

**CASE STUDY MATERIALS**

January 2013  
Level 3  
PROBATE PRACTICE  
Subject Code L3-14



CHARTERED INSTITUTE  
OF LEGAL EXECUTIVES

StudentBounty.com

**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 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 CILEx Examination Regulations.

*Turn over*

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



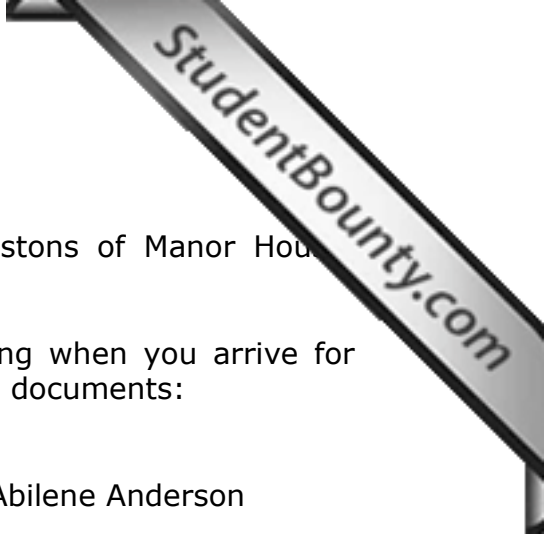
**CASE STUDY MATERIALS**

**ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer 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 estate of Abilene Anderson
- Document 2**          Letter from Katie Travis regarding the will of Simon Travis
- Document 3**          Email from David Travis regarding the will of Simon Travis
- Document 4**          Will of Peter Franklin
- Document 5**          Attendance note relating to the estate of Peter Franklin



**Attendance note relating to estate of Abilene Anderson****ATTENDANCE NOTE**

Dated 5 January 2013

Attending Miss Rose Anderson and Mrs Minnie Caruthers to discuss the estate of their late mother, Abilene Anderson.

Abilene Anderson was born on 5 May 1940 and died on 29 December 2012. She lived at 45 Church Road, Huntsford, Bedfordshire, MK43 5HJ.

Abilene was a widow, her husband Boris Anderson having died two years ago. Boris, who was retired when he died, had worked for a stockbroking firm in London and had a substantial estate which he left entirely to Abilene. He had made no lifetime gifts.

Although her husband had made a will, Abilene had always put off making her own and, having searched the house thoroughly, Rose and Minnie have been unable to find any evidence that she made a will.

**Financial**

At her death Abilene owned the following assets:

<b>Asset</b>	<b>Value</b>
45 Church Road	£750,000
Portfolio of stocks and shares	£950,688
Investwell International cash investment portfolio	£504,230
Cash savings with Bedford Building Society	£56,800
Personal effects including jewellery and antique furniture (approximate)	£50,000

She had no debts other than the cost of her funeral which will be in the region of £3,500.00.

**Family**

Abilene and her husband had three children:

(i) Rose, who has never married and has no children. She is now 54 and lives at 17 The Grove, Bedford, MK46 8YY.

(ii) Minnie (aged 52), who is married to Terrence and has one child, Joseph.

Joseph is 28 and was born with a rare degenerative disorder which means his health has always been poor and is becoming progressively worse. He is now using a wheelchair to move around and it seems likely he will need full-time residential care soon.

## CASE STUDY MATERIALS

During her lifetime Abilene tried to help Joseph and his parents financially. In 2004 she gave them £50,000 to adapt their home to make it easier for Joseph to move around and in 2008 she gave £10,000 to Sparkle Train, a local charity, which raises money to provide activities and outings for adults with disabilities, which had helped Joseph realise a lifetime ambition to swim with dolphins.

(iii) Constance, who was Abilene and Boris's youngest child. She died 6 years ago leaving a husband, Ralf, and two children, Leroy (who is now 21) and Stephen (who is now 18).

Having taken details from Rose and Minnie I explained to them how the administration of the estate would proceed. I made them aware that there would be a significant inheritance tax bill, and that we would need to make arrangements to pay part of this before the grant of representation could be obtained and the money released – we went through the various ways this could be done.

**Letter from Katie Travis regarding the will of Simon Travis**

**Ms K Travis  
Honeysuckle Cottage West Waring Bedfordshire MK10 6TY**

Mr W Hooper  
Kempstons Solicitors  
Manor House  
Bedford  
MK42 7AB

7 January 2013

Dear Mr Hooper

I am writing to you about my uncle, Simon Travis, for whom you hold a will which he made in 1999.

Uncle Simon would like to make a new will and has asked me to write to you to set out his instructions. Uncle Simon is now 77 and prefers to leave all his financial and business matters to me.

His existing will leaves a few small legacies to friends most of whom have now, unfortunately, died. The rest of his estate he divided between me and my brother, David Travis. Uncle Simon has a small family, just me and my daughter, Sara (who is 18); David, and David's son, Joshua (who is 7). David's wife, Melinda, is currently pregnant so there will be another child in the spring.

Uncle Simon would like his new will to contain the following legacies:

1. To David (who lives at 56 Hemmings Drive, Bedford) his gold wrist watch which used to belong to Uncle Simon's father
2. £1,000 to Joshua and also any other children David has
3. £2,000 to my daughter Sara
4. He would like to leave to his cleaner, Maud Smith, who lives at Flat 7, Charmers Court, Bedford, 100 shares in Bedford West Football Club plc – she is apparently a big football fan. But he only wants her to have the shares if she is still cleaning for him when he dies
5. He wants to leave to Sparkle Train (a local charity – I'm sure you will know it) £5,000

He wishes to leave the rest of the estate to me. Uncle Simon wanted me to tell you that he has thought very hard about whether to leave a share of the estate to David or not, but given that David has caused so many problems within the family over the past ten years Uncle Simon really does not wish to include him.

**CASE STUDY MATERIALS**

Uncle Simon has a reasonably large estate. His house is worth around £500,000 and he has savings in the Bedford Building Society of about £500,000 too. He does not have any stocks or shares or other investments.

Uncle Simon did have more savings, but he has made a number of gifts to David recently each time David got into financial difficulties – which happens quite often. Uncle Simon gave David £10,000 in 2009, and £25,000 in both 2010 and 2011. It has been these gifts which have caused most of the arguments in the family.

Uncle Simon has no debts.

I hope these instructions are reasonably straightforward and that you can send a draft will to Uncle Simon for his approval shortly. He would like to get this matter completed as quickly as possible.

Yours sincerely

*Katie Travis*

**Turn over**

**Email from David Travis regarding the will of Simon Travis**

From: [dtravis889@fastsend.com](mailto:dtravis889@fastsend.com)

To: [whooper@kempstons.com](mailto:whooper@kempstons.com)

Re: My Uncle's will

Mr Hooper

I have heard from my sister, Katie, that Uncle Simon is thinking of changing his will – no doubt because he's cross with me again!

I thought you ought to know that Uncle Simon has not been very well recently and, perhaps because of this, he is a little muddled and confused. I do not think he is able to make a new will at the moment.

Please could you confirm by return that you will not be proceeding with any new will?

Yours

David Travis



**Will of Peter Franklin**

*I Peter Franklin of Acres Farm House, Spinny Lane, Bedford Hardwick, MK45 7HS declare that this is my last will*

*I revoke all former wills made by me*

*I appoint to be my executors and trustees my good friends and neighbours Mavis Perkins and Brian Perkins both of High Trees, Spinny Lane, Bedford Hardwick, MK45 7HS*

*I leave all my estate to my lifelong friend Farokh Tambor of 4 The Hills, Bedford, MK42 3KW*

*Peter Franklin  
7 February 2001*

*Rose Chapman  
Care assistant - 78 High Road, Hunsford*

*Molly O'Brian  
Care assistant - 198 Golders Road, Bedford*

**Attendance note relating to the estate of Peter Franklin****ATTENDANCE NOTE**

Dated 5 January 2013

Attending Mr Farokh Tambor regarding the administration of the estate of the late Peter Franklin.

Although Kempstons have acted for Peter Franklin for some time I had never persuaded him to make a will. I had understood that he had made his own will and this was confirmed when Mr Tambor handed to me a handwritten will dated 7 February 2001.

Mr Franklin died on 29 December 2012. He had been ill for some time. He was born on 8 June 1922 and still lived at Acres Farm House at the time of his death.

As far as both Mr Tambor and I are aware, Mr Franklin had no family. He had in the past mentioned a cousin but it seems that she died a few years ago, with no husband or children.

Mavis and Brian Perkins have also died, Mavis in 2002 and Brian in 2009.

Mr Tambor brought in to me all the papers he had found in Mr Franklin's house which he thought might be relevant. He told me that Mr Franklin was very good with his computer and did most of his financial business online. Unfortunately, although Mr Tambor has the computer he does not know the password and so cannot check what is on there.

From what we went through today it seems that Mr Franklin had the following assets:

<b>Asset</b>	<b>Value (all approximate)</b>
Acres Farm House	£500,000
Cash savings (various banks and building societies)	£90,000
Standard Provincial life policy	£50,000 plus bonuses
Personal effects	Negligible

There was also a letter from Chattermores Solicitors in Cheltenham telling Mr Franklin that he was due a legacy of £1000 from a friend who died earlier in the year. There is no trace of this having been paid to him.

Mr Franklin did not appear to have any debts other than the funeral invoice which was for £2,567.00.

**End of Case Study Materials**



