

CASE STUDY MATERIALS

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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

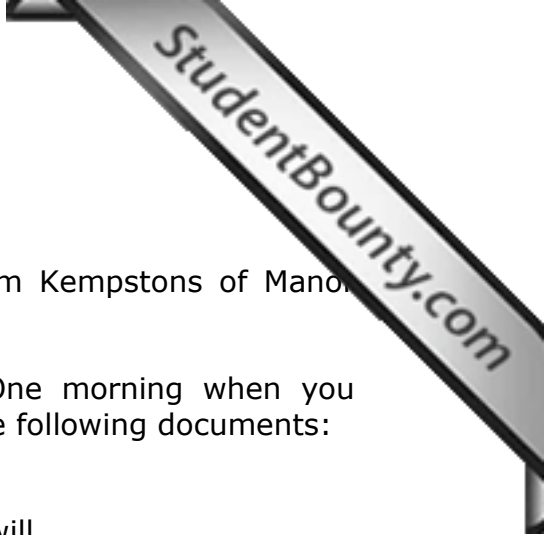
* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

ADVANCE INSTRUCTIONS TO CANDIDATES

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

Your supervising Legal Executive 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 re Beatrice D’Oilio’s will
- Document 2** Letter containing schedule of assets from Beatrice D’Oilio’s accountant
- Document 3** Attendance note re the late Stewart Reader’s estate
- Document 4** Copy will of Stewart Reader
- Document 5** Extract from attendance note re James Henkel’s will



Extract from attendance note re Beatrice D'Oilio's will

Attending Beatrice D'Oilio to discuss her new will.

Beatrice has been a client of this firm for some time. She has never made a will but as she is now approaching her 90th birthday she feels she ought to sort this out. She lives at Field Cottage, High Road, Brompton, Bedfordshire, MK77 8YY.

Beatrice told me that she is in reasonably good health with a few general ailments mainly relating to tired joints, aches and pains.

Beatrice is a retired university lecturer. She has worked in a number of universities across the world, lecturing on her pioneering work in genetics. She was still delivering the occasional lecture in her 80s. She is an intelligent and articulate lady.

Family

Beatrice never married and has no children. She was one of three sisters, but both her younger sisters (Doreen and Lydia) have died. Her parents died many years ago. Both her sisters married and had children. Doreen had two boys, Bernard who is 72 and Anthony who is 69, and Lydia had one daughter, Jane who is 65. Neither Bernard nor Anthony has children but Jane has two sons, Karl who is 41 and Roger who is 39.

Beatrice describes Karl as "a complete nuisance and rather unpleasant". She told me that he had never worked hard at school, never stuck with any particular job and is still a financial drain on his mother. She told me that Karl had suggested that his mother was no longer able to manage her own finances and he had attempted to take over her bank account.

She appears to be fond of Roger but is worried about the influence his brother has over him.

The will

Beatrice's will is to be quite straightforward. She wishes to appoint partners here to act as her executors, and leave the following legacies:

To St Peter's Church Brompton £2000 for its general purposes

To Leeds University Benevolent Fund £2000

To each of Bernard, Anthony and Jane £20,000

The rest of her estate she wishes to leave to Roger with provision for this to go to his children (he currently has two) should he die before her.

Finances

Beatrice handed to me a letter (**Document 2**) her accountant had prepared which sets out her current financial position.

Letter from Beatrice D'Oilio's accountant**Bell and Davey Accountants
567 High Street
Bedford MK44 3YH**

Ms B D'Oilio
Field Cottage
High Road
Brompton
MK77 8YY

29 May 2012

Dear Beatrice

Your finances

Thank you for your telephone call yesterday. As requested, I have set out your current financial position for you to pass on to your solicitor. In general, your finances remain healthy and I see no reason for this to change as your income currently exceeds your monthly expenditure.

Capital assets

Portfolio of stocks and shares	£213,998.00
Cash savings at Bedford Building Society	£ 45,067.00
Death benefit due to your estate from your pension fund (estimated)	£ 55,000.00

To this you will need to add the current balance in your current account and the value of Field Cottage (which we estimated when we met last February at around £200,000).

I hope this is of help but if you need anything further from me please let me know.

With kind regards

David

Mr David Bell
Bell and Davey

Attendance note re the late Stewart Reader's estate**ATTENDANCE NOTE**

Attending Maria Reader, Stewart's widow, with her son Hamish to discuss the administration of Stewart's estate.

Stewart died on 30 May 2012 at home (17 Park View Avenue, Bedford, MK42 78T) following a short illness. He was born on 7 September 1950.

The Will

Stewart had been a client of this firm for many years, but had always refused to make a will. However, a month before his death he wrote out his own will, which Maria had brought in with her (a copy is attached to this note).

Maria explained that Stewart had written out the will a number of times before he was happy with the contents. He had then waited until his doctor (Dr Jenkins) and the nurse, Clare Tumble, who had been calling in every day to help with his care, were both there and then asked them to act as witnesses. Maria explained that Stewart had looked up on the internet how to draft and sign his will to make sure it was legal. He asked both Dr Jenkins and Clare Tumble to watch him sign the will and then asked each of them to sign as witnesses in front of him and also each other. Dr Jenkins' mobile phone rang while Clare was signing and he had to take the call but he did not leave the room.

Maria is not concerned about being left very little in the will. She and Stewart kept separate finances and she is quite wealthy enough to look after herself.

Family

Stewart and Maria had been married almost 30 years. They had three children together:

Hamish, the eldest, who is married to Belle. They have two children, Lucy (who is 2) and Thomas (who is 3 months old),

Anna is not married and has no children. Anna is currently on active military service in Afghanistan serving with the Royal Engineers. They have not been able to get in touch with her to tell her of her father's death and need to delay the funeral until they can speak to her and she can arrange compassionate leave.

Rodney, the youngest, was killed in a motor cycle accident three weeks before his father died. The family decided not to tell Stewart about this because it was clear by that point that he would also die soon and they did not want him to have to cope with the grief. Rodney was married to Fiona, and they had one child, Zoe, who is 3 years old.

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Financial

Stewart was a wealthy man. He held the following assets in his sole name (all valuations are estimates):

Bedford Building Society 5 year bond	£450,000.00
Bedford and Luton Bank Current account	£2,500.00
Savings account	£15,500.00
Rattles and Co Portfolio of stocks and shares	£750,000.00
5 The Docks, Southampton (holiday flat)	£240,000.00

Stewart with his son Hamish also owned as beneficial joint tenants a flat in London which Hamish uses when he is there on business. It is worth around £300,000. Hamish and his father contributed to the purchase price equally and shared the maintenance costs.

17 Park View Avenue is held as beneficial joint tenants with Maria.

Stewart had few debts, only an outstanding credit card bill of around £300 and his funeral is likely to cost in the region of £2,500.

Stewart Reader's will

1. I Stewart McLeod Reader of 17 Park View Avenue, Bedford, MK42 78T declare that this is my last will
2. I give to my wife Maria the sum of £50,000 knowing that she is able to look after herself financially together with all my personal effects
3. The rest of my estate after all debts have been paid is to be divided into four equal shares and given as follows:
 - (a) Two shares for my son Hamish
 - (b) One share for my daughter Anna
 - (c) One share for my son Rodney
4. I wish to be buried in Mornington cemetery near my parents following a small family only service at the local church

Signed by me on 29 April 2012 as my last will in front of two witnesses who also signed in front of me and each other

S M Reader

T Jenkins

Clare Tumble

Turn over

Extract from attendance note re James Henkel's will

Attending Mr James Henkel, a new client to the firm. Mr Henkel wishes to make a will, never having made one before.

Personal and family details

James Albert Henkel of 45 Church Road, Brompton, Bedfordshire, MK45 7HJ. Born on 4 April 1950.

Mr Henkel married Florence in 1975. They had one child, Ringo, in 1980. James and Florence's marriage broke down in 1998 and Florence and Ringo moved out of the family home just before Christmas that year. James and Florence have lived apart ever since although they have not divorced.

Mr Henkel has a brother, Simon, who is two years younger than James. Simon lives at 34 Potters Lane, Bedford MK44 7KK. He is not married but has a daughter, Helen, who is 22 and lives at Flat 5, Roland Buildings, High Street, Bedford MK75 9UU. Helen is due to be married this year to her fiancé Peter. Helen and Peter have one child, Lucy, who is three months old.

Ringo lives in London with his partner, Toby. Their address is 556 Chiswick High Road, Chiswick, London W4 6GH. Ringo has no children.

Will instructions

Mr Henkel wishes to appoint his brother Simon and son Ringo to be his executors.

He would like to leave the following legacies:

To Simon the gold watch which James inherited from his late father, and

To Helen the sum of £20,000 or if she does not survive him to her children.

The rest of the estate is to go to Ringo or if he dies before him to his partner Toby.

Financial information

Mr Henkel owns his house which is worth around £300,000, and also has some cash savings of around £50,000 and National Savings bonds worth around £250,000. The contents of his house are of little financial value although his father's watch is worth around £2000.

End of Case Study Materials

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