



January 2022  
PROBATE PRACTICE  
Level 3  
Subject Code L3-14

**THE CHARTERED INSTITUTE OF LEGAL  
EXECUTIVES UNIT 14 – PROBATE PRACTICE  
CASE STUDY MATERIALS**

**Information for Candidates on Using the Case Study Materials**

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

**Instructions to Candidates Before the Examination**

- A clean/unannotated copy of the case study materials is attached to this examination.
- You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEX Examination Regulations – Online Examinations or with the CILEX Examination Regulations – Online Examinations with Remote Invigilation.

***Turn over***

## **CASE STUDY MATERIALS**

### **ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer employed by the firm of Kempstons, Manor House, Bedford, MK42 7AB; DX number 23654 Bedford.

Your supervising solicitor is Graham Andrews, who has handed you a number of files and the following documents:

**Document 1** Attendance Note re the estate of the late Adrian Yelland

**Document 2** Attendance Note re Petra Allen's new Will

**Document 3** Will of Petra Evans

**Document 4** Letter to Graham Andrews from Mr Vihaan Patel

**ATTENDANCE NOTE RE THE ESTATE OF THE LATE ADRIAN YELLAND**

Attending Betty Willis of 191 Queen's Road, Kempston, and her brother Christopher Yelland of 4 High Grove, Kempston, to discuss the estate of their late uncle, Adrian Yelland. He was born on 3 March 1941 and died on 5 January 2022.

David, the father of Betty Willis and Christopher Yelland, died some years ago. Adrian and David have two surviving younger sisters, Fiona and Erica. Fiona is 73 and Erica is 69. Fiona suffers from dementia and lives permanently in a care home. She has no children. Erica is in good health and has two children, Gareth and Ivy.

Christopher explained that his and Betty's grandparents (Adrian, David and Fiona's mother and father) are dead. He said that their grandmother had died shortly after Fiona was born, that their grandfather had remarried, and that Erica had been born two years later. Erica's mother died recently.

Betty and Christopher had brought with them Adrian's death certificate and other papers, including bank statements, share certificates and a building society passbook. Adrian, a retired civil servant, had lived at 60 Milton Gardens for the last 30 years.

Adrian's wife, Hannah, died five years ago. She left her entire estate in her Will to her sister Marjorie. Adrian and Hannah had no children, but were very fond of their nephews and nieces, Betty, Christopher, Gareth and Ivy.

Betty says that, as far as she knows, Adrian never made a Will. She says that she tried to persuade her uncle to make a Will after Hannah died, but she believes that he never got round to doing it.

Christopher added that Adrian had always said that he wanted to leave everything to his nephews and nieces. In particular, Adrian had promised Christopher that he could have his vintage sports car. Christopher said that ever since he was a boy, his uncle had regularly taken him out in the car.

Adrian's assets (all held in his sole name) are as follows:

- 60 Milton Gardens: £425,000
- Kempston Building Society account: £45,000
- Newtown Bank current account: £2,000
- shares in British Telecom: £15,500
- vintage sports car: £27,000
- personal effects: £25,000.

In addition to the above assets, Adrian was receiving his civil service pension of £22,000 a year. He had outstanding utility bills of £500 and the cost of his funeral is £5,500.

Adrian had not made any substantial gifts in the last few years. However, he made regular donations to a local animal charity, where he sometimes helped out as a volunteer.

*Turn over*

**ATTENDANCE NOTE RE PETRA ALLEN'S NEW WILL**

Attending Petra Allen in connection with her proposed new Will. We acted for her in a personal injury case following a car accident four years ago.

Petra wished to discuss making a new Will. She originally made a Will approximately eight years ago and believes that it is now out of date. She married her second husband, Quentin Allen, in 2016 and he sadly passed away in March 2021.

Petra is 65 and lives at 17 Windsor Drive, Kempston. She is a widow and has no children. Petra has two sisters, Rita and Serena, who are both married and live locally. Rita has one son, Thomas (30); Serena has two daughters, Ursula (33) and Vera (29).

Petra has not been well since her car accident in 2018, when she sustained a head injury. She also suffered a minor stroke six months ago. Whilst she has recovered physically, she has noticed that she is struggling to remember things. In addition, she sometimes feels disorientated and confused. Her GP has referred her to a memory clinic, and she is awaiting an appointment.

Petra owns her house and paid off the mortgage a few years ago. A local estate agent recently valued it at £350,000. When Quentin died in 2021, he left his holiday apartment in Llandudno to Petra and his cousin Walter – the cottage is registered at the Land Registry in Petra and Walter's joint names. She believes that this is worth £150,000 in total. She has savings of around £60,000 and has no loans or other debts.

Petra handed me her old Will. She said that she would like her new Will on the same terms, and she confirmed that the beneficiaries' addresses are the same. She is considering making a gift of £5,000 to the head injury charity Headway, but has not decided whether to do so in her Will or during her lifetime. She said that she would let me know.

I confirmed to Petra that I would review her instructions and would be in touch with her shortly regarding drafting the new Will. She said that she would be going to stay with her friend Barbara in Norfolk next week and she will be away for a month.

DOCUMENT 3

WILL OF PETRA EVANS

This is the last Will of me Petra Evans of 17 Windsor Drive, Kempston

1. I revoke all former Wills
2. I appoint my sisters Rita Ball of 8 Harrow Road, Kempston, and Serena Cole of 5 Willow Avenue, Kempston, to be executors and trustees of my Will
3. I give £10,000 to my friend Barbara Deane of 16 Norwich Avenue, Norfolk
4. I give the rest of my estate in equal shares to my sisters Rita Ball and Serena Cole

Dated 10 December 2014

Signed: *Petra Evans*

Witnessed: *Níall Rees*      *Helen Rees*

LETTER TO GRAHAM ANDREWS FROM MR VIHAAN PATEL

Mr Vihaan Patel  
188 Gatley Close  
Kempston  
MK4 6PP

17.12.2021

Dear Mr Andrews,

Your firm has acted for me on a number of occasions, most recently in the administration of my mother's estate. However, this time I am writing on behalf of my brother, Dev Patel, who is currently attending a family funeral in India. He has asked me to get in touch with you with instructions to prepare his Will.

His wife Brinda died three years ago, and he has never remarried. He has no children. His closest relatives are me and our sister Fazia Chabra. Our father died in 2005 and our mother died last year. We have no other siblings. Dev has three nephews: my sons, Arjun (21) and Krishna (27); and Fazia's son, Rohan (24). Dev is close to all three nephews. He is also very involved with his favourite cancer charity, Cancer Research UK, and he would like to make a substantial donation to that charity.

Dev recently reviewed his finances. He has savings and investments worth around £75,000. He also has a gold watch recently valued at £17,000. He has paid off the mortgage on his house, 44 Green Grove, Kempston, which has been valued at £350,000. He has no substantial debts. He has a life assurance policy with Assuro Plc and a funeral plan in place. He also recently donated £10,000 to a local homeless charity. He made gifts of £5,000 to each of his three nephews on their 18th birthdays.

Dev is also close to his godson, Simon Thomas, the son of his best friend and colleague, Martin, who died in 2017. Simon is currently in the second year of his law degree and Dev has been paying Simon's university fees.

Please write his Will with the following gifts:

- £10,000 to Cancer Research UK (Charity number 1089464) of 2 Redman Place, London E20 1JQ.
- He would like to leave his gold watch to his sister-in-law Eshana Madan of 67 Juniper Gardens, Kempston.
- The rest of his estate is to be left to me, Vihaan Patel, and my sister, Fazia Chabra, equally. If either of us dies before him, then our sons, Arjun, Krishna and Rohan will inherit their parent's share.
- He wants me, Vihaan Patel, and my sister, Fazia Chabra, to act as his executors.

## **CASE STUDY MATERIALS**

Dev is coming home briefly over Christmas, before travelling to America on business in the New Year, and would like to get this sorted when he's home. He will ring you at the office to confirm his instructions after the Christmas break.

Kind regards,

Vihaan

**End of Case Study Materials**

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