

CASE STUDY MATERIALS

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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

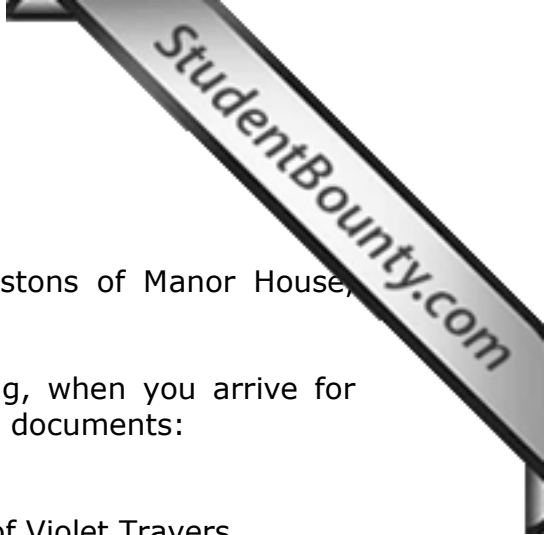
* This unit is a component of the following CILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

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** Attendance Note relating to the estate of Violet Travers
- Document 2** Attendance Note relating to Dominik Stetter's new will
- Document 3** Will of Dominik Stetter
- Document 4** Letter from Fiona Murray about her new will
- Document 5** Schedule of assets from Spiggins and Growth Accountants for Fiona Murray



DOCUMENT 1

ATTENDANCE NOTE

DATED: 2 January 2014

ATTENDING: John Travers and Cora Travers

Attending John Travers about his late wife Violet's estate, along with John and Violet's daughter Cora.

Violet was born on 1 August 1947 and died on 28 December 2013. She and John lived at Kerridge House, Brook Lane, Bedford MK42 3RH.

Violet did not leave a will.

Family

Violet and John had two children:

Cora Travers, who is 40, and lives at 101 High Road, Chiswick, London W4 3RG. She is unmarried and has no children. She is a head teacher at a large secondary school in Chiswick.

Mary Waters, who died in 2010. Mary was married to David and they had one child, Isobel (who is now 15).

Both John and Violet had been married before. Violet's first husband, Thomas, died in 1970. Violet and Thomas had one child, Sybil, who is now 45 and lives nearby at 67 Tavistock Road, Bedford, MK45 7HS. Sybil works as a nurse at the local hospital and was unable to attend the appointment today.

John also had a child with his first wife, Enid, from whom he was divorced in 1969. Enid and John's daughter, Anna, is now 53 and lives in Australia with her husband and three children.

CASE STUDY MATERIALS

Financial

Violet Travers was a wealthy woman, having been very successful in running her business buying and selling antique furniture and collectables. She left the following assets (all figures are approximate at this stage and held in Violet's sole name unless otherwise stated):

Kerridge House – held jointly with John as beneficial joint tenants	£ 950,000
Seaside Retreat – a small cottage in St Ives, Cornwall	£ 290,000
Portfolio of stocks and shares managed by Looply and Gelding brokers	£ 850,000
Cash held at Bedford Building Society in various accounts and bonds	£ 250,000
Various investments managed through Shaker Sprat and Burrows financial advisors	£ 750,000
The value of Violet's antique business, which she ran from rented premises in Bedford High Street, including stock and goodwill	£1,000,000

She also left debts:

Mortgage on Seaside Retreat	£ 190,000
Unsecured personal loan taken out in 2009	£ 35,000
Credit card bills: card 1	£ 1,200
card 2	£ 250
card 3	£ 2,300
Outstanding account with local garage for car servicing	£ 540
Outstanding account with Brilling Farnham for new furniture for the cottage in Cornwall	£ 850

I explained how the administration of the estate would proceed and gave an idea of how long it would take. We discussed how Kempstons would charge for the work and I confirmed written information about this would follow. I also advised John that he should look at updating his will and power of attorney at some point

DOCUMENT 2

ATTENDANCE NOTE

DATED: 3 January 2014

ATTENDING: Dominik Stetter about his will

Attending Dominik at his home to take instructions for his new will. He handed to me his existing will, which is now more than 20 years old. A copy is on the file.

Family and personal circumstances

Dominik (who is 91) lives at 89 Stafford Terrace, Bedford MK40 7HH which is a house he owns. He lived there with his wife, Herta, until her death in 2001 when Dominik's sister, Elisa, moved in to look after him. Elisa is 79.

At that point Dominik was starting to lose his sight due to a degenerative condition. He is now completely blind. Although he is unable to see to read, he can still sign his name legibly. Dominik is reasonably fit for his age and in good health, although he admits to becoming a little forgetful at times.

Dominik and his wife had two children:

Freja, who is 63, lives in Kent with her husband, Gerrald. She has no children. She visits her father and aunt as often as she can.

Gregor, who is 59, lives in America. He has little contact with his father who does not even know whether he is married or has children.

Finances

Dominik's estate is worth around £650,000 and is made up of the value of 89 Stafford Terrace (which is worth around £195,000) and substantial savings with the Bedford Building Society.

He has not made any lifetime gifts in the last seven years. However, he is considering doing so now as he feels he has little need for his money and would prefer to see his daughter and a few of his favourite charities benefit.

Instructions

Dominik would like a new will along the following lines:

- Kempstons to be his executors.
- He wishes to be buried in the local cemetery alongside his wife, following a simple service at St Andrew's Church in Bedford.
- He would like to leave his collection of old cigarette cards to his daughter's husband, Gerrald.
- He would like to leave legacies of £5,000 to each of the National Association for Blind Children (registered charity number 46146) and Talking Books for All (registered charity number 545866).
- The remainder of his estate he wishes to leave to Elisa and Freja but is unsure in what proportions. We discussed this at some length and he will let me know in due course by telephone.

DOCUMENT 3

WILL OF DOMINIK STETTER

I **Dominik Stetter** of 89 Stafford Terrace Bedford declare that this is my last will

I revoke all former wills and testamentary documents made by me

I appoint my wife **Herta Stetter** to be the sole executrix of this my will and I leave all my estate to her absolutely

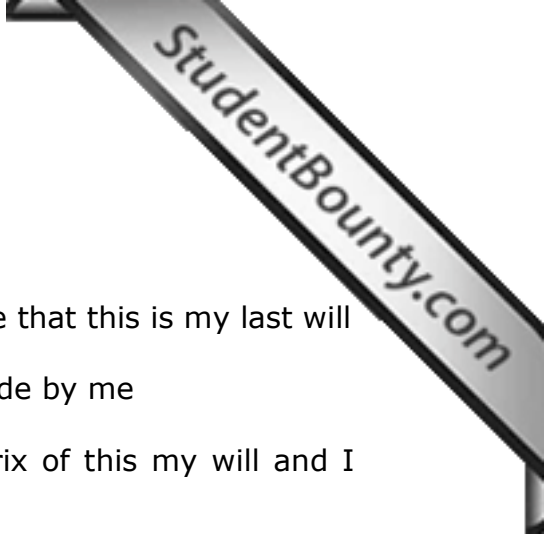
Signed by me this 5th day of May 1992

Signed by the said Dominik Stetter)
in our joint presence) D Stetter
and then by us in his)

T Wilberforce

Tracey Symons

Both with Kempstons Solicitors, Bedford.



LETTER FROM FIONA MURRAY

Mrs F Murray,
Bridge House
Little Dunnock
Bedfordshire
MK35 7FH

4 January 2014

Dear Mr Hooper

My Will

During the administration of my late husband's estate in 2012, you kindly advised me that I ought to review my will. As you know, the wills we had were made in a hurry before a holiday my husband and I took in 1999, and simply left everything we had to each other with no other provision.

This has meant that I inherited all of my husband's estate on his death, as he wished, but of course my will is no longer of any use and I need to make a new will to make sure I provide for the children. I would be very grateful if you would deal with this for me.

I would like to call to see you to discuss my instructions, but thought it might be helpful to set out for you my intentions so far:

- I would like to leave £10,000 to my goddaughter Elizabeth Burrows (who is currently 5 years old) of Orchard Cottage, Little Tew, Oxfordshire, OX5 8HH. Her parents can look after it for her while she is still little.
- My brother-in-law, Hamish Potter of Top Hill Farm, Moatly, Bedfordshire, MK37 6SK has always liked my vintage MG Sports car, and I would like him to have this.
- I wish to give £10,000 to the Royal Society for the Preservation of Woods – I am sure you can find the address and charity number please.
- The rest of my estate will of course go to my children – Maggie is now 10 and Nancy is 8 – and I would want them to share the money equally.

My accountant has prepared a schedule of my assets, investments, property, etc which I understand you need to see as well. This is attached.

With many thanks in advance for your help with this. I look forward to hearing from you with a suggested time to call to see you.

Yours sincerely

Fiona Murray

Turn over

SPIGGINS AND GROWTH ACCOUNTANTS**Schedule of Assets Prepared for Fiona Murray****Dated:** 4 January 2014

Bridge House (estimated value)	£950,000.00
Two properties in Bedford currently let on short-term tenancies (estimated value)	£500,000.00
Portfolio of stocks and shares (last valuation dated November 2013)	£657,004.00
Cash investments	£150,000.00
Current account cash and short-term savings account cash	Variable
Personal chattels (professional valuation for insurance purposes last October 2013)	£246,500.00

End of Case Study Materials