

CASE STUDY MATERIALS

June 2013
Level 3
PROBATE PRACTICE
Subject Code L3-14



CHARTERED INSTITUTE
OF LEGAL EXECUTIVES

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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**

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 lawyer is William Hooper. One morning when you arrive for work, he hands to you a number of files and the following documents:

- Document 1** Will of Harold Benson
- Document 2** Attendance note relating to the estate of the late Harold Benson
- Document 3** Attendance note relating to Miss Muriel Hope's new will
- Document 4** Telephone note relating to Miss Muriel Hope
- Document 5** Attendance note relating to the estate of the late Dorothy Measures

WILL OF HAROLD BENSON

I **Harold Benson** of 34 Lucks Lane Kempston MK55 7YH declare that this is my last will

I revoke any previous wills made by me

1. I appoint my nephew **Stephen Benson** of Flat 3 Chiswick Towers London W4 and my niece **Amelia Benson** of 17 Rise Crescent Kempston to be my executors and trustees
2. I give to my neighbour **Frank George Lucas** of 32 Lucks Lane Kempston the sum of £5,000
3. I give to my niece the said **Amelia Benson** of 17 Rise Crescent Kempston the sum of £160,000 or if she dies before me then for such of her children as survive me and if more than one in equal shares
4. I give to the **Royal Society for the Protection of Woodland** (registered charity number 358732) of Oak House Sandy Bedfordshire the sum of £200,000
5. I give the remainder of my estate after all my debts and expenses have been paid to my nephew the said **Stephen Benson** of Flat 3 Chiswick Towers London W4 or if he dies before me then for such of his children as survive me and if more than one in equal shares

Signed *Harold Benson*

Dated *4 July 2001*

Witnesses *Frank G Lucas*

Mrs Marjorie Tubbing

Turn over

ATTENDANCE NOTE

Re: Harold Benson, Deceased

Dated: Last week

Attending Stephen Benson to discuss the administration of his late uncle's estate.

Personal details and the will

Harold Benson of Long View Nursing Home, Kempston, born on 3 January 1931 died on 25 May 2013. Harold had never married and had no children. He had one brother, Brian, who died a number of years ago. Brian had two children, Stephen and Amelia.

Stephen still lives at Flat 3, Chiswick Towers. He is married to Iris and they have three children, Lewis (who is 7), Charlie (who is 5) and Sam (who is 2).

Amelia was Stephen's sister. She died two years ago unmarried and with no children.

Frank Lucas still lives at 32 Lucks Lane. He is now quite elderly but recalls witnessing Harold's will very clearly.

The Royal Society for the Protection of Woodland is still operating at the address shown in the will.

Marjorie Tubbings was Harold's cleaner at the time the will was signed. She retired five years ago and moved to Brighton. Her current address is unknown.

The estate

Harold left an estate worth around £500,000. It is made up as follows:

- 34 Lucks Lane was sold to cover nursing home fees and the proceeds invested in instant access building society accounts.
- In addition, he had a substantial portfolio of stocks and shares and a house in Spain worth around £150,000.
- Harold was also due a legacy of £1,000 from the estate of a friend who died last year but whose estate has not yet been completed.

In the last 10 years Harold had made various gifts to his family. They were as follows:

January 2013 — £16,000 to Stephen

September 2009 — £6,000 to Amelia

April 2005 — £5,000 to each of Stephen and Amelia

ATTENDANCE NOTE

Re: Miss Muriel Hope

Dated: Last week

Attending Miss Muriel Hope and her niece Mrs Andrea Prothero (of 57 Heron Close, Kempston, MK42 6HH) to discuss Miss Hope's new will.

Miss Hope is 87 and lives at Apple Tree Cottage, High Street, Kempston. She is finding it increasingly difficult to cope at home on her own and is intending to move to Summer Meadows Residential Home next month.

Her niece Andrea has been helping her to arrange this by organising the house to be put on the market, and by helping Miss Hope sort through her possessions.

Although in reasonably good health at present, Miss Hope is clearly frail and not as confident as she once was. I have known Miss Hope for some time as she has been a client of this firm for many years. During our interview Miss Hope appeared tired and, although she answered all my questions, she clearly relies on Andrea for support and reassurance.

On a few occasions Miss Hope seemed to lose the thread of the conversation and I had to recap for her before we could continue. Despite this she seemed clear in her instructions and understood what we were talking about.

Family

Miss Hope has never married and has no children.

She had two brothers:

- George Hope, who died in 1987 leaving his wife, Barbara, who is now 79. Barbara lives nearby and visits Miss Hope regularly. George and Barbara had no children.
- Thomas Hope, who died in 2001 a widower with two children, Andrea Prothero (who is 63) and her brother David Hope (who is 61). Andrea has two adult children (Callum and Edward) and David has three children (Flora, Isobel and Hayley), who are also adults.

Will instructions

Miss Hope's previous will gave a reasonably large legacy to Barbara, before dividing the remainder equally between Andrea and David or to their children if either should die before her. Miss Hope would like to simplify this and leave all her estate to Andrea, with a substitutionary clause to Andrea's children equally.

She wishes to appoint Kempstons to be her executors.

She would like to include funeral arrangements stating that she wishes to be buried in the family plot at St Martin's Parish Church, Kempston.

I said I would draft a new will as soon as possible and telephone to make an appointment to go through it with her.

TELEPHONE NOTE

TO: W Hooper
FROM: Mrs Andrea Prothero
RE: Her Aunt, Miss M Hope
DATE: Today

Mrs Prothero called at 8.30 this morning to say that her aunt was taken into hospital during the night having collapsed at home.

She says the hospital does not yet know what the problem is but her aunt is currently awake and mentally alert. Mrs Prothero would like someone to get there this morning to finalise her aunt's new will just in case.

Please call her back on her mobile phone number to confirm when you will be there.

ATTENDANCE NOTE

Re: Dorothy Measures, Deceased

Dated: Last week

Attending Mr Simon Measures about the estate of his late aunt, Dorothy Measures.

Personal details

Dorothy was born on 4 August 1952 and died on 1 April 2013. She lived at 16 Greenway, Kempston, MK57 4TK.

Dorothy had never married and had no children. Her parents died many years ago. She had two brothers:

- Brian Measures, who died in 2001. Brian left a wife, Catherine, who lives in Summer Meadows Residential Home and is suffering from advanced dementia.

Brian and Catherine had two adult children - Simon Measures who lives at 117 Main Road, Acton, London, W3 5GH and Georgia Measures, who lives at Stone Cottage, High Road, Grantown-on-Spey, PH26 7GG. Neither Simon nor Georgia are married or have any children.

- Leonard Measures who is 57 and lives at 18 Greenway, Kempston, MK57 4TL.

Dorothy shared her house with her long-term partner, Edward Clarke. Dorothy and Edward had lived together as husband and wife for the past 23 years.

Although they owned 16 Greenway together as beneficial joint tenants, they did not have any other joint assets, preferring to keep their finances separate. They shared outgoings and living costs although Dorothy tended to pay the biggest share as her father had left her very well provided for and she had more money than Edward.

A thorough search has been made of the house, but no one has been able to find a will and Edward is quite sure that Dorothy did not make one, despite being advised to on more than one occasion.

Finances

Simon left with me various papers from which I can see that Dorothy's estate holds the following assets (all figures are approximate):

Kempston and Perth Building Society account — £25,000

Portfolio of stocks and shares — £150,000

Floyds Bank current account — £1,500

One half of the value of 16 Greenway — £215,000

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She appears to have the following debts:

Funeral invoice — £3,514

Credit card balance — £2,560

Balance of personal loan (taken out in 2010) - £15,000

I explained to Simon how the estate would be divided and outlined how the administration would proceed. He said he would pass this information onto the rest of the family.

End of Case Study Materials

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