|  |
| --- |
| **Leicester De Montfort Law School**  **Legal Practice Course**  **Wills and Administration of Estates**  **Small Group Session 3: Administration of the Estate**  **Pre Session Quiz** |

Read each of the following 18 questions, choose the correct answer/s and then check your answers against those that have been provided.

It is important that you answer all the questions and check your answers PRIOR to completing your preparation for Small Group Session 3 as these cover points of law that you need to complete your Small Group Session 3 preparation.

1. Which type of grant would you apply for if the deceased died without leaving a will?
2. Grant of probate
3. Grant of letters of administration
4. Grant of letters of administration with will annexed
5. We only refer to a grant of representation when there is a will. True or false?

1. Janet dies and in her will leaves a gift of £5,000 to her brother, Michael. Michael died 3 years ago leaving a wife and two children. Amy is 19 and Ethan is 15. Janet names her husband, Ian as her residuary beneficiary. Who will receive the £5,000?
2. Michael’s wife
3. Amy
4. Amy and Ethan but Ethan’s share will be held upon trust
5. Ian

1. Janet also left a gift in her will of £50,000 to her daughter, Isla. Isla died last year leaving a husband, Nathan, and one daughter, Ava, aged 19. Who will receive the £50,000?
2. Isla
3. Nathan
4. Ava
5. Ian (the residuary beneficiary)

1. Janet’s will stated “I leave my emerald ring to my niece, Eleanor” Janet lost the emerald ring whilst on holiday last year. Which of the following is correct?
2. The PRs have to buy an emerald ring to give to Eleanor.
3. The gift is a general gift
4. Eleanor will receive any other jewellery Janet may own
5. The gift is a specific gift and will adeem
6. Janet’s will also left “100 shares in Leisure Plus Limited” to her nephew, Henry. When she died Janet did not own any shares in Leisure Plus Limited although she did own shares in a number of other companies. Which of the following is correct?
7. The PRs have to buy 100 shares in Leisure Plus Limited to give to Henry.
8. The PRs will give the other shares Janet owns at her death to Henry.
9. The gift adeems
10. This is a pecuniary legacy
11. Janet’s will also left “my collection of Laadro figurines” to my niece, Bethany. At the time the will was made Janet owned 24 figurines. When she died, she owned 20 figurines after breaking 4 of them whilst dusting. Which of the following is correct?
12. The PRs have to buy an additional 4 figurines to give to Bethany
13. The gift adeems
14. Bethany will receive the 20 figurines
15. This is a demonstrative gift
16. Janet also left a gift of “£10,000 from my account with the Hinckley & Rugby Building Society” to her grandson, Samuel. When Janet died the account only contained £6,000, although she did have over £100,000 in a variety of other accounts. Which of the following is correct?
17. Samuel receives £6,000
18. Samuel receives £10,000
19. The gift adeems and Samuel gets nothing
20. This is a general gift
21. Which of the following is correct?
22. S41 Administration of Estates Act (AEA) gives PRs the power of appropriation which means they can give any of the deceased’s assets to any of the beneficiaries in the will.
23. S41 AEA gives the PRs the right to give any asset not specifically bequeathed to any beneficiary without requiring the consent of that beneficiary
24. S41 AEA gives the PRs the right to give any asset not specifically bequeathed to another beneficiary, provided that beneficiary consents
25. S41 AEA requires the PRs to obtain the consent of the residuary beneficiaries if they want to use their power of appropriation.
26. A will leaves a gift of “50,000 to Evie Wood”. Evie is aged 15 when the testator dies.

Which of the following is correct?

1. Evie’s gift is a vested gift
2. Evie’s gift is a contingent gift
3. Evie’s gift will be held on statutory trust until she reaches 18
4. If Evie dies before she reaches 18 the £50,000 will fall back into the testator’s estate.
5. Which of the following is correct? There may be more than one correct answer.
6. Evie’s gift can be held on trust by the PRs
7. S42 AEA allows the PRs to appoint other trustees to hold Evie’s gift until she reaches 18
8. Evie’s gift will be held on statutory trust
9. Evie’s parents could give a receipt for the £50,000 and the PRs could pay the money to them
10. A will leaves a gift of “25,000 to Jackson Stoker upon reaching the age of 18 years”. Jackson is aged 15 when the testator dies.

Which of the following is correct?

1. Jackson’s gift is a vested gift
2. Jackson’s gift is a contingent gift
3. Jackson’s gift will be held on statutory trust until she reaches 18
4. If Jackson dies before he reaches 18 the £25,000 will fall into his estate.
5. Which of the following is correct?
6. Jackson’s gift must be held on trust by the PRs
7. S42 AEA allows the PRs to appoint other trustees to hold Jackson’s gift until he reaches 18
8. Jackson’s gift will be held on statutory trust
9. Jackson’s parents could give a receipt for the £50,000 and the PRs could pay the money to them
10. When a person dies, the PRs must vest the deceased’s assets in the beneficiaries. What does vest mean?
11. Hand over the asset
12. Pass legal ownership of the asset in the beneficiary
13. Hand over the asset and get a receipt
14. None of the above
15. Which of the following are correct? There may be more than one correct answer.
16. S31 Trustee Act 1925 allows trustees to make an early payment of the trust income to a beneficiary
17. S31 Trustee Act 1925 allows trustees to make an early payment of the trust capital to a beneficiary
18. S32 Trustee Act 1925 allows trustees to make an early payment of the trust capital to a beneficiary
19. S32 Trustee Act 1925 allows trustees to make an early payment of the trust income to a beneficiary
20. In his will, Charles leaves 100 shares on trust for Simon upon reaching the age of 21. Simon is 16 when Charles dies. Which of the following is correct? There may be more than one correct answer.
21. The trustees can use their power of maintenance to pay any income earned on those shares for the benefit of Simon before he reaches 21
22. The trustees can use their power of maintenance to pay the capital for the benefit of Simon before he reaches 21
23. The trustees can use their power of advancement to pay the capital for the benefit of Simon before he reaches 21
24. The trustees can use their power of advancement to pay any income earned on those shares for the benefit of Simon
25. Amy is the beneficiary of a trust which holds “8,000 shares on trust for Amy, contingent upon her reaching the age of 21”. Amy is 17. Which of the following is correct?
26. Amy can have 3,000 shares advanced for her benefit now and she will then receive 8,000 shares when she reaches 21.
27. Amy can only have 4,000 shares advanced for her benefit before she reaches 21.
28. Amy can have up to all of the 8,000 shares advanced for her benefit before she reaches 21
29. The power of advancement is not available for Amy because her gift is contingent
30. Amy is the beneficiary of a trust which holds “£10,000 on trust for Amy, contingent upon reaching the age of 21”. Amy is 17. Which of the following is correct? There may be more than one correct answer
31. The trustees can use the income generated on the £10,000 and pay it over for Amy’s maintenance, education or benefit
32. The trustees can only pay over half of the income generated for Amy’s maintenance, education or benefit
33. The trustees cannot use their power of maintenance because Amy’s gift is a contingent pecuniary legacy
34. The trustees would have been able to use their power of maintenance if Amy’s gift had been shares provided the income was to be used for her maintenance, education or benefit

When considering the powers of maintenance & advancement it is helpful to consider the following key points:

**S31** is the power of **maintenance**

Allows an early payment on the trust **income**

The income must be used for the beneficiaries **maintenance, education or benefit**

The gift must carry the **intermediate income**. **Contingent pecuniary legacies** do not and so the power of maintenance is not available on those gifts, subject to a few exceptions.

**S32** is the power of **advancement**

Allows the early payment of the trust **capital**

The capital must be used for the beneficiaries **advancement or benefit**

Up to **all** of the capital can be advanced

Any capital advanced must be **brought into account**