



THE CHARTERED 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 CILEX 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 CILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1

Reference: Question relates to **Document 1** of the case study materials.

(a) How will Abilene's estate be distributed?

Ignore any potential claims against the estate under the Inheritance (Provision for Family and Dependents) Act 1975.

(8 marks)

(b) 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.

(10 marks)

(c) Rose is worried about inheritance tax and has written to ask:

- how HM Revenue and Customs find out how much money there is in the estate; and
- who is responsible for calculating the amount due?

Draft the contents **only** of a letter to Rose with answers to her questions.

(10 marks)

(Total: 28 marks)

Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

- (a) Explain why you should not proceed with Simon's new will on the basis of the instructions contained in the letter from Katie.

(4 marks)

- (b) Given David's concerns about Simon's ability to understand his financial affairs, Mr Hooper has asked Simon's doctor, Dr Varkar, for her opinion on Simon's testamentary capacity.

To help Dr Varkar understand what is required when assessing Simon's capacity draft an explanatory note setting out the common law and statutory law relating to testamentary capacity.

(10 marks)

- (c) Having received a favourable report from Dr Varkar, Mr Hooper attended Simon on his own. Simon confirmed his instructions were indeed as set out in Katie's letter and asked Mr Hooper to proceed as soon as possible. Mr Hooper has asked you to help.

Draft the **three** clauses providing the gifts to David, David's children and Simon's cleaner Maud to be included in the will.

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

(7 marks)

- (d) Now that Simon has approved his will, Mr Hooper would like you to attend him at his home to execute it, taking with you Laura (Mr Hooper's secretary) as your second witness.

To make sure you are prepared for this important meeting Mr Hooper suggests you prepare a checklist covering the way in which the will needs to be signed. Draft the checklist.

(8 marks)

(Total: 29 marks)

Question 3

Reference: Question relates to **Documents 4 and 5** of the case and the materials.

(a) What type of grant of representation is appropriate here and why is Farokh entitled to apply for it?

(5 marks)

(b) Farokh is very worried that he does not know much about Peter's financial affairs. A friend has told him that he should place statutory notices but he is not sure what these are. Explain to Farokh:

(i) what the notices are and how they work;

(4 marks)

(ii) whether they would be of any benefit to Farokh.

(4 marks)

(Total: 13 marks)

End of Examination Paper