



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**

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm Kempstons, The 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** Copy Will of Samantha Thatcher
- Document 2** Attendance note relating to the estate of the late Samantha Evans
- Document 3** Attendance note relating to the Will of Kabir Sidhu
- Document 4** Extract from an attendance note of a meeting with Kabir Sidhu
- Document 5** Letter from Mr Harold Benning relating to his Will

DOCUMENT 1

WILL OF SAMANTHA THATCHER

1. This is the last Will of me Samantha Thatcher of 22 Mere Close Kempston
2. I revoke all former Wills
3. I appoint my brother Colin Thatcher of 23 Hope Street Kempston and my sister Louise Morris of 129 Mews Place Kempston to be executors and trustees of my Will
4. I give £5,000 to Help The Children Abroad (registered charity number 5632100) of Minster Street West Ham London
5. I give the rest of my estate in equal shares to such of my brother Colin Thatcher and my sister Louise Morris as survive me.

Dated: 24 April 2010

Signed: *Samantha Thatcher*

Witnessed: *JS Lewis*

Kate Minchin

Turn over

DOCUMENT 2

ATTENDANCE NOTE

Re the estate of the late Samantha Evans

Attending Colin Thatcher of 23 Hope Street, Kempston, to discuss the estate of his sister, Samantha Evans. He would like us to deal with the administration of the estate.

Colin explained that his sister Samantha had recently died, aged 44. He had a file of papers including her death certificate and original Will, together with bank statements and a building society pass book.

Samantha was born on 21 March 1973, and died on 12 May 2017. She worked as a part-time nurse and spent much of her time travelling abroad, often working on humanitarian projects in developing countries.

Family

Colin explained that Samantha married Martin Evans in June 2012. However, the marriage did not last and they were divorced in 2014. He says that Samantha did not have any children and that Martin moved to America shortly after the divorce. Samantha had not been in contact with him since. She did, however, stay in touch with his mother, who still lives in Kempston.

Colin says that their parents are dead and, apart from him, Samantha's only living relative is their sister Louise, who lives locally. Louise is 47 and married to Ben, and they do not have any children. Colin is 42 and divorced with two children, twins Grace and Rebecca, who are 11.

Finances

Colin says that Samantha never owned any property and was living in rented accommodation when she died. He is not aware of her having made any gifts during her lifetime. Colin has provided a list of her assets as follows:

Asset	£
Nat East Bank plc current account	720.00
Nat East Bank plc savings account	10,790.00
Independent Building Society account	25,676.00
Nat East Bank plc ISA	22,300.00

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

The Will

Colin says that Samantha made her Will in 2010 before travelling to Africa to work on a project helping orphaned children.

He says that the witnesses, John Lewis and Kate Minchin, were colleagues of Samantha, and that he has their current contact details if we need them.

DOCUMENT 3

ATTENDANCE NOTE

Re new Will for Kabir Sidhu

Attending Avani Mohan, who came to see me on behalf of her father, Kabir Sidhu. I have acted for Kabir and his late wife, Indra, in the past. Indra died two years ago, and Kabir wants to write a new Will.

Family and personal details

Kabir is aged 70. Avani explained to me that since Indra's death, Kabir's health has deteriorated. His eyesight is very poor and he is reluctant to leave the house (which is why he has not come with her today). He has become very forgetful and is sometimes confused. Avani is concerned that Kabir may be suffering from dementia, but he refuses to acknowledge anything is wrong and is reluctant to raise it with his doctor. Avani says that she sees Kabir every day and does his shopping and paperwork. He also has carers in once a day.

Avani says that Kabir does have a Will, which he made in 1985, but it is out of date and he needs a new one. The 1985 Will left everything to Indra, who of course is now dead.

Kabir and Indra married in 1975 and neither had been married before. Avani is their only child. She is 35. She is married to Jamil and they have one son, Vijay, aged 4. Kabir's only other surviving relatives are his two brothers, Raj and Sunil, both of whom live abroad.

Kabir ran a successful property business and has significant assets, which he has always held in his sole name. He has savings and investments totalling £750,000. In addition, he owns the house in which he lives and a holiday home in Weymouth, worth £500,000 and £350,000 respectively.

Avani says that Kabir wants Kempstons to act as executors. She says that he wants to leave a gift of £10,000 to each of his brothers. He wants everything else to go to his grandson, Vijay.

I explained to Avani that I would need to take instructions directly from Kabir. She said he would only repeat what she had told me. I arranged with her to see Kabir the following day.

Turn over

DOCUMENT 4

EXTRACT FROM AN ATTENDANCE NOTE

William Hooper attending Kabir Sidhu at his home re: his Will

As arranged, I visited Kabir at his home.

I was able to speak to Kabir on his own. Avani explained to Kabir who I was and then she left the room. He shook my hand and said that he remembered me, commenting that he couldn't see as well as he used to.

The Will

I explained to Kabir that I was there to talk to him about making a new Will. He seemed confused, insisting that he had recently signed a Power of Attorney, which he said had sorted out his affairs.

I confirmed that although he had a Power of Attorney, Kabir still needed a Will, and explained the difference between a Will and a Power of Attorney. Although he did not seem totally convinced by my explanation, he nevertheless agreed to discuss his Will.

Financial Affairs

I talked to Kabir first about his assets and, in particular, his savings and property. He seemed to think that he had spent all his savings years ago, and said that Avani owned the house in which he lived. He remembered going on holiday to Weymouth with Indra but thought that he had stayed in a guest house. He said that all his documents were in his desk and that I was welcome to look at them.

Family

I asked Kabir who he wanted to leave his money to. He said Avani was his only living relative and she could have it all. I asked about his brothers and his grandson, but he seemed confused as to who they were.

He then said that he was getting tired and asked me why I was there. I explained that I was there to sort out his Will and he again referred to his Power of Attorney. He then asked me to get Indra so that she could make him a cup of tea. As he seemed to be a little confused and tired, I decided not to continue the discussion any further. I said goodbye to Kabir and spoke briefly with Avani as I was leaving.

DOCUMENT 5

LETTER FROM MR HAROLD BENNING

Mr H Benning
27 Bridge Close
Bedford Hardwick
MK44 6LS
26.05.2017

Dear Mr Hooper

It is a few years since you acted for me on the purchase of my bungalow. I am writing now to request that you prepare a Will for me. It has been bothering me lately that I have not got my affairs sorted, and I would like to have my Will in place as soon as possible.

Family

I think that preparing my Will should be quite straightforward. I have never married and have no children. I have three nieces, who I am very fond of. I also do a lot of voluntary work for my favourite charity, so I would like to make a substantial donation to that.

Financial Affairs

I recently met with my accountant and we went through all my financial affairs. I have savings and investments worth around £100,000. I own my bungalow, which was recently valued at £250,000. I do not have a mortgage or any substantial debts. I have an insurance policy in place to cover my funeral expenses.

I have already given some money to my nieces to help with their university fees. I gave them £10,000 each: Lindsay in 2006, Maria in 2009 and Debbie in September last year.

In June 2016, I also gave £15,000 to my godson James Garter towards the deposit on his first house. I explained at the time that I would rather he had it when he needed it, and I would not, therefore, be leaving him anything in my Will.

Will

So please arrange to write my Will with the following gifts:

- £30,000 to Help the Animals (Charity no. 998633) of 12 Meadow Lane London N2
- My green MG sports car to my friend Christopher Spence of 98 The Rise Bedford Hardwick
- The rest of my estate is to be divided equally between my three nieces: Lindsay Benning, Maria Benning and Debbie Benning

Turn over

CASE STUDY MATERIALS

I am hoping that your firm will act as my executors. I do not want to place that burden on my nieces.

I am going away for a long holiday at the end of next month and would like to get this sorted before I go. If you have any queries about my instructions, please give me a ring; you have my phone number on file.

Kind regards,

Harold Benning

End of Case Study Materials