

CASE STUDY MATERIALS

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Level 6
PROBATE PRACTICE
Subject Code L6-21



CHARTERED INSTITUTE
OF LEGAL EXECUTIVES

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THE CHARTERED 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 CILEx Examination Regulations.

Turn over

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

ADVANCE INSTRUCTIONS TO CANDIDATES

You work in the Private Client Department of Kempstons, The Manor House, Bedford, MK42 7AB (DX BD 345987).

The head of the Private Client Department and your supervising partner is Amanda Gray.

You arrive at work and find the following documents awaiting your attention:

- DOCUMENT 1** Extract from an Attendance Note taken by Amanda Gray following her meeting with Crystal Wong on 10 December 2013
- DOCUMENT 2** List of estimated assets and liabilities of Crystal Wong
- DOCUMENT 3** Will of Frederick Carter dated 24 June 1990
- DOCUMENT 4** List of assets and liabilities in the estate of Frederick Carter deceased
- DOCUMENT 5** Extract from an Attendance Note taken by Amanda Gray on 3 January 2014 re Anne Field
- DOCUMENT 6** Extract from file of William Maykit deceased – personal client information

DOCUMENT 1

Extract from an Attendance Note taken by Amanda Gray following a meeting with her client Crystal Wong on 10 December 2013.

Client: Crystal Emerald Wong

Matter: Client Will

Address: The Woodlands, Lumley Way, Lumley, Surrey.

Crystal is 43 and is the Managing Director of Press Printers Limited.

She is married to James Wong, who is 46, and they have two children:

David Wong aged 13

Fiona Wong aged 12

Crystal has the following brothers and sisters:

- Simon George Lee (unmarried) of The Firs, Borough Road, Stafford, Staffordshire. Age 39.
- Paul Jeremy Lee (unmarried) of 6 The Hill, Stafford, Staffordshire. Age 41.
- Andrew Frederick Lee (unmarried) of 14 Park Road, Stafford, Staffordshire. Age 42.
- Alice Joan Timpson of 3 Crimea Road, Stafford, Staffordshire.

Alice is 50 years old and is married with three adult children. Alice is suffering from a life-limiting illness and may not survive longer than two or three years.

Crystal has sent me details of her assets and liabilities which I have listed in **Document 2**.

Crystal would like her will to include the following legacies:

- The house she owns when she dies to pass to Simon Lee
- Collection of astronomy books and antique telescopes to be equally divided between two colleagues from Press Printers Limited: Vincent Tse and Tanveer Mahmood - as they shall choose
- Shares in VIM plc to Alice Timpson
- Residue to her husband with substitutional gift to the children if he does not survive
- Executors Simon Lee and Kempstons

Turn over

Estimated assets and liabilities provided by Crystal Wong – all in her name unless stated otherwise.

Assets	£
The Woodlands, Lumley Way, Lumley, Surrey	450,000
Bank current account	200
Deposit account Grand Building Society	8,000
1000 ordinary shares VIM plc	12,000
Government bonds	40,000
Car	10,000
Books	500
Collection of antique telescopes	3,000
Furniture and effects	5,000
Life insurance policy maturing in 2020 (or on death, if earlier)	<u>200,000</u>
	728,700
Liabilities	
Mortgage on The Woodlands	100,000

Notes

The Woodlands is registered in Crystal's sole name as she already owned and lived in the house when she married her husband. This was her first marriage and his second marriage.

Crystal earns approximately £60,000 a year from her role as Managing Director of Press Printers Limited and has no other income. James Wong retired three years ago due to a stress-related illness. He has a small pension of £8,000 a year and no other assets.

Crystal has plans for the life insurance policy when it matures and aims to use it to fund a large extension on the house.

Will of Frederick Carter

THIS IS THE LAST WILL AND TESTAMENT of me **FREDERICK CARTER** book illustrator of Orchard Cottage, Dale Lane, Stafford, Staffordshire ST13 5AU

1. **I REVOKE** all former testamentary dispositions made by me
2. **I WISH** my body to be buried in the cemetery at All Saints Church, Sandy Lane, Stafford Staffordshire.
3. **I APPOINT** my sister Ann Penelope Harding of Holly Cottage, Sandon Avenue, Stafford, Staffordshire to be the executor of this will
4. **SUBJECT TO** the payment of my debts funeral and testamentary expenses I GIVE all my estate not otherwise specifically disposed of (hereinafter called my Residuary Estate) to my wife Dora Carter also of Orchard Cottage, Dale Lane, Stafford, Staffordshire, ST13 5AU.
5. **IF MY WIFE DORA CARTER SHALL PREDECEASE** me I GIVE my Residuary Estate to the National Society for the Prevention of Cruelty to Children for its general charitable purposes and I direct that the receipt of the person who appears to be the treasurer or other proper officer of the Charity shall be a sufficient discharge to my executor and I further direct that if at my death the Charity has ceased to exist or has amalgamated with another charity or has changed its name my executor shall pay this legacy to the charitable organisation which she in her discretion considers most nearly fulfils the objects of the Charity.

AS WITNESS my hand this 24th day of June 1990

SIGNED by FREDERICK CARTER in our) *Frederick Carter*
presence and then by us in his)

Witness's signature *Jane Meadows*

Address 2 Pine Court Truro Cornwall

Occupation ...Surgeon.....

Witness's signature *Martin Slater*

Address Flat 8A Mere St York

Occupation ...Teacher.....

Turn over

List of assets and liabilities in the estate of Frederick Carter deceased

Assets	£
(All in the deceased's sole name unless stated to be held otherwise)	
Bank deposit account held in joint names with his sister Ann Penelope Harding	10,000
Magnificent Building Society	135,000
Chattels	1,000
Orchard Cottage, Dale Lane, Stafford, ST13 5AU held as tenants in common with his friend Daniel Goodwin Full value £200,000 Value after 10% discount £180,000 Deceased's half share	90,000
Holiday cottage Sea View held as joint tenants with his sister Ann Penelope Harding Full value £60,000 Value after 10% discount £54,000 Deceased's interest	27,000
Friendly Society account nominated to his brother William	250
Moonscape policy on own life (payable to personal representatives)	500,000
Stardust life policy written in trust for Frederick's children	8,000
Life interest in a trust fund created by his grandfather ten years ago consisting of stock exchange investments. The trustees are two of Frederick's uncles. On Frederick's death his two children are entitled to life interests remainder to their children absolutely. Total value of trust fund	250,000
Employees pension : lump sum payable at discretion of trustees of the pension fund	30,000
Liabilities	
Minimal	

Extract from an Attendance Note taken by Amanda Gray on 3 Jan 2014.

Client: Anne Field

Matter: Personal Representative

Mrs Field is a new client and called to see me about a rather interesting matter in which she has become embroiled. She is the personal representative of the estate of an old friend of hers, Simon Green, who has recently died.

Simon was previously married to Deborah Green, a successful barrister. The marriage did not work out well and they eventually agreed that divorce was the best way forward for them; this was finalised in 2005.

Simon and Deborah have one son, Andrew Green, who is now aged 20. Unfortunately, Andrew has a disabling mental illness but there is no reason why he should not live for another 20 years. Andrew is living in a private nursing home, paid for by Deborah. He has suffered from this illness since birth and the prospects of recovery are nil. However, Andrew is capable of appreciating expensive clothes and short holidays away.

Simon had two close friends: Leo Wild and Jerry Bruntwood. Simon and Leo lived together for three years after Simon was divorced. This relationship ended when Simon met Jerry. Simon has been paying Leo's fees at the Sunny Rest Home in Dorset where Leo now lives.

Simon and Jerry started to live together in 2008. At that time, Jerry was 26 and a personnel manager, and Simon was 50. In 2009, Simon bought the Beach Hotel in St Ives, Cornwall. Simon told Jerry that he bought the hotel as a project for Jerry to run and that Jerry would inherit it when Simon died.

Jerry and Simon discussed at great length whether they were ready to formalise their relationship by registering a civil partnership. Eventually they decided that they may do this in the future, but this was not the right moment.

Turn over

Extract from file of William Maykit deceased – personal information.

Client name William David Maykit

Occupation Ceramicist

Spouse Widower (Frances Anne Maykit died 14 June 2008)

Address 3 The Elms, High St, Stafford, Staffordshire, ST12 4AU

Date of birth 1 September 1942

Date of death 10 January 2014

Domicile England and Wales

Relatives Both of the client's parents died several years ago. William did not have any children.

William Maykit had 4 siblings:

Sally Ruth Maykit (59) of 3 The Elms, High St, Stafford, Art Historian

Harry Roger Maykit (52), living in the Philippines, unsure of current address

Molly Alice Maykit (63) of 19 Station Road, Crewe, Cheshire, CW15 2AZ Teacher

Doreen Naomi Maykit (deceased). Doreen had been very ill and died many years ago unmarried and without children

Assets in the sole name of the client

	£
3 The Elms, Stafford, ST12 4AU	205,000
Savings account at High Bank plc - balance including interest to date of death (the bank account is in the name of Will Maykit)	45,000
Silver collection	15,000
Personal possessions professionally valued	40,000
Investment portfolio valued at date of death	50,000
Cash at the house	150
Gross estate	355,150
Liabilities	
Mortgage outstanding on 3 The Elms at the date of death	(30,000)
Funeral a/c	(2,000)
Net estate	323,150

End of Case Study Materials