



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 14 – PROBATE PRACTICE*

Time allowed: 1 hour and 30 minutes 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 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 **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

Question 1

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

- (a) Identify the type of legacy contained in clause 5 of Billy's Will **and** explain whether or not it will take effect.

(5 marks)

- (b) Explain the inheritance tax consequences of the gifts made by Billy during his lifetime.

(8 marks)

- (c) The administration of the estate is proceeding well and you now have valuations of all assets and liabilities.

Identify what you need to submit to HM Revenue & Customs before you can apply for the grant of representation.

(5 marks)

- (d) Joe and Karen have been contacted by a local plumber who has told them that he carried out substantial work on the heating system at Billy's cottage, and so far he has not been paid. They are worried that there may be other debts of which they are unaware.

Explain what Joe and Karen should do to protect themselves from such unknown liabilities, and why.

(7 marks)

(Total: 25 marks)

Question 2

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

- (a) Explain why the note contained in **Document 4** is not a valid Will.

(3 marks)

- (b) Mr Hooper has asked you to help prepare a letter setting out for the family how Tom's estate will be distributed, given that there is no valid Will.

Draft the contents **only** of this letter.

(9 marks)

- (c) Identify the type of grant of representation appropriate in this estate **and** explain who is entitled to apply for it.

(6 marks)

- (d) Explain how inheritance tax will be calculated on this estate.

You do **not** need to provide a mathematical calculation unless this will help you to illustrate your answer.

(4 marks)

(Total: 22 marks)

Turn over

Question 3

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

- (a) Following his meeting with Geraldine, Mr Hooper tells you that, in this case, it will be vital to obtain a medical assessment of Geraldine's testamentary capacity, but he is worried that this might delay completion of her Will.

Explain why the firm should deal with Geraldine's instructions promptly, and to whom the firm owes a duty of care.

(4 marks)

- (b) Mr Hooper has written to Geraldine's doctor, Dr Horton, requesting a report on Geraldine's testamentary capacity, specifically covering the test in Banks v Goodfellow (1870).

To assist Dr Horton, draft a note to accompany the letter, setting out and explaining this common law test.

(6 marks)

- (c) Dr Horton has telephoned to say he is confident that Geraldine has the capacity to make a Will, and that he will confirm this in writing over the next few days.

Mr Hooper asks you to assist with the preparation of a draft Will. Draft the following clauses:

- (i) The appointment of executors.

(6 marks)

- (ii) The gift to Doris and Tristan.

(3 marks)

- (d) Explain what further details Mr Hooper will need to discuss with Geraldine concerning the jointly owned property in Devon, and why.

(4 marks)

(Total: 23 marks)

End of Examination Paper