

INSTITUTE OF LEGAL EXECUTIVES

UNIT 14 – PROBATE PRACTICE*

Time allowed: 1 hour and 30 minutes plus 15 minutes reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the paper or in your answer booklet during this time if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the ILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1

Reference: Question relates to **Documents 1** and **2** of the case materials.

- (a) Explain why you should deal with Beatrice's instructions promptly and to whom you owe a professional duty of care.

(5 marks)

- (b) Given the size of Beatrice's estate, outline any suggestions you would make to her to reduce the potential inheritance tax liability on her estate.

(7 marks)

- (c) Beatrice has telephoned you to say that she is worried that, after her death, her nephew Karl will try to challenge her will and have it declared invalid on the grounds that she did not know what she was doing. She has asked you to write to her about this.

Draft the contents only of a letter to Beatrice;

- (i) explaining to her the requirements of capacity to make a valid will,

(10 marks)

and

- (ii) making any suggestions you think appropriate to prevent any challenge by Karl being successful regarding her mental capacity.

(5 marks)

(Total: 27 marks)

Question 2

Reference: Question relates to **Documents 3** and **4** of the case study materials.

- (a) Mr Hooper tells you that he has considered the way in which the will was signed and has concluded that it is valid. Apart from the gift in clause 2 explain how the estate will pass.

(6 marks)

- (b) The administration of the estate is proceeding well and you have prepared the oath for administrators for this estate and sent it to Maria and Hamish to swear. Hamish has called to ask you what is meant by the phrase 'a minority interest arises'.

How do you explain to him what this means and why it is included in the oath for this estate?

(3 marks)

- (c) Explain how inheritance tax will be calculated on this estate.

You do **not** need to provide a mathematical calculation unless this will help you to illustrate your answer.

(6 marks)

- (d) Identify and list everything you will need to submit to HM Revenue and Customs before you can apply for the grant of representation.

(5 marks)

- (e) The grant of representation has now arrived. Identify and list **five** of the steps you will now take to complete the administration of the estate.

(5 marks)

(Total: 25 marks)

Question 3

Reference: Question relates to **Document 5** of the case study materials.

- (a) Having looked at your estimate of charges for his will, Mr Henkel is now wondering whether to save himself the money and not bother making a will.

Set out for him how his estate will be distributed if he makes no will and dies intestate.

(5 marks)

- (b) Your explanation above has persuaded Mr Henkel that he really does need to make a will.

Mr Hooper has asked you to help him. Draft the clauses providing the gifts to Simon and Helen to be included in the will.

You do **not** need to draft the entire will.

(5 marks)

- (c) Having approved his draft will, Mr Henkel has asked you to send it to him to sign at home.

Draft an instruction sheet to enclose with the will, setting out how Mr Henkel should sign his will to ensure it complies with the legal formalities.

(8 marks)

(Total: 18 marks)

End of Examination Paper