

**CASE STUDY MATERIALS**

September 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 of Kempstons, Manor House, Bedford, MK42 7AB, DX number 23654 Bedford.

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

**Document 1**          Attendance note relating to the estate of the late Brian Harries

**Document 2**          Copy of Will of Brian Harries

**Document 3**          Attendance note relating to the new Will of Morag Stewart

**Document 4**          Attendance note relating to the estate of the late Emily Hill

**Document 5**          Copy of Will of Emily Matthews

## DOCUMENT 1

ATTENDANCE NOTE RELATING TO THE ESTATE OF  
THE LATE BRIAN HARRIES

Attending Candice Duval of 12 Jay Walk Drive, Kempston, and Alan Harries of 113 Kew Grange, Kempston, to discuss the estate of their late brother, Brian Harries.

Candice handed me Brian's Will (**Document 2**) together with his death certificate and other papers, including bank statements, share certificates and a building society passbook.

Brian was born on 3 March 1961. He died on 5 April 2020. He had lived at 7 Madison Gardens for the last 12 months. He had worked as a deputy headmaster and took early retirement two years ago due to ill health.

**Family**

Brian was a widower. His wife Fiona died in 2013. She left her entire estate of £375,000 to her son Nathan. Brian had no children of his own, but Nathan (who is Fiona's son from an earlier marriage) is his stepson. Nathan is 30. Brian's parents died five years ago.

Brian is survived by his brothers, William, who is 55, and Alan, who is 52, and his sister Candice, who is 49. Candice has one son, Monty, aged 21, and Alan has two sons, Tommy and Sean, who are 26 and 27 respectively. Brian had no other family. William lives away and Brian hadn't seen him for a number of years. William has no children.

**The Will**

Candice and Alan told me that Brian made his Will nine years ago, when his wife Fiona was still alive. Brian sold his extensive Toby Jug collection last year, after downsizing from his four-bedroom detached house to a bungalow at 7 Madison Gardens. He put the proceeds of the sale of the Toby Jugs towards a new car.

The witnesses of the Will, Deepak Kumar and Julie Lewis, were work colleagues of Brian. They both still teach at his former school.

**Finances**

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

<b>Asset</b>	<b>£</b>
7 Madison Gardens (free of mortgage)	375,000.00
Best Building Society ISA Account	30,000.00
LSB Bank Current Account	2,250.00
Shares in BT	7,500.00
Personal effects, including his car	35,000.00

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In addition, Brian was receiving his teacher's pension of £10,000 a year.

He had an outstanding debt on his credit card of £150, and the cost of the funeral is £6,000.

During his lifetime, Brian made no gifts other than £10,000 to each of his three nephews on their 18th birthday.

DOCUMENT 2

**COPY OF WILL OF BRIAN HARRIES**

1. I Brian Harries of 56 Church Street Kempston MK11 8YH declare that this is my last Will and revoke all former Wills.
2. I appoint my wife Fiona Harries to be my sole executor and trustee.
3. I give to my stepson Nathan Price of 26 Windsor Place Kempston my Toby Jug collection.
4. I give to my brother William Harries the sum of £50,000.
5. I give to the Alzheimer's Society (charity no. 202900) the sum of £5,000.
6. I give the remainder of my estate after payment of my debts and expenses to my wife Fiona Harries provided she survives me by 28 days. If she does not survive me by 28 days, then my estate shall be distributed between my sister Candice Duval and my brother Alan Harries in equal shares provided that if either of them should predecease me leaving issue who survive me then such issue shall take by substitution the share that their parent would otherwise have received and if more than one then in equal shares.

Dated this 14th day of December 2011

Signed by the said Brian Harries in our joint presence: *B Harries*  
and then by us in his:

*Deepak Kumar*

*Julie Lewis*

**Turn over**

## DOCUMENT 3

### ATTENDANCE NOTE RELATING TO THE NEW WILL OF MORAG STEWART

Attending Morag Stewart in connection with her proposed new Will. We acted for her when she sold her family business a few years ago.

Morag visited the office to discuss making a new Will. She made a Will six years ago, when she sold her business. She subsequently married her second husband Hamish, although he sadly passed away ten months ago. She says that she believes that her existing Will is not valid and, in any event, it no longer reflects her wishes.

#### Family and personal details

Morag is 59 and lives at 103 Fallow Fields, Kempston. She is widowed and her only child, Ailsa, died (aged 10) many years ago.

She has two sisters, Blair and Isla. They are both married and live in Scotland. Blair has two sons, Amir (22) and Yousef (20). Isla has one daughter, Jean (21).

Morag has not been well since Hamish died. She suffered a minor heart attack six months ago. Her physical recovery has been slow, and she has recently noticed that she is struggling to remember things. In addition, she sometimes feels disorientated and confused. She has been referred to the memory clinic and is awaiting an appointment. She is particularly concerned because her mother, who died 15 years ago, suffered from early-onset Alzheimer's disease.

#### Financial information

Morag owns her house, which is registered in her sole name, free of mortgage. A local estate agent recently valued it at £550,000. Hamish left his holiday cottage in Inverness to her and his brother Stuart jointly – the cottage is registered in their joint names. She believes that this is worth £200,000 in total. Morag has savings and investments of around £150,000 and has no loans or other debts.

#### The Will

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

- Kempstons to be her executors;
- £25,000 each to her nephews and niece;
- £25,000 to the British Heart Foundation of Greater London House, 180 Hampstead Road, London NW1 7AW (Charity number 699547);
- the rest of her estate in equal shares to Blair and Isla and if either of Blair and Isla should die before her, then their share should go to their respective children.

I confirmed to Morag that I would review her instructions and be in touch with her shortly regarding a draft new Will. She said that she will be going to stay in the holiday cottage in Inverness next week. She will be away for a month.

## DOCUMENT 4

**ATTENDANCE NOTE RELATING TO THE ESTATE OF  
THE LATE EMILY HILL**

Attending Noel Matthews of 66 Miskin Rise, Kempston, to discuss the estate of his sister, Emily Hill. He would like us to deal with the administration of the estate.

Noel explained that his sister Emily had recently died, aged 49. He had a file of papers including her death certificate and original Will, together with bank statements and a building society pass book.

Emily was born on 29 March 1971, and died on 9 April 2020. She had previously worked as a finance manager, but had become ill 18 months ago and had not worked since.

### **Family**

Noel explained that Emily married Alec Hill in June 2012. However, the marriage did not last and they were divorced in 2018. He says that Emily did not have any children and that Alec moved to Ireland shortly after the divorce. Emily had not been in contact with him since the divorce. She had not remarried or entered into any civil partnership following the divorce.

Noel has confirmed that their parents are dead. Apart from Noel, Emily's only living relative is their sister Joanne, who lives locally. Joanne is 47 and married to Ben, and they do not have any children. Noel is 42 and divorced with two children, twins Matthew and Polly, who are 10. Emily's elder sister, Frances, died in 2011. Frances had a son, Kyle, who is 21.

### **Finances**

Noel says that Emily did not own any property at her death, as she and Alec had sold their home following the divorce. Emily was living in rented accommodation when she died. She had spent much of her savings paying for medical treatment abroad when she first became ill. He is not aware of her having made any gifts during her lifetime.

Noel has provided a list of Emily's assets (all held in her sole name) as follows:

<b>Asset</b>	<b>£</b>
Nat East Bank plc current account	720.00
Nat East Bank plc savings account	15,000.00
Kempston Building Society account	21,950.00
Nat East Bank plc ISA	22,300.00

Emily has only a couple of debts – her funeral invoice, which will be around £5,500, and outstanding rent of £300.

### **The Will**

Noel says that Emily made her Will in 2010.

**Turn over**

DOCUMENT 5

**COPY OF WILL OF EMILY MATTHEWS**

1. This is the last Will of me Emily Matthews of 20 Long Road Kempston.
2. I revoke all former Wills.
3. I appoint my brother Noel Matthews of 66 Miskin Rise Kempston to be the executor and trustee of my Will.
4. I give my estate in equal shares to such of my brother Noel Matthews and my sisters Joanne Lester and Frances Gowan as survive me.

Dated: 24 April 2010

Signed by the testatrix in the presence of the following witnesses and by them in her presence

Signed: *Emily Matthews*

Witnessed: *J S Keen*

*Hilary Addington*

**End of Case Study Materials**