

## CASE STUDY MATERIALS

January 2011  
Level 3  
PROBATE PRACTICE  
Subject Code L3-14

The logo for ILEX, consisting of the word "ilex" in a blue, lowercase, sans-serif font.A diagonal watermark banner in the top right corner with the text "StudentBounty.com" in a white, sans-serif font. There is also a small crest logo above the text.

## 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 the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with the case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss the 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 relates to the 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 text books into the examination.
- In the examination, candidates must comply with the ILEX Examination Regulations.

**Turn over**

\* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**



## ADVANCE INSTRUCTIONS TO STUDENTS

You are a trainee legal executive employed by the firm Kempstons of Manor House, Bedford, MK42 7AB, DX number 23452 Bedford.

Your supervising solicitor is William Hooper. One morning when you arrive for work, he hands to you a number of files and the following documents:

- Document 1**      Attendance note relating to Tom Matlock's estate
- Document 2**      Letter from Malcolm Burgess about his will
- Document 3**      Second letter from Malcolm Burgess about his will
- Document 4**      Attendance note relating to Bernard Wilkinson's will
- Document 5**      Letter from Bernard Wilkinson

**DOCUMENT 1**

**ATTENDANCE NOTE**

**Re:** Tom Matlock deceased

**Date:** 10 January 2011

**By:** Mr W Hooper

Attending Sandra Matlock (Tom's widow) and Katherine Abbots (Tom's daughter).

**The deceased**

Tom Matlock, late of 34 Rope Walk, Bedford, MK42 6GH was born on 3 March 1952 and died on 30 December 2010. Sandra Matlock is certain he had not made a will.

Sandra and Katherine left with me various papers including the death certificate, and evidence of various assets and debts in the estate, a schedule of assets and liabilities follows.

**Family details**

Tom is survived by his wife, Sandra Samantha Matlock. She and Tom had been married for three years.

Tom and Sandra had no children between them, but Tom has four children from his previous marriage to Jayne:

Peter Matlock (aged 28). Peter worked for the British Antarctic Survey team and was surveying ice in Antarctica in 2008 when the boat the team were in capsized. Most of the team were rescued but Peter drowned. He had never married but did have one child, Henry, who is now 5 years old and lives with his mother, Tracey Potter, in London;

Katherine Abbots (aged 25) lives at 5 Grove Lane, Luton, Bedfordshire, LU8 7YY. She was adopted by Tom and Jayne when she was 6 months old;

Ryan Matlock and William Matlock, twins aged 15. They live with their mother Jayne at Farefield House, The Lane, Norwich, NR4 5HP;

Tom is also survived by his mother, Jean Matlock, who lives in a nursing home in Bedford. She is 81 and has dementia. His father died around one month ago and the estate has yet to be finalised. Tom had no other relatives.

**Schedule of assets and liabilities**

Tom's estate is substantial. He had the following assets and liabilities, all in his sole name unless otherwise stated.

**Assets**

34 Rope Walk – estimated value – held jointly with Sandra as beneficial joint tenants	£250,000.00
Portfolio of stocks and shares managed by G J Razzler and Sons	£1,356,600.00
Billings Bank account number 34572252 – held jointly with Sandra	£3,467.00
Plus interest	£3.55
Bedford Building Society account number 689430	£35,800.00
Plus interest	£45.77
Personal effects at 34 Rope Walk – estimated value	£15,000.00
Legacy due to Tom from the estate of his late father but not yet paid	£10,000.00

**Liabilities**

Funeral account	£3,560.00
Credit card bill	£456.00

Tom had not made any lifetime gifts.

**Turn over**

DOCUMENT 2

Letter from Mr Malcolm Burgess

Mr Malcolm Burgess  
Old Oak, Cart Lane, Bedford, MK42 5SO

Mr W Hooper  
Kempstons  
Manor House  
Bedford MK42 7AB

15 January 2011

Dear Mr Hooper

I last made a will in 1988 and it is now so out of date I feel I need to start again with a new one. You hold the original in your safe.

I would like you to prepare my new will for me please, and would be grateful to meet with you to discuss my wishes.

I am able to come in to your office to see you. Although I am now 92 I am able to get out and about and my carer, Lucy Hardcastle, has said she will drive me to Manor House in her car.

My hearing is not as good as it once was and, as I often do not pick up all the conversation, Lucy has offered to sit in with me at our meeting to make sure, if I do miss anything, she can tell me later.

You also need to know that I have problems with my sight and am almost blind now. In fact my nephew, Raymond, has written this letter for me to sign as I cannot see well enough to write.

My wishes will be straightforward, and other than a few legacies I will want to leave what I have to Raymond and his sister Alice.

I look forward to hearing from you to fix an appointment.

Yours sincerely

*M Burgess*

Malcolm Burgess

DOCUMENT 3

**Second letter from Mr Malcolm Burgess**

Mr Malcolm Burgess  
Old Oak, Cart Lane, Bedford, MK42 5SO

Mr W Hooper  
Kempstons  
Manor House  
Bedford MK42 7AB

17 January 2011

Dear Mr Hooper

I have just heard that I am to go into hospital for treatment for gall stones and may be there for a few weeks. This of course means that I will not be able to get to your office and in order to move things along Lucy, who is kindly writing this letter for me, has suggested that I send to you my will instructions so that you can get this drafted for approval. Perhaps you can visit me in hospital with the draft will.

So, my instructions are as follows:

1. Executors to be your firm again please
2. I would like to leave £5,000 to my friend Patrick Bloomer of Cross Farm, Cart Lane, Bedford, MK42 5SS or if he dies before me to his wife, Anita
3. I have a silver plated carriage clock that my carer Lucy Hardcastle of Grange Farm, Manor Drive, Bedford MK42 5GG has always admired and I would like her to have this as a thank you for all her help and kindness to me over the past three years
4. I would like to leave £5,000 to my godson Terry Davis of 56 Trent Road, Stoke, ST56 7YY or if he dies before me then this gift ought to go to his children. He has two at the moment who are very small and I can not recall their names
5. Everything else I would like to be divided equally between Raymond and Alice. Raymond's full name is Raymond Arthur Burgess and he lives at Hamilton House, Park Avenue, Chiswick, London, W4 5TT. Alice's full name is Alice Hamilton Burgess and she lives at High End Cottage, Lucks Lane, Bedford, MK42 5HH. Neither have children so if one dies the other ought to have the lot. If both die then I would like everything to go to Lucy please.

I look forward to seeing you.

Yours sincerely

*M Burgess*

Malcolm Burgess

**Attendance Note relating to Bernard Wilkinson's will**

**Date:** 29 December 2010

**By:** William Hooper

Attending Mr Bernard Wilkinson to take instructions for his will. He has not made a will before.

**Client details:**

Bernard Wilkinson (no other names) lives at 17 Kipling Place, Bedford, MK42 6KE. He is 46 and has no children. Bernard was married to Harriet who died in June last year. Kempstons were not involved in Harriet's estate as Bernard and Harriet held everything in joint names and all her estate passed to Bernard by survivorship.

He has one brother, Edward Wilkinson of Flat 7 Admiral House Falmouth Cornwall TR5 7HH. Edward is married to Sylvia and has one child, Sophie Marie Wilkinson.

Bernard has no other family.

**Financial details:**

Bernard's estate is made up as follows. All assets are in his sole name unless otherwise stated.

17 Kipling Place (free of mortgage)	£450,000.00
Cash in various Bank and Building Society accounts and investments	£150,000.00
Personal effects	£25,000.00
Sea View Cottage (free of mortgage) – a holiday cottage in Cornwall Bernard owns jointly with his brother Edward – total value	£200,000.00

In August last year Bernard made a gift of £5,000 to each of Harriet's nephews Ian Partridge and Gary Partridge.



**Will Instructions:**

Bernard wishes to appoint his brother Edward Wilkinson to be his sole executor.

He would like to leave the following gifts:

To Sophie Wilkinson the sum of £5,000

He would like to give £1,000 to each of his three friends with whom he plays golf in order that they may use the money to each buy a better set of golf clubs. These friends are:

Colin Fraser of 6 Pudding Lane Bedford MK43 7TY;  
Andrew King of 8 Kipling Place Bedford MK42 6KR; and  
Daniel Green of Field View Cottage Kimbolton Road Bedford MK41 7SM.

The residue of the estate is to be divided equally between his two neighbours, Bertie Lumsden of 15 Kipling Place, and Sue Morris at 19 Kipling Place.

I advised him about all the normal administrative clauses which we would include and I would explain to him in greater detail when the will was drafted.

I explained about our charges and that I would send a client care letter with the draft will as soon as possible.

DOCUMENT 5

**Letter from Bernard Wilkinson**

Bernard Wilkinson  
17 Kipling Place, Bedford, MK42 6KE

Mr W Hooper  
Kempstons  
Manor House  
Bedford MK42 7AB

17 January 2011

Dear Mr Hooper

**My Will**

Thank you for getting my will sorted out so very quickly.

I am quite happy with the draft you sent to me and so I have signed this and enclose it for you to store in your strongroom.

I hope I have signed the will correctly. I asked my two friends Andrea Boticelli and Jean Simmonds to call round this morning to witness my will. I had signed and dated the will just before they arrived and so pointed out to them that I had done this before asking Andrea and Jean to sign too. Jean signed first and then Andrea. I have printed their names and address below their signatures on the will, in case you need to contact them.

Please can you acknowledge safe receipt of the will and let me have your invoice in due course.

With kind regards

Yours sincerely

*Bernard Wilkinson*

Bernard Wilkinson

**End of Case Study Materials**

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