)

(Total: 23 marks)

Question 3

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

Write paragraphs to be included in a memo to Marcus Wu, explaining:

- (a) how Sienna's estate can be administered without the original Will being available;

(5 marks)

The official copies of the title show that 17 Acacia Avenue Bedford is still registered in the sole name of Andrew Croxton.

- (b) what, if anything, will need to be done to deal with 17 Acacia Avenue Bedford and, if so, by whom;

(5 marks)

- (c) how each specified asset in Sienna's estate will need to be transferred, so that Nelson obtains a sufficient discharge.

(17 marks)

(Total: 27 marks)

Question 4

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

Write paragraphs to be included in a memo to Marcus Wu, explaining:

- (a) how much, if any, inheritance tax is due as a result of Tomsk's death and who is liable to pay any inheritance tax;

(17 marks)

- (b) whether there are any difficulties with the Will and, if so, how these can be dealt with.

(5 marks)

(Total: 22 marks)

End of Examination Paper

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