



## 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 **Documents 1 and 2** of the case study materials.

(a) The beneficiary Frank Lucas has witnessed the will. What is the effect of this?

**(5 marks)**

(b) Explain how inheritance tax will be calculated on:

(i) The gifts made by Harold during his lifetime;

**(9 marks)**

(ii) The remainder of the estate.

**(6 marks)**

You do **not** need to provide a mathematical calculation for either part of this question unless this will help you to illustrate your answer.

(c) Outline the criteria for an excepted estate and apply them to Harold's estate.

**(4 marks)**

**(Total: 24 marks)**

**Question 2**

Reference: Question relates to **Documents 3 and 4** of the case materials.

(a) Mr Hooper asks you to help with the preparation of Miss Hope's new will. Draft the following clauses for inclusion in the will:

(i) Appointment of executors clause;

**(6 marks)**

(ii) The residuary gift.

**(6 marks)**

(b) Having completed a draft new will, Mr Hooper has now handed to you the telephone note relating to Mrs Prothero's call of this morning saying to you "be careful on this one".

(i) Explain what he might mean by this by setting out the potential problems and areas of concern here.

**(5 marks)**

(ii) Identify the steps you will take to protect against any future queries and potential claims relating to this will.

**(5 marks)**

**(Total: 22 marks)**

### Question 3

Reference: Question relates to **Document 5** of the case study materials.

- (a) Leonard Measures has telephoned to say that he does not understand how the estate will be divided.

Draft the contents only of a letter to him setting out how the estate will be distributed.

**(10 marks)**

- (b) Explain what type of grant of representation is appropriate here and who should apply.

**(5 marks)**

- (c) You have received the grant of representation and the Building Society has been very prompt in releasing to you the balance of the account which is £25,660.45.

Simon Measures has telephoned this morning to ask when he can have some money from the account as he wishes to buy a new car and needs £20,000.

Explain why you cannot make an interim distribution to him at this stage in the administration of the estate.

**(9 marks)**

**(Total: 24 marks)**

**End of Examination Paper**