



June 2022
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

- 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 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.

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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 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 Alyson Brown

DOCUMENT 2 Will of Alyson Brown

DOCUMENT 3 Attendance note relating to the Will of Adam Williams

DOCUMENT 4 Attendance note relating to the estate of Peter Underwood

DOCUMENT 5 Will of Peter Underwood

ATTENDANCE NOTE RELATING TO THE ESTATE OF ALYSON BROWN

Date: 30 May 2022

Attending Kathryn Brown in the office to discuss the estate of her mother Alyson Brown.

Alyson Brown was born on 1 July 1969 and died on 2 April 2022. She was an office administrator. She lived with Kathryn at their home, 31 Lewis Close, Bedford, MK19 2AC.

Kathryn said that Alyson made her Will in 2018. Kathryn brought along both the Will and Alyson's death certificate. The Will is attached (**Document 2**).

Family

Alyson was single at the date of her death. She divorced her second husband Freddy Brown in 2012.

Alyson had two children. She and her first husband, James Newman, adopted her eldest child Gareth when he was three years old. Gareth died in a car crash last year, aged 34, leaving a wife, Hattie, and a son, Isaac, who is now six years old.

Alyson had her daughter, Kathryn, with her second husband Freddy Brown. Kathryn is 28 and has a daughter, Lulu, aged two. She is not married and is no longer with Lulu's father. Kathryn and Lulu lived with Alyson up until Alyson's death.

Alyson's parents are both dead. Alyson had an older sister, Carol. Carol is married and lives locally.

Estate

The house at 31 Lewis Close is held in Alyson's sole name. Kathryn estimates that it is worth £375,000.

Alyson made no lifetime gifts prior to her death.

Her other assets are listed below:

Asset	£
Bedford Building Society Account	10,000.00
Bedford Bank Current Account	700.00
Car	7,500.00
Personal effects including jewellery	10,000.00

Kathryn said that she is not aware that Alyson had any debts, other than an outstanding gas bill of £163.00 and the funeral invoice of £5,000, which has yet to be paid. However, she is concerned that Alyson may have other debts that have not yet come to light.

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WILL OF ALYSON BROWN

I Alyson Brown of 31 Lewis Close Bedford declare this to be my last Will and revoke all former Wills.

I appoint my son Gareth Newman to be the sole executor of this my Will.

I leave £1,000 to my sister Carol Dunne.

I leave the residue of my estate to be divided equally between my children Gareth Newman and Kathryn Brown.

Dated: 17 January 2018

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

Signed *Alyson Brown*

Witnessed *Orsa Pearson*

ATTENDANCE NOTE RELATING TO THE WILL OF ADAM WILLIAMS

Date: 27 May 2022

Attending Mr Adam Williams who came to see me in the office.

Adam is an existing client, and I drafted a Will for him in 2010. He explains that the old Will is now out of date because it left everything to his wife Barbara who died of cancer in 2019. He therefore wishes to make a new Will.

He is 79 years old and explains that he contracted Covid 19 in January 2021 following which he spent three months in hospital. He has been in poor health ever since. He cannot walk very well and is no longer able to drive. He relies on his nephews for lifts. Adam says that he has recently noticed that he is having problems remembering things and says that his GP is concerned that Adam may be showing early signs of dementia, so has referred him for tests. He is currently awaiting an appointment. During the meeting, Adam kept referring to a notebook that he had with him. He explained that he tends to write everything down these days and had made a note of what he wanted to include in his Will in case he forgot during the meeting.

Family

Adam and Barbara did not have any children. However, Adam has two nephews, Sai Anand and Rudra Anand, and is very close to both. Their mother, Fiona, was his only sister, who died some years ago. Adam had no other brothers or sisters, and his wife Barbara was an only child.

Sai Anand is 43 and lives locally with his wife Janya and his son Krishna who is 12.

Rudra Anand is 40 and also lives in Bedford with his wife Natalie. They have two daughters, Vanya who is 10 and Zara who is eight.

Adam's parents died some years ago.

Finances

Adam sold his previous house and downsized after Barbara's death. He now lives in a small bungalow at 14 Burrow Close, Bedford, which is worth about £295,000. He used part of the proceeds of the sale of his previous house to pay off all his debts and is now debt free. He has savings of £25,000.

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Instructions

Adam says that he would like Kempstons to act as Executors. He wants to leave gifts of £5,000 to each of Krishna, Vanya and Zara when they are 18. He also wants to leave £1,000 to Cancer Research UK. Everything else is to go to Sai and Rudra in equal shares with provision that if either Sai or Rudra dies before him, then their share should go to their child/children.

I advised Adam that I would draw up the Will and get in touch with him when it was ready to be signed.

ATTENDANCE NOTE RELATING TO THE ESTATE OF PETER UNDERWOOD

Date: 23 May 2022

Attending Roger Underwood of 44 Rook Drive, Bedford and Tommy Price of 113 Grove Place, Bedford to discuss the estate of Peter Underwood. Roger is Peter's brother and Tommy is Peter's nephew.

Roger handed me Peter's Will [**Document 5**] together with his death certificate.

Peter was born on 7 June 1965. He died on 17 May 2022. He had lived at 87 Harding Lane for the last 20 years. He had worked as an accountant but had recently taken early retirement due to his failing health.

Family

Peter had never married and his long-term partner, Noel, died five years ago. Peter had no children. His mother died many years ago and his father died in January 2022. Peter is survived by his sister Patricia, who is 62 and his brother Roger who is 55. His youngest sister Deirdre died in 2021. Patricia lives in America and was unable to visit Peter in the UK during the coronavirus pandemic. She suffers from multiple sclerosis. She is married and has no children. Roger has one son, Matthew aged 21. Deirdre had two sons, Tommy who is 24 and Sam who is 17. Peter has no other family.

The Will

Roger and Tommy told me that Peter wrote his Will three years ago when he first became unwell. At that time his father Alan was alive and in good health.

The witnesses of the Will, Marilyn Kane and Henry Kane, are the wife and son of Peter's neighbour and friend Barrie Kane. They both still live next door to 87 Harding Lane.

Finances

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

Asset	£
87 Harding Lane	475,000.00
London Building Society Account	35,000.00
London Bank Current Account	3,250.00
Shares in National Grid	10,000.00
Personal Effects	30,000.00

In addition, Peter was receiving his occupational pension of £15,000 a year.

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Peter has a few debts, the funeral invoice of £5,500 and an outstanding Visa card balance of £150.00.

During his lifetime, he made no gifts other than £10,000 to each of his nephews, Tommy, Matthew and Sam on their 16th birthdays.

DOCUMENT 5

WILL OF PETER UNDERWOOD

1. I Peter Underwood of 87 Harding Lane, Bedford, MK11 7YY declare that this is my last Will and revoke all former Wills.
2. I appoint my father Alan Underwood of 91, Willow Green, Bedford and my sister Deirdre Price of 63 Windsor Place, Bedford to be my executors and trustees.
3. I give to my good friend Barrie Kane of 85 Harding Lane, Bedford my shares in National Grid.
4. I give to the Multiple Sclerosis Society (charity no 1139257) the sum of £5,000.
5. I give the remainder of my estate after payment of my debts and expenses to Roger Underwood, Patricia Davies and Deirdre Price in equal shares provided that if any of them should predecease me leaving issue who survive me then such issue shall take by substitution the sum that their parent would otherwise have received and if more than one then in equal shares.

Dated this 14th Day of March 2019

Signed by the said Peter Underwood in our Joint Presence: *Peter Underwood*

and then by us in his:

Marilyn Kane

Henry Kane

End of Case Study Materials