



January 2022  
Level 6  
PROBATE PRACTICE  
Subject Code L6-21

## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 21 – 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 and a statute book, where permitted, 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 in the practice 'Kempstons' and the senior partner is Peter Smith in the private client department. Sid Coles is a consultant solicitor and Carla Rogers is a newly qualified Chartered Legal Executive.

You arrive at work to find the following awaiting your attention:

**DOCUMENT 1** Memorandum from Peter Smith

**DOCUMENT 2** Will of Hilda Brown

**DOCUMENT 3** Will of David O'Sullivan

**DOCUMENT 4** Email from Carla Rogers

**DOCUMENT 5** Email from Sid Coles

**DOCUMENT 1**

**MEMORANDUM**

**From:** Peter Smith  
**To:** Trainee Lawyer  
**Date:** 1 December 2021

**Re: Mrs Hilda Brown**

I have been consulted by Mrs Hilda Brown, who is a long-standing client of the firm. She is a frail and elderly lady. She is widowed, has no children and has told me that she would like to change her Will. She wants to talk about this to somebody in the firm.

Please find herewith a copy of her latest Will [**Document 2**], which she made with me only six months ago. Mrs Brown has two brothers and one sister. Mrs Brown has a gross estate of £920,000, comprising a house in a desirable part of Bedford worth £500,000, some shares worth £400,000 and £20,000 in the local Building Society. She is anxious that her affairs are all in order and she cannot bear the thought of her estate being swallowed up with paying inheritance tax and legal fees in the administration of her estate.

I do not know exactly what changes Mrs Brown wants to make, but I suspect it might be to do with her having appointed me as her executor, in terms of any additional costs which flow from that. However, what concerns me is why she wants to change it so soon after doing the last one.

Please will you contact Mrs Brown to see exactly what she wants to do and keep me informed in this matter. I leave it to you whether you need to see her in person.

*Turn over*

WILL OF HILDA BROWN

This is the last Will and testament of me HILDA BROWN of 10 Acacia Avenue, Bedford

1. I wish to be buried.
2. I hereby appoint my solicitor Mr Peter Smith as the sole executor and trustee of this my Will.
3. I give free of tax all my jewellery to my niece Anna Smith.
4. I give free of tax £1000 to the Kempston branch of the RSPCA.
5. After the payment of any legacies tax funeral and testamentary expenses, I leave all my residuary estate both real and personal to my brothers Simon Jones and Peter Jones and my sister Elizabeth Jones as shall survive me and if more than one in equal shares.

Signed this 8<sup>th</sup> day of June 2021

by the testatrix in our joint presence  
and then by us in hers

*Hilda Brown*

*Donna Williams*  
(secretary)  
c/o Kempstons, Bedford

*Rex Harris*  
(accounts)  
c/o Kempstons, Bedford

DOCUMENT 3

WILL OF DAVID O’SULLIVAN

This is the last Will and testament of me DAVID O’SULLIVAN of 26 High Street, Kempston.

I appoint the partners in the firm of Kempstons, Bedford, to be the executors of my Will and they are entitled to charge professional fees for acting.

I desire to be buried and for a service to be held at my church, St John’s Church, Bedford, before the burial.

I give free of tax my stamp collection to my son Ronald O’Sullivan.

I give free of tax the sum of £1000 to Naomi O’Sullivan.

I leave all the residue of my estate after payment of my debts, funeral and testamentary expenses to my partner, Cilla White.

Signed on 5<sup>th</sup> November 2020  
by the testator  
In our presence  
And then by us in his

D O’SULLIVAN

*Jane Potter*  
6 Cherry Lane  
Chapel End  
Bedfordshire

*Alan Potter*  
6 Cherry Lane  
Chapel End  
Bedfordshire

EMAIL FROM CARLA ROGERS

**From:** Carla Rogers (carla.rogers@kempstons.co.uk)  
**Sent:** 3 December 2021, 17:14  
**To:** Trainee Lawyer  
**Subject:** New Client Mr D O 'Sullivan

I attended Dave O'Sullivan today. He told me about a problem with his family.

He has a son, Ronald O'Sullivan, aged 14, with his wife Naomi O'Sullivan, from whom he is in the process of getting divorced. The former family home is in his name, but he has agreed that his wife, Naomi, can continue to live there after he has died.

David's partner, Cilla White, lives with him in her flat. The firm holds his Will and I noticed it was one of those Wills bought from the post office, which he has completed himself.

He gave me the following details about his current assets:

- the family home, known as 'Greenacre', which is worth £300,000;
- a property in Bournemouth, which is let out and worth £200,000;
- cash of £10,000 in the bank.

**DOCUMENT 5  
EMAIL FROM SID COLES**

**From:** Sid Coles (sid.coles@kempstons.co.uk)  
**Sent:** 6 December 2021, 16:35  
**To:** Trainee Lawyer  
**Subject:** Sunil Gupta's Assets and Liabilities - Note of instructions

I saw Rohit Gupta today, which is a new probate instruction. He is a new client of the firm, who told me that he only found out about us when he walked past the office one day. He told me that he moved to Bedford last summer from India with a view to settling down in the UK. He does not possess a driving licence. However, he told me that he does have a passport, but it needed to be renewed.

When I talked about the firm's legal charges, he offered an initial down payment of £1,000 in cash to cover disbursements, which he said he had on him.

He then went on to talk about his father, Sunil Gupta, who died last month. His father, who was born in Delhi, India, had been living in the UK for the past five years. Rohit told me that his father had left a Will, which had been made in the UK, under which Rohit was appointed as the sole executor. The Will leaves his father's entire estate to him and his sister. Rohit said that he will receive one third and his sister two thirds of the residuary estate.

Please see below details of Sunil Gupta's assets and liabilities. Rohit told me that he has not seen his sister for years. His sister was born in the UK and, to the best of his knowledge, is single and has one son.

**Schedule of assets:**

- a detached, five-bedroom house in Bedford worth £550,000;
- 500 ordinary shares in ABC Company PLC;
- a vase worth £3,000;
- cash at bank £10,000.

**Schedule of liabilities:**

- mortgage £105,000;
- funeral account £4,000;
- credit card £3,000.

**End of Case Study Materials**