

CASE STUDY MATERIALS

June 2011
Level 3
PROBATE PRACTICE
Subject Code L3-14

ilex

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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**

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO STUDENTS

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

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

- Document 1** – Letter from Andre Theroux regarding his new will
- Document 2** – Attendance note – Sonia Angela Clarke deceased
- Document 3** – Schedule of assets and debts - Sonia Angela Clarke deceased
- Document 4** – Attendance note – Mr Victor Treble's new will

**Mr Andre Theroux
17 Danish Drive Bedford MK42 5SO**

Mr W Hooper
Kempstons
Manor House
Bedford MK42 7AB

7 June 2011

Dear William

My new will

It was good to see you last week at the IT solutions seminar in town. As I discussed with you I really must make a new will prior to my trip to Tanzania. I leave on 20 June.

I last made a will about 12 years ago, before I had even met Belinda let alone married her! Since then of course we have been blessed with the twins, Harry and Rory who are now two years old.

I think my will, will be quite straightforward. To start with I feel I ought to leave something to my little brother, Tony. He has never been very successful financially and I would like to help him out, especially as he now has four children to support, the last one having been born just a few weeks ago! I would like to leave Tony a legacy of £50,000.

After that, everything should go to Belinda to make sure she is well looked after. Belinda is also to be the sole executrix. I am sure she will be up to the job and she is happy to do this on her own.

If Belinda dies before me than of course everything would need to be divided equally between our twins, Harry and Rory.

Almost everything we have is in my sole name, except the bank current account from which we pay our day to day expenses. I estimate the cash in my estate is worth about £950,000 and the house we live in is worth around £750,000.

I do not need to include anything about funeral directions as Belinda has a detailed letter about this.

Turn over

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Finally I ought to mention Wayne, Belinda's son from her previous marriage. Wayne is now 20 and is causing us significant problems. He is constantly in some sort of trouble either with the police or with debts he cannot pay. I have helped him often both financially and with advice but the problems do not get any better. Wayne's father is not poor and I do feel that he ought to provide for his son, not me, and therefore I do not want any of my hard earned money to go to Wayne.

If you need any further information then please let me know as soon as possible so that we can get this business sorted out before I leave for Tanzania.

With kind regards

Andre

Andre Theroux

Attendance Note

BY: W Hooper
DATED: 7 June 2011
RE: Sonia Angela Clarke deceased

Attending Carolyn Miles about the administration of her late sister's estate.

The deceased

Sonia died on 5 May 2011, born on 7 January 1949 she was aged 62. She lived at 33 The Lane, Oundle, MK44 5TY. Sonia was a widow, and had no children. Both her parents died some years ago.

Carolyn explained that she had searched carefully for a will but had found nothing. Her sister had been very careful in the way she had ordered and kept her papers and she feels sure that, if there was a will, there would at the very least be a copy of it in her papers.

Family

Sonia left the following family:

Carolyn Miles of 5 High Road, Cley next the Sea, Norfolk, NR21 7HP. Carolyn is Sonia's elder sister. Although in her 70s she is keen to be involved in the administration of the estate.

Juliet Clarke of Calle Vereda Norte 3, La Moraleja, Madrid, 28109, Spain. Juliet is Sonia's younger sister (aged 58). She lives permanently in Spain and so was unable to attend our meeting.

Agatha Denton-Clarke of High Trees Nursing Home, Back Lane, Waterford, MK43 9HG. Agatha is Sonia's late father's sister. She is a widow and has no children. She is 91 and very frail.

Sonia's mother's only sister, Beatrice, died in 2001 without children. There are no other family members.

The estate

I went through the papers with Carolyn Miles, taking from her papers evidencing the assets and debts in the estate. A schedule of these assets and debts follows this attendance note. I also received a copy of the death certificate, and Sonia's passport. She had no driving licence.

DOCUMENT 3

**Schedule of assets and debts
in the estate of Sonia Angela Clarke**

Assets

33 The Lane, Oundle	£450,000.00
Bedford and Peterborough Building Society Account 36590823 Interest to date of death	£95,000.00 £45.77
Bedford Bank Current Account 874357	£456.23
Portfolio of stocks and shares managed by Dolphin Starfish Ltd (see valuation prepared by them on file)	£463,882.00
56 High Street, Oundle Currently rented out on a 6-monthly tenancy	£195,000.00

Debts

Mortgage on 33 The Lane, Oundle	£25,456.23
Bedford Bank credit card	£882.00
Window cleaner outstanding account	£45.77
Funeral account (estimated)	£3,500.00

Sonia did not make any lifetime gifts and had no interest in any trust or settlement.

Attendance Note

BY: W Hooper

DATED: 7 June 2011

RE: Mr Victor Treble – new will

Attending Mr Victor Treble of 7 Howitts Avenue Bedford MK14 5GG, with his guide dog Barney. Victor has been blind since birth.

He wishes to make a new will. He has made numerous wills before but the last is now more than five years old and he feels it is time for an update.

Family

Victor has never married. He does however have one child, a son called David Treble who lives at 588 Long Road, Chiswick, W4 5GH. David is 43, married to Katherine and has one child, Rebecca, who is six months old.

Victor also has a brother, Morris, who lives nearby at 33 Chadwick Place, Bedford MK14 7TT with his wife. Morris has three grown up children, namely:

Harvey Treble (aged 39) of 8 Duck Lane, St Neots, PE19 5HH

Alice Hartland (aged 34) of Flat 7, Oswald House, Bedford, MK45 6TY

Thomas Treble (aged 29) of The Old Vicarage, Old Warden, MK23 4FP

Financial

Victor's estate is quite substantial. He has cash assets of around £450,000 and his house is worth in excess of £350,000. He also owns a family holiday house in Cornwall with his son David – they each contributed half the purchase price and share the running costs.

He has made the following gifts in recent years to his family and his favourite charities:

1 January 2003 - £10,000 to Harvey Treble to help him set up his new business

7 May 2007 - £6,000 to the National Association for the Blind (charity number 3873) in response to their guide dog appeal

5 June 2009 - £1,000 to Bedford Hospital Neonatal Unit Appeal (charity number 38957)

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Will instructions

Victor would like to appoint Kempstons to be his executors to save his family the trouble of dealing with the estate themselves.

He would like to leave the following legacies:

To his brother Morris their father's pocket watch

To each of his niece and nephews (Morris' children) the sum of £1000

To his grandchild Rebecca the sum of £5000

To The National Association for the Blind the sum of £5000 to be used to train guide dogs

The rest of his estate he wishes to leave to his son David, or if he dies before him to David's child (or children as he expects he will have more).

End of Case Study Materials

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