

**CASE STUDY MATERIALS**

January 2020  
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.

***Turn over***

\* 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, Manor House, Bedford, MK42 7AB. DX number: 23654 Bedford.

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

**Document 1** Attendance note relating to the estate of Mari Adamson

**Document 2** Will of Mari Adamson

**Document 3** Attendance note relating to Sofia Alba's Will

**Document 4** Attendance note relating to the estate of Ralph Morris

**Document 5** Will of Ralph Morris

**DOCUMENT 1**

**ATTENDANCE NOTE RELATING TO THE ESTATE OF MARI ADAMSON**

Attending Nicholas Adamson of 22 Lakeside Road, Kempston, to discuss the estate of his sister Mari. He would like us to deal with the administration of her estate.

Nicholas explained that Mari died recently, aged 56. He had a copy of her death certificate and her original Will [**Document 2**]. He said that he had all the papers relating to her financial affairs at home.

Mari was born on 30 April 1963. She died on 6 November 2019. Mari had never married and she had no children of her own. She was a teacher, and had taken early retirement three years ago to care for her parents. Her mother died in 2017 and her father died six months ago.

Mari's only surviving family are her brother, Nicholas, and her nieces and nephews. Nicholas has two sons: Jake, aged 21, and Kyle, aged 9. Mari's sister, Heledd, died in 2016. Heledd had two daughters: Sioned, aged 25, and Tesni, aged 23.

Nicholas said that Mari did not own a house. She had been renting the house that she had been living in when she died. However, she did have substantial savings and some valuable pieces of jewellery. She was burgled two years ago and some of her jewellery was taken, including the antique ruby necklace referred to in her Will, and a Welsh gold ring. Mari used the insurance money she received from the stolen items to buy a sapphire necklace and an opal ring. Nicholas was not aware of Mari having made any substantial gifts during her lifetime.

He provided a list of her assets, as follows:

- Kempston Bank current account           £640
- Kempston Bank savings account       £125,000
- shares in BT                                   £2,000
- Independent Building Society ISA       £75,000
- jewellery and personal effects         £35,000

Mari's only debt is the funeral invoice of £5,250.

Nicholas is confident that Mari had full mental capacity at the time she made the Will.

I advised Nicholas that I would review the paperwork and would be in touch with him shortly.

**Turn over**

DOCUMENT 2

WILL OF MARI ADAMSON

1. This is the last Will of me Mari Adamson of 23 Keeley Drive, Kempston
2. I revoke all former Wills
3. I appoint my father Gareth Adamson and my mother Rhian Adamson both of 129 Milton Road, Kempston to be the executors and trustees of my Will
4. I give my antique ruby necklace to my friend Jay Murray of 9 Keyse Close, Kempston
5. I give the rest of my estate to be divided equally between my brother Nicholas Adamson and my sister Heledd Jones provided that if either should predecease me leaving children living at my death their children shall take their parent's share and if more than one in equal shares absolutely

Dated 10 May 2015

Signed by the Testatrix  
in our joint presence and  
attested by us in her  
presence:

Signed *Mari Adamson*

Witnessed *Freya Smith*

Witnessed *Dafydd Hughes*

DOCUMENT 3

**ATTENDANCE NOTE RELATING TO SOFIA ALBA'S WILL**

Attending Sofia Alba in connection with her proposed Will.

Sofia and her sister Luciana called to see me today, to talk about updating Sofia's Will. She has a Will that she made in 2002, leaving everything to her husband Emilio. Emilio died in 2019, so Sofia now wants to make a new Will. We acted for her in respect of Emilio's estate.

Sofia is 68 and lives at 90 Jacinda Close, Kempston, MK43 4EY. She has no children.

Sofia has two sisters, Luciana and Salome. They are both married and live locally. Luciana has two sons, Mateo and Rafael. Salome has one daughter, Camila.

Sofia is very close to both her sisters and lives in the same street as Luciana.

Sofia has not been well recently. She suffered a minor stroke after her husband's death and, although she is recovering well, she has had some mobility problems. In addition, she has difficulty remembering things and sometimes becomes confused. She is concerned that the stroke may have affected her ability to understand and remember things. Luciana says that Sofia has been referred to the memory clinic and is awaiting an appointment.

Sofia owns her house, which is registered in her sole name, free of mortgage. A local estate agent recently valued it at £350,000. She has savings of around £30,000. She has no loans or debts.

Sofia says that she would like to make a Will in the following terms:

- Kempstons to be her executors;
- £5,000 each to Mateo, Rafael and Camila;
- £20,000 to the **Stroke Association** of 240 City Road, London EC1V 2PR (Charity Number 211015);
- the rest of her estate equally to her sisters Luciana and Salome and if either of them die before her, then their share should go to their respective children.

**Turn over**

DOCUMENT 4

**ATTENDANCE NOTE RELATING TO THE ESTATE OF RALPH MORRIS**

Attending Zack Morris of 22 Plymouth Avenue, Kempston, to discuss the estate of his late father, Ralph Morris.

Zack says that Ralph made a Will some years ago, a copy of which is attached. [**Document 5**].

Zack handed me Ralph's death certificate and other papers, including bank statements, share certificates and a building society passbook. Zack says that Ralph was born on 3 March 1941. He died on 5 November 2019. He had lived at 90 Grange Close, Kempston, for the last 20 years and he was a retired accountant.

Zack says his mother Georgina (Ralph's first wife) died in 2000. Ralph married his second wife, Fiona, in December 2008. They had no children together, although Fiona has a son, Justin, from a previous marriage. Justin is aged 23.

Ralph and Fiona had been estranged since 2016, when Fiona moved out of their home at 90 Grange Close, but they never divorced. Zack believes that Fiona visited Ralph a few weeks before he died.

Zack had a sister, Teresa Johnson (who was Ralph and Georgina's daughter). Teresa died in 2015. Teresa had two daughters: Wanda, now aged 25, and Vera, now aged 17. Zack has one son, Aaron, aged 22.

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

- 90 Grange Close £475,000
- Western Building Society Account £65,000
- Westland Bank Current Account £2,250
- NatWest ISA account £24,500
- shares in NatWest £17,500
- personal effects (including his Mercedes sports car) £45,000

Ralph had no debts. The cost of the funeral is £6,500.

During his lifetime, Ralph made no gifts other than £15,000 each to Wanda and Aaron on their 18th birthdays.

**DOCUMENT 5**

**WILL OF RALPH MORRIS**

1. This is the last Will of me Ralph Morris of 90 Grange Close, Kempston.
2. I revoke all former Wills.
3. I appoint my son Zack Morris of 22 Plymouth Avenue, Kempston and my daughter Teresa Johnson of 43 Swiss Road, Kempston to be the executors and trustees of my Will.
4. I give my estate to be divided equally between my wife Fiona Morris, my son Zack Morris and my daughter Teresa Johnson in equal shares.

Dated 17 April 2010

Signed by the Testator  
in our joint presence and  
attested by us in his  
presence:

Signed *Ralph Morris*

Witnessed *Connie Griffiths*

**End of Case Study Materials**

