

25 January 2022
Level 6
PROBATE PRACTICE
Subject Code L6-21

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 2021-2022, 29th edition, Meryl Thomas, Oxford University Press, 2021.**
- 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.

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials.

You see Mrs Brown at her house, and she tells you that she would like to change her Will by replacing Peter Smith (her solicitor) as executor, because she is worried about the expense that will be involved in dealing with the administration of the estate. She wants to know if it would be possible to replace Peter Smith. If she can do this, she would like to know who she can appoint and how she can do it. She tells you that she won't be able to come into the office to sign any documents on account of her poor health.

(a) Explain what advice you would give to Mrs Brown.

(15 marks)

During your conversation with Mrs Brown, you notice that she appears distracted and that some of her answers are inconsistent and incomplete.

(b) Explain what steps you would now take in light of your observations of Mrs Brown during the meeting.

(10 marks)

(Total: 25 marks)

Question 2

Reference: Question relates to **Documents 1 and 2** of the case study materials.

(a) Advise Mrs Brown as to what steps she can take during her lifetime to mitigate her inheritance tax liability.

(10 marks)

(b) Advise Mrs Brown as to what allowances, reliefs and exemptions are available to her on her death, to reduce her inheritance tax bill.

(10 marks)

(Total: 20 marks)

Question 3

Reference: Question relates to **Documents 3 and 4** of the case study materials.

David O’Sullivan consults you for advice as to whether he has made suitable arrangements for Naomi and Ronald, both during his lifetime and in the event of his death.

- (a) Advise David on the basis of the information currently available to you. **(15 marks)**

David is worried what will happen to the residuary estate once he dies, if Cilla predeceases him.

- (b) Advise David. **(10 marks)**

(Total: 25 marks)

Question 4

Reference: Question relates to **Document 5** of the case study materials.

- (a) Explain what aspects of professional due diligence you should consider as soon as you are instructed in this matter. **(10 marks)**

Rohit is concerned about what would happen if he cannot trace his sister.

- (b) Advise Rohit on what steps he should take to protect his position as executor, should his sister be traced later to make a claim after the estate has been distributed. **(10 marks)**

Rohit is also worried about the debts of the estate.

- (c) Advise Rohit on what action he should take in relation to the liabilities listed in **Document 5** and any others of which he is currently unaware. **(10 marks)**

(Total: 30 marks)

End of Examination Paper