

## CASE STUDY MATERIALS

January 2017  
Level 3  
PROBATE PRACTICE  
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

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

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\* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

## CASE STUDY MATERIALS

### ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm Kempstons of Manor House, Bedford, MK42 7AB, DX number 23452 Bedford.

Your supervising solicitor is Mr Hooper. One morning when you arrive at work, he hands you a number of files and the following related documents:

- Document 1**            Attendance note relating to the estate of Mr Billy Mock
- Document 2**            Copy Will of Billy Mock
- Document 3**            Attendance note relating to the estate of Mr Tom Fleet
- Document 4**            Note relating to the estate of Mr Tom Fleet
- Document 5**            Attendance note relating to Geraldine French's new Will

**DOCUMENT 1**

**ATTENDANCE NOTE**

**Re the estate of the late Mr Billy Mock**

Attending Joe Fisher of 74 Turnabout Way, Chester-on-Sea, Essex, and Karen Thompson of 17 The Rise, Oxford, to discuss the estate of their late friend, Billy Mock.

Joe handed me Billy's original Will, which was validly executed (a copy of which is attached (**Document 2**)), along with his death certificate. Joe also brought with him various bank statements and the two building society passbooks.

Billy was born on 8 August 1940 and died on 2 January 2017. He had lived at Penny Cottage for the last 30 years. He had a successful career in the music industry, mainly recording and editing live music performances, ranging from classical works in cathedrals to rock concerts in city parks.

**Family**

Billy had never married and had no children. His parents died many years ago, and his one brother, Richard, died about ten years ago. Richard had two daughters, who both survive Billy:

Annie is 52 and lives in London. She is unmarried and has one child, Curtis, who is 35. Curtis is unmarried and has no children.

Natalie is 49 and lives nearby. She often visited Billy with her husband, Eddie. They have no children.

Billy had no other family.

**The Will**

Joe and Karen told me that the third executor named in the Will, Pat Freud, died last year.

Mark Lincoln, Billy's friend, also died last year. He left a wife, Daisy, and although Joe and Karen do not have her current address, they believe Natalie will have it.

The witnesses, Sandra and Ziggy, were work colleagues of Billy's. Karen can find their current contact details if we need them.

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### Finances

Billy's assets (which are all in his sole name) appear to be as follows:

<b>Asset</b>	<b>£ (estimated)</b>
Penny Cottage	£300,000.00
Bedford and Brighton Building Society	£54,000.00
National Building Society	£46,000.00
Floyds Bank current account	£2,300.00
Car	£12,000.00
Other personal effects (including the record collection)	£50,000.00

In addition to the above, Billy was also receiving an income from a trust set up by his late father. On Billy's death, the capital held in this trust goes to Annie and Natalie equally.

Billy had also been left a legacy of £1,000 in Pat Freud's Will, but this has not yet been paid.

Billy had only a few debts – his funeral invoice, which will be around £5,000, and the balance outstanding on a car finance agreement of around £4,500.

During his lifetime, Billy had made two substantial gifts from his building society accounts. In 2002, he gave Natalie £15,000 to help her start up her business as a ceramics designer, and in 2016, he gave Annie £10,000 to help her pay off loans she had built up over the years.

DOCUMENT 2

WILL OF BILLY MOCK

1. This is the last Will of me Billy Mock of Penny Cottage Bedford MK42 7HA
2. I revoke all former Wills and testamentary dispositions made by me
3. I appoint my good friends Joe Fisher of 74 Turnabout Way Chester-on-Sea Essex and Karen Thompson of 17 The Rise Oxford and Pat Freud of The Old Vicarage Clifton Manchester to be the executors and trustees of this my Will
4. I give to each of my friends Joe Fisher and Karen Thompson and Pat Freud the sum of £5,000 regardless of whether or not they act as my executors
5. I give to my good friend and fellow music lover Mark Lincoln my collection of records
6. I give the remainder of my estate after all my debts and expenses are paid to be divided between my two nieces Annie Mock and Natalie Mock as survive me and if more than one equally between them

In witness whereof I have hereunto set my hand this 27<sup>th</sup> day of January 2008

Signed by the said Billy Mock     )  
in our joint presence             )  
and then by us in his             )

*Billy Mock*

*Sandra Roads*  
*Ziggy Stop*

**Turn over**

**DOCUMENT 3**

**ATTENDANCE NOTE**

**Re the estate of the late Mr Tom Fleet**

Attending Matthew Fleet and Lydia Fleet, Tom's brother and sister, to discuss the administration of Tom's estate.

This was a brief preliminary meeting, as this afternoon Matthew needs to fly back to Brussels, where he works. He and Lydia will make a further appointment to see me when he returns next week, and we can discuss the estate in more detail once I have had a chance to look at the papers properly.

**Personal and Family details**

Tom was 56 when he died last December. He had been working in India, where he was involved in a conservation project through a charity he worked with. Tom had travelled the world through his work as a conservation consultant.

Tom never married and had no children. He had been in a long-term relationship with Gudrun, a lady he met around eight years ago in Norway, but this ended last year. Tom and Gudrun had no shared assets, and had never lived together, as both of them were in a similar type of work and were often travelling to different places.

Tom's parents died a number of years ago. He had three siblings:

Matthew, who is 55 and, when he is not working in Brussels, lives in Nottingham with his partner, Graham. He has no children.

Lydia, who is 48 and lives in Bedford. She is unmarried and has no children.

David, who died in 2005. He left a wife, Henrietta, and two children, namely Bernard (who is 22 and married to Scarlett - they have no children) and Angus (who is 24 and married to Veronica - they have one child, Charles, who is 6 months old).

**The estate**

Matthew and Lydia brought with them various papers relating to Tom's estate including a building society pass book, his birth and death certificates, and a handwritten note they believe to be his last Will - a copy of this is attached (**Document 4**).

Matthew recalls Tom telling him about this note to their brother David, which he wrote in a hurry before he left England for a job in a remote area of rainforest in Sierra Leone, which at the time was considered quite dangerous. Josh Jones is the colleague he travelled with.

Tom never bought his own house, and at the date of his death was renting a property in Cambridge, where he lived when he was not abroad.

## **CASE STUDY MATERIALS**

Tom had a bank account, which contains only a few hundred pounds. He also had a National Building Society account, which contains around £450,000.

Matthew and Lydia were surprised at how much there was in this building society account, and assume it is the balance of Tom's share from the estate of their late aunt, who died around ten years ago. They had assumed he had given this away to one of the charities he supported.

Tom had few personal possessions, and the only item of any value is his van, which is worth in the region of £2,000.

At the date of his death, he owed rent of around £680, and there is an outstanding bill from the local garage for repair to his van, which totals around £300.

Tom's funeral expenses will be substantial, as he had to be brought back to the UK from India, and only part of this expense was covered by his employer's insurance.

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DOCUMENT 4

NOTE RELATING TO THE ESTATE OF TOM FLEET

*To David*

*In the event of my death please make sure all my estate goes to The World Project for Conservation Planning which is based in Chiswick High Road London W4*

*Thanks!*

*Tom Fleet  
8/7/2002*

*Josh Jones*

**DOCUMENT 5**

**ATTENDANCE NOTE**

**Attending Geraldine French in connection with her Will**

Geraldine called to see me today to talk about making a Will. She has never made a Will before. She has been a client of our firm for a number of years and we have dealt with the purchase of her house as well as the administration of both her parents' estates.

**Family and personal details**

Geraldine is 47 and lives at Turnstile Cottage, River Lane, Bedford MK43 8EG. She shares her house with her long-term friend, Letitia Copley.

Geraldine has never married or entered a civil partnership and she has no children. She does have one sister, Alice Milner, who lives with her husband, Hugo, and their two children Owen (aged 12) and Frank (aged 8) at 19 Common Lane, Cheltenham.

Geraldine does not see much of her sister and her family, although they are on reasonably good terms. Geraldine has a number of close friends she knows through her church, and she regards these friends as being more important to her than her blood relatives.

Geraldine has not been well recently. She has been in pain with her joints and suffering from exhaustion. So far, hospital tests have not found a cause, but she is to have further tests next week.

In the meantime, she is taking strong painkillers and other tablets prescribed by her doctor. She told me that she blames these tablets for the bouts of confusion she is currently experiencing. She described how she is being forgetful on a regular basis, and in fact last week when she was in the supermarket, she could not recall where she was for a brief moment, which caused her some distress.

**Financial information**

Geraldine owns Turnstile Cottage, which is registered in her sole name. She and Letitia have both contributed to the purchase of furniture and general contents of the house over the years – there is nothing of any great financial value.

Geraldine and her sister Alice jointly own a house in Devon, which they inherited from their parents.

Geraldine has some savings of around £50,000 and no loans or other debts.

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## **CASE STUDY MATERIALS**

### **The Will**

Geraldine would like to make a Will along the following lines:

- Kempstons to be her executors.
- £1,000 to each of Owen and Frank for them to have when they are 18.
- She would like to give her house, Turnstile Cottage, to Letitia, along with her share of the contents, including any car.
- She wishes to give the rest of her estate to her good friend Doris Kane, or if she has died first then to Doris's son Tristan Kane (who is 35).

**End of Case Study Materials**

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