



**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**  
**UNIT 8 – LAW OF WILLS AND SUCCESSION\***

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

**Instructions to Candidates**

- You have **FIFTEEN** minutes to read through this question paper 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 question paper or in your answer booklet during this time, if you wish.
- **The question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios in Section B ONLY.**
- 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**, **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

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**SECTION A****(Answer ALL questions in Section A)**

1. Identify **three** characteristics of a valid will.  
**(3 marks)**
2. What problems arise on the execution of a will where the testator is blind, and how might these be overcome?  
**(4 marks)**
3. Give **two** reasons why a testator might decide to appoint professional executors.  
**(2 marks)**
4. Explain the term 'abatement' as it applies to legacies.  
**(4 marks)**
5. Explain why a will might **not** be revoked on the later marriage of the testator.  
**(3 marks)**
6. If a person dies without a will, what can the surviving spouse expect to receive from an estate worth around £750,000 where the deceased also had surviving children?  
**(5 marks)**
7. Describe **three** differences between an executor and an administrator.  
**(3 marks)**
8. State when a grant of letters of administration is appropriate.  
**(1 mark)**
9. Under what circumstances would the Probate Registry ask for an affidavit of due execution?  
**(3 marks)**
10. Set out the spouse standard of financial provision as it relates to claims under the Inheritance (Provision for Family and Dependents) Act 1975.  
**(2 marks)**

**(Total Marks for Section A: 30 marks)**

## SECTION B

(There are three scenarios in Section B. Answer the questions related to **ONE** of the scenarios **ONLY**)

### Scenario 1

Kevin handwrote his will in June last year, just before leaving for a coach holiday to the Lake District with his local walking group.

He wrote out the will at home after he had finished packing his suitcase. He signed and dated the will and then took it with him, intending to get it witnessed by a couple of his friends on the coach.

The coach was lively and noisy and Kevin forgot all about his will until they were arriving at the hotel where they were to stay during their holiday. He quickly pulled the will out of his bag and said to Iris, who was sitting next to him, "Quick, sign this and can you get someone else to sign it too while I help with the suitcases?" Kevin then got off the coach to help with the suitcases which were being unloaded from the back of the coach.

Iris stayed on the coach and did as she was asked, signing the will at the bottom and then asking the driver of the coach, Lucy, to do the same. When Iris saw Kevin again in the hotel reception area half an hour later she handed the will back to him.

Kevin died last month. The will was found amongst his papers with other important documents.

He left assets of around £350,000 including his house and some cash savings.

Kevin was not married, had no children and both his parents died many years ago. He had two brothers - Steven (who is 65) who survives him and Anthony who died two years ago. Anthony left two children, Mary (who is 39) and Ruth (who is 37).

The funeral took place last week, Steven having made the arrangements on behalf of the family.

## Scenario 1 Questions

1. What are the formal requirements to make a will?  
**(4 marks)**
  
  2. Explain why Kevin has failed to comply with the formal requirements to make a valid will. Use **one** example of relevant case law.  
**(10 marks)**
  
  3. Given that Kevin has died intestate, explain how the estate will be distributed.  
**(7 marks)**
  
  4. (a) Having been told that he is first entitled to apply for the grant of representation in this case, Steven has said that he does not wish to take on this task. Explain how and why he can avoid this appointment.  
**(6 marks)**
  
  - (b) Who should now apply for the grant of representation?  
**(3 marks)**
- (Total: 9 marks)**

**(Total Marks for Scenario 1: 30 marks)**

## Scenario 2

Brian Bates (who is 55) has an estate worth around three million pounds. For the past 5 years he has lived with his girlfriend, Hana (who is 40), and her child from a previous relationship, Crystal (who is 10).

Brian made a will in 2009 by which he appointed a firm of solicitors to be his executors and left all his estate to Hana and Crystal. The following is an extract from his will showing this gift:

"I give to my girlfriend Hana Mae Chi all my estate for her lifetime and subject to this to her daughter Crystal"

The will, which was properly signed and witnessed, made no other gifts.

Brian subsequently decided that he would like to change his will, and leave a number of legacies to friends before leaving the rest to Hana and her daughter so he stapled to his will a piece of paper on which he had written:

"This will is out of date and I revoke it.  
Signed Brian Bates dated 30 December 2011"

Brian then recalled that, when he had signed his will, his solicitor told him not to attach anything to it - so he then pulled the stapled note from the will and put both in an envelope.

Brian has been married twice before - firstly to Sunita in 2000. Sunita had a child from a previous relationship called Ashta (who is now 14). Following the divorce Ashta now lives with Brian although Sunita has regular contact with her. Brian and Sunita divorced in 2003. Sunita remarried in 2011.

In 2004 Brian got married again - this time to Kate. The marriage was short lived and they divorced in 2007. They had no children. Kate has not remarried.

Brian also has a brother, Peter, who is a successful pianist and lives in New York. They have not been in contact with each other for more than 10 years.

Finally, Brian also has an uncle called Monty who is 92. Brian visits his uncle regularly and has been helping him pay his nursing home fees for the past 18 months. He expects this to continue until Monty dies.

## Scenario 2 Questions

1. (a) Explain why Brian has not revoked his 2009 will. Use **one** example of relevant case law.

**(9 marks)**

- (b) Identify **three** ways he could successfully revoke his 2009 will.

**(3 marks)**

**(Total: 12 marks)**

2. Identify the type of legacy Brian has left to Hana and Crystal and explain how it takes effect.

**(7 marks)**

3. Brian is concerned that, after his death, members of his family may challenge his will because he has not left them any money. Using the Inheritance (Provision for Family and Dependants) Act 1975 identify the family members who could make a claim under this Act and explain why they are entitled to do so.

**(8 marks)**

4. If Brian does not make a new will, what further affidavit evidence are the Probate Registry likely to require on application for a grant of probate and why?

**(3 marks)**

**(Total Marks for Scenario 2: 30 marks)**

### Scenario 3

Natalia died last month leaving a will she had made five years ago. The will is as follows:

" I Natalia Petrovna Luchova of 3 The Gables Bedford declare that this is my last will

1. I revoke all former wills and testamentary documents
2. I appoint my good friend Galina Gladnin of 5 The Gables Bedford to be the sole executor of this my will
3. (a) I give to Galina's son Tom Gladnin my set of golf clubs  
(b) I give to Galina's daughter Emelia Gladnin the sum of £2,000 when she reaches the age of 18
4. The remainder of my estate after payment of my debts and funeral expenses I give to my executor to divide into two equal shares and give them as follows:
  - (a) One share for my friend Galina Gladnin
  - (b) One share for the National Society for the Protection of Sealife (registered charity number 3757930)"

The will contained a number of administrative clauses and was correctly signed and witnessed next to an attestation clause.

Galina died six months ago. She was survived by her husband, Uri, and both her son Tom (who is 18) and her daughter Emelia (who is 10).

Natalia left no children, had no brothers or sisters and her parents died a number of years ago. Natalia's father had a brother, her Uncle Vladimir, who survives her and lives in a local nursing home. He is 97 years old.

Natalia married Brian in 1998 but they divorced five years later. Neither remarried.

Natalia left an estate worth around £500,000 which included a set of golf clubs and a car.

Natalia knew she was very ill and during her last weeks Galina's family visited her regularly.

On one occasion when Tom visited he told Natalia that he had just passed his driving test. Knowing that he would not have enough money to buy his own car, Natalia took her car keys from her handbag and gave them to Tom. She said to Tom, "I know I won't need the car again so I would be very pleased if you would have it". Tom put the keys safely in his pocket and took them home. Natalia died the following day.



### Scenario 3 Questions

1. Explain how the residue of Natalia's estate will be distributed.  
**(7 marks)**
  
2. Identify the types of legacies contained in clause 3 of the will and explain whether or not each legacy will take effect.  
**(9 marks)**
  
3. (a) Set out the essential conditions for making a valid *Donatio Mortis Causa* (deathbed gift).  
**(3 marks)**  
  
(b) Explain whether or not Tom may keep the car applying the above conditions to the facts of this scenario. Use **one** relevant example from case law to illustrate your answer.  
**(8 marks)**  
**(Total: 11 marks)**
  
4. Which grant of representation is appropriate here and why?  
**(3 marks)**

**(Total Marks for Scenario 3: 30 marks)**

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