

CASE STUDY MATERIALS

June 2012
Level 6
PROBATE PRACTICE
Subject Code L6-21

ilex

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INSTITUTE OF LEGAL EXECUTIVES

UNIT 21 – 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 ILEX Examination Regulations.

Turn over

* This unit is a component of the following ILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE and the LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

ADVANCE INSTRUCTIONS TO CANDIDATES

You work in the Private Client Department of Kempstons, The Manor House, Bedford, MK42 7AB (DX BD345987).

Your supervising partner and head of department is Marcus Wu.

You arrive at work to find the following awaiting your attention:

- DOCUMENT 1** Extract from Attendance Note taken by Mr Wu on 8 May 2012 (William Fitzpatrick)
- DOCUMENT 2** Estimate of current assets and liabilities provided by William Fitzpatrick
- DOCUMENT 3** Office email from Mr Wu to trainee dated 1 June 2012 (Mr and Mrs Blacker's Wills)
- DOCUMENT 4** Will of David Blacker dated 25 January 2007
- DOCUMENT 5** Memo from Mr Wu to trainee dated 9 May 2012 – Keith Barlow deceased
- DOCUMENT 6** Draft IHT Form 205 Keith Barlow deceased
- DOCUMENT 7** Memo from Mr Wu to trainee dated 9 May 2012 – Frederick Saunders deceased
- DOCUMENT 8** Letter from Jarred & Co, Solicitors to Frederick Saunders dated 28 March 2007



DOCUMENT 1

Extract from Attendance Note taken by Mr Wu on 8 May 2012

Client: William Fitzpatrick

Matter: New Will

Address: 8 Long Miles, Fairway, Somerset. (Contact details in file)

He has no existing will.

William is 50 and has never married. He lives with Sarah Jennings who has been his girlfriend for the past two years. Sarah is wealthy in her own right, having inherited a substantial estate from her parents when they died three years ago.

William wants to leave her a relatively small amount as a sign of his love for her. She is aware of what he is doing and approves of it.

William has the following brothers and a sister:

- Adam aged 52 who is married to Carolyn and who has two daughters, Beth and Nancy.
- Edward who is 48 and single.
- Irene who is aged 56. She was widowed a few years ago and has never enjoyed good health. Her son, Tobias (aged 26), is a constant drain on her resources. He has an extravagant lifestyle but does not seem able to keep a job. William gave Tobias a monthly allowance when he was at university and has lent him money in recent years, none of which has been repaid. William does not wish to give Tobias any more money.

William had a third brother, Daniel, who died in a car accident when he was 40. Daniel's wife also died in the accident but their daughter, Helena (now aged 12), survived. She lives with Adam and Carolyn but has not (as yet) been adopted by them.

William provided a list of his current assets and liabilities. I have added some notes (see **Document 2**).

He wants his will to provide as follows:

- All his personal possessions including his car and house contents to Sarah
- £5,000 to Sarah
- £20,000 each to Adam, Edward and Helena (vested interests). No substitution or accruer provision in event that any predecease.
- Residue to Irene with gift to Cancer Research UK (registered charity number 1089464) if she does not take.
- Our firm as his executors and trustees.

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**Estimate of current assets and liabilities
provided by William Fitzpatrick**

Assets	£
Personal belongings, house contents and car	30,000
Bank current account	5,000
Bank savings account	20,000
Various shareholdings in public companies	120,000
Freehold Residence: 8 Long Miles, Fairway, Somerset, Valued recently at:	450,000
Longlife Assurance Endowment Term Life policy payable to me on expiration of term in 2025 (or earlier death)	<u>300,000</u> <u>925,000</u>

Debts

Nothing substantial apart from usual utility bills etc

Notes added by Mr Wu:

- No existing mortgage on 8 Long Miles. The Longlife policy was taken out five years ago to cover a mortgage on 8 Long Miles but he paid it off in full two years ago with the proceeds of sale of some of his investments. He decided to keep the policy in place by continuing to pay the premiums as he says that when the policy matures in 2025 it will produce a nice sum for his retirement. He recalled from his last policy statement that the current value of the policy was relatively low and certainly no more than £6,000.
- He is the life tenant under the residuary will trust of his aunt, Dorothy, who died eight years ago. He receives approximately £4,000 income each year from the trust investments which he understands are worth about £100,000. Under the terms of his will, when his life interest ends, one half of the fund is due to pass to Dorothy's grand-daughter and the other half is to pass to a number of charitable organisations specified by Dorothy's will.
- He has not made any substantial lifetime gifts relevant for inheritance tax purposes.
- He works as a civil engineer earning approximately £80,000 per year from his job. He has pension arrangements in place.

**Office email from Mr Wu
To Trainee****Date 1 June 2012****Re: Mr and Mrs Blacker's Wills**

Our recent publicity campaign encouraging people to make new wills is paying off!

Earlier today, a new client, David Blacker, came in with wills he and his wife made in 2007. His wife was not with him but he said they both want to consider their wills and, if necessary, revise them in light of changes which have occurred since the wills were made.

Their wills were made by a local firm, Garbons, but Mr Blacker said he doesn't want to use them anymore because they are acting for his daughter-in-law who is currently divorcing his son. I, of course, said we would be very happy to act and so he left me the two wills which are now in our deeds cabinet.

As he was in a hurry I took only brief details but was able to establish:

- Mr and Mrs Blacker own their home worth £500,000 as tenants in common and it is free of mortgage;
- Apart from joint bank accounts totalling about £20,000, they each hold in their respective names individual savings accounts and investments. Mr Blacker's are worth about £100,000 and Mrs Blacker's are worth about £150,000.
- Both Mr and Mrs Blacker are aged 70 and in receipt of personal and state pensions. With investment income, they have between them about £60,000 per year coming in. They have their own Independent Financial Adviser to advise on investments.
- Their two (and only) children mentioned in their 2007 wills are both in their 40s and are both married.
- However, their son, Andrew, is in the process of being divorced by his wife. The parties are currently involved in prolonged negotiations over financial provision and parental rights in respect of their three teenage children.
- Mr and Mrs Blacker's daughter, Louise, is happily married to John. They have a four year old child. Mr Blacker's concern about Louise is that a business she set up two years ago is apparently in financial trouble and has a number of creditors. Louise had mentioned to her father that she was thinking of declaring herself bankrupt as a means of wiping the slate clean to avoid her debts.
- Neither Mr Blacker nor his wife has made any gifts to date that would be relevant for inheritance tax purposes.

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I made an appointment for them both to come in for a meeting on 12 July to discuss possible revisions to their wills. I want you to attend that meeting and please have a look at the wills so you are familiar with the current provision.

Please note that in asking you to be familiar with their current wills, I am expecting you to know the type of provision that is being made in the wills. I am **not** asking you to criticise the effectiveness, or otherwise, of Garbons' drafting because if we decide that, for whatever reason, new wills are advisable, then we will of course be using our firms' precedents anyway.

NOTE TO CANDIDATES: Mr Blacker's will is shown as **Document 4**. You can assume that Mrs Blacker's will is made in identical terms which reciprocate that of her husband's.

Will of David Blacker dated 25 January 2007

THIS IS THE LAST WILL of me **DAVID BLACKER** of 14 High Drive Marchester Bedfordshire MK5 3EW.

- 1 I revoke all former wills and testamentary dispositions
- 2
 - 2.1 I appoint my wife Millicent Blacker (hereinafter called "my Wife") and Retro Bank Trust Corporation PLC (hereinafter called "the Bank") to be my executors and trustees (hereinafter together called "my Executors" which expression includes any other personal representatives (if any) whether original or substituted)
 - 2.2 I desire (but without creating any binding obligation) that my Executors instruct the firm of Garbons solicitors of 19 Market Street Marchester to be employed in the administration of my estate
 - 2.3 The Bank's standard terms and conditions in force at the date of my death and thereafter for acting as executor and trustee shall apply to the administration of my estate and any trusts arising in it
- 3
 - 3.1 In this clause:
 - 3.1.1 '**Nil-Rate Legacy Fund**' means the largest sum of cash which could be given on the trusts of this clause without any inheritance tax becoming due in respect of the transfer of the value of my estate which I am deemed to make immediately before my death
 - 3.1.2 '**Trust Period**' means the period starting with my death and ending 80 years afterwards
 - 3.1.3 '**Discretionary Beneficiaries**' means my Wife and any issue of mine who are alive at the start of or born during the Trust Period and '**Discretionary Beneficiary**' has a corresponding meaning
 - 3.1.4 '**Trustees**' means my Executors or such other trustees or trustee for the time being of this Nil Rate Legacy Fund
 - 3.2 **I GIVE** the Nil Rate Legacy Fund to my Trustees to invest it and TO HOLD IT ON THE TRUSTS and with and subject to the powers and provisions set out below
 - 3.3 **During the Trust Period** my Trustees (being at least 2 in number or a trust corporation) may at any time or times by deed or deeds APPOINT that all or any part or parts of the income or capital of the Nil Rate Legacy Fund shall be held absolutely or on such trusts (including discretionary and protective ones) in favour or for the benefit of all or any one or more of the Discretionary Beneficiaries and with and subject to such powers (including dispositive and administrative powers exercisable by my Trustees or any other person) and other provisions as my Trustees think fit and

- 3.4 IN DEFAULT** of and subject to any exercise of the powers given in clause 3.3 my Trustees shall pay or apply the income of the Nil Rate Legacy Fund to or for the maintenance education support or otherwise for the benefit of such one or more of the Discretionary Beneficiaries as my Trustees may in their absolute discretion think fit
- 3.5 ON THE EXPIRY OF THE TRUST PERIOD** my Trustees shall hold the Nil Rate Legacy Fund as to both capital and income on trust for such of my issue as are then living and if more than one in equal shares but so that no issue shall take whose parent is alive and so capable of taking
- 4 I GIVE** all the rest of my estate to my Executors upon trust to pay my debts funeral and testamentary expenses including all inheritance tax on property passing under my will and to hold the balance ("my Residuary Estate") on the following trusts:
- 4.1** to pay my Residuary Estate to my Wife absolutely
- 4.2** but if the trusts of clause 4.1 fail my Executors shall pay my Residuary Estate to such of my children Louise Marie Wilson and Andrew David Blacker as shall survive me and if more than one in equal shares provided that
- 4.3** if either of my said children shall die before me leaving a child or children living at my death then such child or children shall on attaining the age of 25 take equally the share which his her or their parent would have taken if he or she had survived me
- 5 MY EXECUTORS** shall have the following powers in addition to their powers under the general law:
- 5.1** Section 31 of the Trustee Act 1925 shall apply to the income of my Residuary Estate subject to the following modifications:
- 5.1.1** as if the words "as the trustees shall in their absolute discretion think fit" were written in paragraph (i) of subsection (1) thereof instead of the words "as may, in all the circumstances, be reasonable"; and
- 5.1.2** as if the proviso to sub-section (1) thereof had been omitted therefrom
- 5.2** To raise capital to any extent whether or not in so doing they exhaust my Residuary Estate and to pay or apply it for the benefit of any one or more of my beneficiaries and I leave it within the discretion of my Executors whether any such beneficiary shall on the distribution of my Residuary Estate or any part thereof have to bring into account all or any part of the capital paid or applied.
- 5.3** To exercise the power of appropriation conferred by section 41 of the Administration of Estates Act 1925 without obtaining any of the consents required by that section and even though one or more of my Executors may be beneficially interested

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6 ANY BENEFICIARY who is not proved to have survived me by eight days shall be treated as having died before me.

Dated this *25th* day of *January* 2007

Signed by the said **DAVID**)
BLACKER in our joint)
presence and then by us in his) *David Blacker*

Mary Sloan (Mary Sloan)
Legal Executive with Garbons Solicitors
19 Market Street, Manchester

Sylvia Robinson (Sylvia Robinson)
Also a Legal Executive with Garbons Solicitors, 19 Market Street,
Manchester

Turn over

Memo from Mr Wu to Trainee – Keith Barlow deceased**Date:** 9 May 2012**Client:** Janice and Lesley Barlow**Matter:** Keith Barlow deceased

I am dealing with the estate of Keith Barlow deceased. My clients are his daughters, Janice and Lesley Barlow. It should be a straightforward administration because Keith left a very short will giving everything to Janice and Lesley and appointing them his sole executors. (I have examined the will and there are no issues with it and so there is no need for you to look at it).

I had already drafted IHT Form 205 on the basis that it is a low value excepted estate because the gross value is just under the relevant £325,000 threshold. You might want to have a look at it since it will tell you what is in the estate (see **Document 6**). However, Janice has just phoned to say that she has discovered an old cheque book belonging to her father and it shows that on 14 April 2006 he made a gift of £15,000 to his nephew Donald Barlow who is the son of his brother, Michael. She told me that Michael died suddenly in 2005 just as Donald was about to leave school and start at university. Amongst the papers where she found the cheque book was a letter from Donald thanking Keith for the money and saying that it would help him through university.

I asked Janice if there was anything else with the papers she found which might be relevant to the estate and she said there was some correspondence about some holdings of National Savings Certificates. She gave me details and I have since written to National Savings & Investments to check if these were held by Keith and if so, what they are worth.

This new information might change things if it takes us over the limit for an excepted estate. However, we may still be OK since it might be possible to claim some transferable nil rate band from the estate of Keith's wife, Dolores, who died on 5 November 1996.

I've checked the HMRC website and at that time the nil rate threshold was £200,000. Janice told me that her estate was dealt with by another firm of solicitors and she thinks her mother's will simply left everything to her father although there might have been a legacy left to a son she had from her first marriage. Unfortunately, neither Janice nor Lesley has a copy of their mother's will or any estate accounts but I have written to the solicitors concerned and hopefully they can provide the information we need. When I hear from them, I will ask you to advise further.

Draft IHT Form 205 – Keith Barlow deceased

HM Revenue
& Customs

Return of estate information

Read the notes in booklet IHT206(2006) to help you fill in this form

Fill in this version of this form only when the person died on or after 1 September 2006.

Fill in this form where the person who has died ('the deceased') was domiciled (had their permanent home) in the UK at the date of death and the **gross value of the estate for Inheritance Tax is less than:**

- the excepted estate limit
- two times the excepted estate limit and form IHT217 is attached (for deaths on or after 6 April 2010 only), or
- £1,000,000 and there is no Inheritance Tax to pay because of spouse, civil partner or charity exemption.

1. About the person who has died

Title	1.1 MR	Surname	1.2 BARLOW
		First name(s)	1.3 KEITH
		Date of death DD MM YYYY	1.4 10/03/2012

Marital or civil partnership status

Write whichever is appropriate a, b, c or d in the box 1.5 d

- a. married or in civil partnership b. single c. divorced or former civil partner d. widowed or surviving civil partner

Occupation 1.6 Retired Chemist National Insurance number if known 1.7 Y R 2 3 1 7 7 8 C

About the estate

2. In the seven years before they died, did the deceased:
- | | No | Yes |
|--|-------------------------------------|--------------------------|
| a. make any gifts or other transfers totalling more than £3,000 per year, other than normal birthday, festive, marriage or civil partnership gifts, or | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. give up the right to benefit from any assets held in trust that were treated as part of their estate for Inheritance Tax purposes? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If you answered 'Yes' to either part of this question, include the chargeable value of the gifts in box 9.1. But if this value is more than £150,000 or the assets do not qualify as 'specified transfers', **stop filling in this form. You will need to fill in form IHT400 instead.**

3. Did the deceased make any of the following:

- | | | |
|--|-------------------------------------|--------------------------|
| a. a gift, on or after 18 March 1986, where they continued to benefit from, or had some right to benefit from, or use all or part of the asset? or | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. a gift, on or after 18 March 1986, where the person receiving the gift did not take full possession of it? or | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. an election on form IHT500 that an Income Tax charge should not apply to: <ul style="list-style-type: none"> – assets they previously owned, in which they retained a benefit, or – the deceased's contribution to the purchase price of assets acquired by another person, but in which the deceased retained a benefit? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If you answered 'Yes' to any part of this question, **stop filling in this form. You will need to fill in form IHT400 instead.**

4. Did the deceased have the right to receive the benefit from any assets held in a trust that were treated as part of their estate for Inheritance Tax purposes?

If you answered 'Yes', and the deceased:

- was entitled to benefit from a single trust, and
- the value of the assets in that trust, treated as part of their estate, was less than £150,000

include the value of the trust assets in box 9.3 But if the value was more than £150,000, or there was more than one trust, **stop filling in this form. You will need to fill in form IHT400 instead.**

5. Did the deceased own or benefit from any assets outside the UK?

If you answered 'Yes', include the value of the overseas assets in box 9.5. But if the value of the overseas assets is more than £100,000, **stop filling in this form. You will need to fill in form IHT400 instead.**

6. Did the deceased pay premiums on any life insurance policies that were not for their own benefit or did not pay out to the estate and did they buy an annuity at any time? – ignore any policies paid out to a surviving spouse or civil partner.

If you answered 'Yes', **stop filling in this form. You will need to fill in form IHT400 instead.**

Turn over



- | | | |
|--|-------------------------------------|--------------------------|
| | No | Yes |
| 7. Did the deceased have any kind of pension arrangement other than the State Pension?
<i>If you answered 'No', go to the next section 'Deceased's assets at the date of death'</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Did the deceased: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • receive benefits from an alternatively secured pension fund as the original scheme member? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • receive benefits from a dependant's pension from an alternatively secured or unsecured pension fund? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • change or dispose of their pension in the 2 years before they died? – ignore any pensions paid to a surviving spouse or civil partner. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- If you answered 'Yes' to any part of question 8 stop filling in this form. You will need to fill in form IHT400 instead.*

Deceased's assets at the date of death

Make the fullest enquiries so that you can show that the figures on this form are correct. If you cannot find the value for an item you may include your best estimate.

9. Assets added to the estate for Inheritance Tax, for which a grant is not required

9.1 Gifts and other lifetime transfers (after deduction of allowable exemptions) made within 7 years of the date of death. *Show the date and description of gifts, who they were made to and any exemptions you have deducted in the box below*

9.1 £ 0

9.2 Deceased's share of joint assets passing automatically to the surviving joint owner. *For example, a house owned as joint tenants. Describe the asset and give its whole value in the box below and say what share the deceased owned. If it is a house, give the address. Put the value of the deceased's share in box 9.2*

9.2 £ 0

9.3 Assets held in trust for the benefit of the deceased during their lifetime *Please tell us what assets were in the trust, the name of the person who set up the trust and the date it was set up*

9.3 £ 0

9.4 Nominated assets

9.4 £ 0

9.5 Assets outside of the UK

9.5 £ 0

Gross value of assets for which a grant is not required (add together the figures in boxes 9.1 to 9.5)

A £

10. Debts payable out of assets totalled in Box A

10.1 Share of mortgage on a property owned as a joint asset and shown in box 9.2

10.1 £ 0

10.2 Share of other debts payable out of joint assets

10.2 £ 0

10.3 Debts payable out of trust assets

10.3 £ 0

10.4 Debts owing to persons outside of the UK

10.4 £ 0

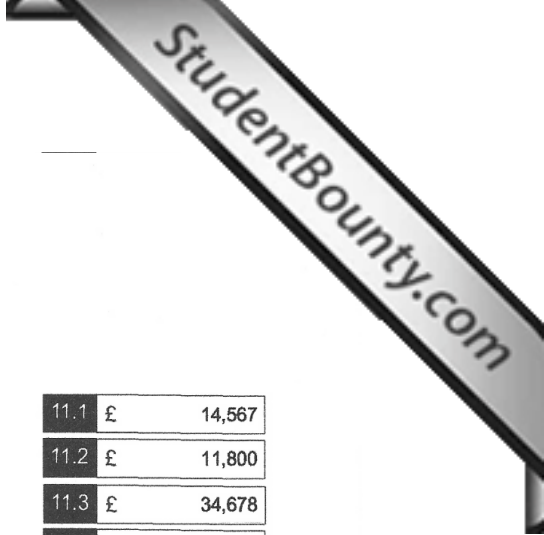
Total debts payable out of assets in boxes 9.1 to 9.5 (add together boxes 10.1 to 10.4)

B £

Net value of assets for which a grant is not required (A minus B)

C £

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11. Deceased's own assets for which a grant is required

Please include:

- the gross value for each item before deduction of any exemptions or reliefs
- all assets, ignoring any changes that may take place through an Instrument of Variation made after the death
- the deceased's share of jointly owned assets **not** passing by survivorship

11.1 Cash, including money in banks, building societies and National Savings

11.1	£	14,567
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11.2 Household and personal goods

11.2	£	11,800
------	---	--------

11.3 Stocks and shares quoted on the Stock Exchange

11.3	£	34,678
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11.4 Stocks and shares not quoted on the Stock Exchange

11.4	£	0
------	---	---

11.5 Insurance policies, including bonuses and mortgage protection policies

11.5	£	12,500
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11.6 Money owed to the person who has died

11.6	£	0
------	---	---

11.7 Partnership and business interests

11.7	£	0
------	---	---

11.8 Freehold/leasehold residence of the person who has died
Please show address including postcode in the box below

11.8	£	240,000
------	---	---------

23 Hooly Bush Road,
Tamster
Bedfordshire MK20 3DF

11.9 Other freehold/leasehold property
Please show address including postcode in the box below

11.9	£	0
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11.10 Other land and buildings
Please show address including postcode in the box below

11.10	£	0
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11.11 Any other assets not included above, including any lump sum or continuing payments from a pension scheme

11.11	£	0
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Gross value of assets for which a grant is required (add together boxes 11.1 to 11.11)

D	£	313,545
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12. Debts of the estate payable out of assets shown in boxes 11.1 to 11.11

12.1 Funeral expenses

12.1	£	5,600
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12.2 Mortgage or share of a mortgage on a property or land in boxes 11.8 to 11.10

12.2	£	0
------	---	---

12.3 Other UK debts owed by the deceased

12.3	£	0
------	---	---

Total debts payable out of assets in boxes 11.1 to 11.11 (add together boxes 12.1 to 12.3)

E	£	5,600
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Net estate in the UK for the grant (D minus E)

F	£	307,945
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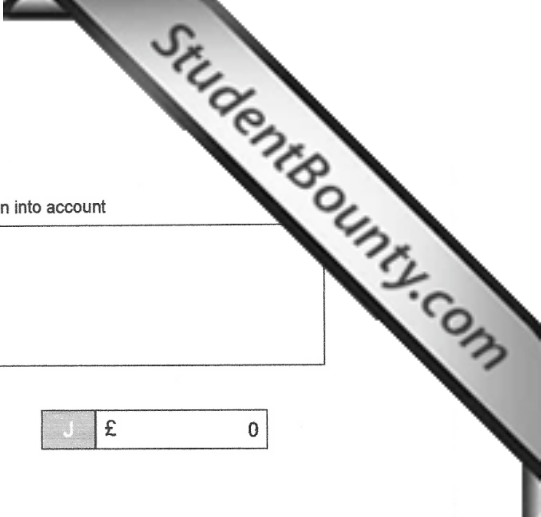
Net estate for Inheritance Tax purposes (add together C + F)

G	£	307,945
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Gross value for Inheritance Tax (A + D)

H	£	313,545
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Turn over



13. Use this box to provide any other information we have asked for or you would like taken into account

Not applicable

14. Exemptions *please read IHT206(2006) before filling in this section*

In box J, enter the value of any exemption for assets passing on death to:

J £ 0

- the surviving spouse or civil partner of the deceased, or
- a qualifying charity or for national purposes.

Do not include agricultural or business relief here

Describe the extent of the exemption. If you are including charity exemption give the full name of the charity/charities, the country of establishment and the HMRC charities reference, if available. Where exemptions include particular assets, list those assets and show the amount included

Not applicable

Net qualifying value for excepted estates (G minus J)

K £ 307,945

If the value in box K is above the excepted estate limit, you must fill in form IHT400 unless you are claiming a transfer of unused nil rate band.

If you are claiming a transfer of unused nil rate band, you must attach a completed form IHT 217 to this form.

If you find something has been left out, or if any of the figures you have given in this form change later on, you only need to tell us if, taking all the omissions and changes into account, the value at box K is more than the Inheritance Tax nil rate band (or two times the nil rate band where form IHT217 has been submitted).

You must then fill in form IHT400 and send it to us. You will also need to pay any tax that is due.

The issue of the grant does not mean that there is no Inheritance Tax due on this estate.

Declaration

If you give false information, or the estate fails to qualify as an excepted estate and you do not tell HMRC within 6 months of the failure coming to your notice, you may have to pay financial penalties or face prosecution.

I/we declare that the gross value of the estate for Inheritance Tax (see box H on page 3) is less than:

tick one box

- the excepted estate limit
- two times the excepted estate limit and a claim to transfer unused nil rate band (form IHT217) is attached (for deaths on or after 6 April 2010 only), or
- £1,000,000 and there is no Inheritance Tax to pay because of spouse, civil partner or charity exemption.

I/we declare to the best of my/our knowledge and belief that the information I/we have given on this form is correct and complete.

<p>Full name and address Janice Barlow 53 Thomas Street Kempston Bedfordshire MK42 7CH</p> <p>Signature _____ Date _____</p>	<p>Full name and address Lesley Barlow 67 Hatters Ridge Road Stockton-on-Tees TS17 8GH</p> <p>Signature _____ Date _____</p>
<p>Full name and address</p> <p>Signature _____ Date _____</p>	<p>Full name and address</p> <p>Signature _____ Date _____</p>

Keep a copy of this form for your records as we cannot provide you with a copy at a later date.

Memo from Mr Wu to Trainee – Frederick Saunders deceased**Date:** 9 May 2012**Client:** William Saunders**Matter:** Frederick Saunders deceased

Yesterday I spoke to William Saunders about the estate of his brother, Frederick Saunders, who died on 30 May 2012, aged 72. Frederick never married and had no children.

His only sister (of the whole blood), Marjorie, is aged 82 and resides in a care home. Two years ago she was diagnosed with dementia and is incapable of dealing with her own affairs. Her daughter (and only child), Samantha, has been appointed as her deputy under the Mental Capacity Act 2005.

William is aged 75 and lives with his son, Adam, and Adam's wife, Susan, along with their two children, Roberta, aged 14 and Esther, aged 11. William has two other children; Linda Johnson who is married to Michael Johnson and who has a son, Digby, aged 10; and David Saunders who was unmarried and who died last year leaving one child, Madeline, aged 9.

William believes Frederick made a will because he (Frederick) had asked William whether he would act as his executor. William had told Frederick he would be happy to act as his executor but that he wasn't expecting to be left anything. However, a search of Frederick's house by William and Adam has so far failed to find it although they did find a letter referring to a will from Jarred & Co, a firm of solicitors that Frederick had used in the past (see **Document 8**).

William has since contacted Jarred & Co but they said that Frederick never responded to their letter despite two reminders and so they closed his file. They sent Frederick a bill in August 2007 for preparing the will which he paid promptly but the firm has had no contact with him since. They have a copy of the will they prepared for him on their file but do not hold any deeds or other documents for him.

I advised William that in the absence of a will, he and his sister Marjorie are entitled to Frederick's estate on intestacy. At this stage William knows little about what Frederick left – he thinks the deeds of his house and details of his investments are probably held at his bank. William said that he and Adam would have another look through Frederick's house to see if they could find any trace of a will and also make some enquiries with his bank.

I made an appointment for William to see you on 12 June 2012 and Adam hopes to attend as well. It is likely that by then we may know more about Frederick's estate and whether or not he ever executed his will.

Turn over

Letter from Jarred & Co, Solicitors to Frederick Saunders dated 28 March 2007

Jarred & Co
Solicitors
Equity House
8 Lord Street
Tamcaster TM3 4DF

Tel: 01432 675342
Fax: 01432 675343

Our Ref: HGJ/KL/S567F
Your Ref:

28 March 2007

Mr F Saunders
28 Rochester Road
Selbridge
Tamcaster TM5 8CS

Dear Mr Saunders

Re: Your Will

Further to your attendance at our offices and our discussion regarding your will, we enclose, at your request, an engrossment of your will which we have prepared in accordance with your instructions.

You will see that after the introduction and space for the date, the will expressly revokes any previous will. We appreciate you told us that you have never made a will before but it is standard practice to include this wording.

The will appoints your brother, William, as the sole executor and then goes on to provide for your whole estate to be shared equally among your nephews Adam and David and your niece, Linda (or their respective children should any of them die before you).

The remaining clauses in the will are standard provisions to assist William in giving effect to your will and in administering your estate.

If this still meets with your wishes, will you please sign and execute your will by following the instructions printed on the attached sheet enclosed with this letter. **It is very important that you follow these instructions exactly as described** to ensure the validity of your will. Your will is not valid until it has been executed in the manner described.

When you have completed the procedure described on the sheet, please send the will back to us immediately thereafter so that we can check that the necessary requirements have been met and also so that we can record the details of your will's execution in our records. We will then return the will in accordance with your instructions, either to you, or to the person or institution who you wish to have custody of it.

CASE STUDY MATERIALS

We hope this letter and the instruction sheet make clear what you now need to do to make your will effective. However, please do not hesitate to call our Mr. Jenks if you require clarification on any point.

Yours sincerely

Jarred & Co

Jarred & Co

Enclosures: Your Will (Unexecuted)
Instructions for Executing Your Will

NOTE TO CANDIDATES: Neither the will nor the instruction sheet was found with this letter and so cannot be reproduced.

End of Case Study Materials

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