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

**Outcomes**

As a result of this Small Group Session, you will be able to:

* Advise on steps to be taken by the Personal Representatives to obtain a Grant of Representation and to complete the administration of an estate

**Materials and Preparation needed**

For this Small Group Session, you must:

* Listen to Wills and Administration of Estates Lecture 5 and make notes using the PowerPoint slides relating to this online Lecture
* Read the relevant chapter(s) in your online Legal Foundation Course manual
* Complete the Small Group Session 3 Pre-Session Quiz and once completed check your answers against those provided. It is important that you complete these questions as they cover important points of law that you will need in order to answer the questions below.
* Prepare answers to the following Questions and bring them to the session with you.

Please ensure that you have completed the Small Group Session 3 Pre Session Quiz and checked your answers before preparing answers to the following Tasks.

**Task One**

**MEMO**

**From: John Banks**

**To: Trainee Solicitor**

**Date: --/--/22**

**Re: Agnes Towns (deceased)**

I met with Wendy Rogerson yesterday regarding her mother, Agnes Towns, who died three weeks ago. Attached is a copy of her will. The will was not drafted by this firm, but I do not anticipate any problems of validity.

I have attached full details of the interview.

I would like you to assist on this file as follows:

Firstly, Wendy is keen that a Grant is obtained as soon as possible. Please consider what type of grant would be issued; who would be entitled to take it out and what should be sent to the Probate Registry in order to obtain the grant.

Secondly, although Wendy is not aware of her mother having any debts when she died, Wendy is worried about what will happen if one comes to light once all the assets have been distributed to the beneficiaries. What can the PRs do to protect themselves against a claim from creditors who may come to light in the future?

Thirdly, in view of all the information provided, go through the will and explain who will receive what under Agnes’ will. (In particular, consider what should be done about the gift to Ian.)

Please prepare notes on these questions so that we can discuss this file tomorrow.

This is the last will and testament of me Agnes Towns of 17 Manor Road Oadby Leicestershire made this 19th day of January 2006

1. I revoke all former will and testamentary dispositions made by me.

2. I appoint my daughter Wendy Rogerson and my son David Towns to be the executors of this my will

3. I GIVE the following free of tax and costs of transfer:

1. my house 17 Manor Road Oadby to my sister Beatrice Walsh
2. my Bechstein piano to my niece Helena Best who plays so beautifully
3. my painting of Lake Como to my art teacher
4. my painting of Lake Windermere to my nephew Jeremy Walsh as I know he has always admired it
5. my painting of Lake Derwent to my son David Towns so he will remember the family holidays we enjoyed there
6. my shares in Boots PLC to my daughter Wendy Rogerson

4. I GIVE the following legacies free of tax:

a) the sum of twenty thousand pounds to each of Helena Best and Ian Walsh and Jeremy Walsh

1. the sum of ten thousand pounds to each of Graham Towns and Laura Best and Moira Walsh.
2. the sum of five thousand pounds to my godson William Westbridge if and when he reaches 18
3. to my friend Eunice Mason the sum of £1,000 payable from my Coventry Building Society account

5. I GIVE all the rest and residue of my estate both real and personal SUBJECT TO the payment of my debts funeral and testamentary expenses and any tax arising in respect of my death to my daughter Wendy Rogerson and my son David Towns equally

Signed by the testatrix in our

*Agnes Towns*

presence and then by us

in hers

*Rachel Yates*

*44 Warwick Street*

*Oadby*

*Leics.*

#### Andrew Bates

90 Lodge Avenue

Braunston

Leicestershire

**ATTENDANCE NOTE**

Attending Wendy Rogerson about the estate of her late mother.

**Agnes Towns (deceased)**

Date of birth: 1st November 1941

Date of death: 23rd August 2022

Address at date of death: 17 Manor Road Oadby Leicestershire

Property at date of death:

1. Home (17 Manor Road)

Value of property 750,000.00

2. Shares in various public companies 300,000.00

3. Bank account with Lloyds Bank plc 200,000.00

4. Savings account with Coventry Building Society 750.00

5. Savings account with Peterborough Building Society 25,000.00

6. Jewellery valued at 3,000.00

7. Painting of Lake Windermere 2,000.00

8. Painting of Lake Derwent 2,000.00

9. Painting of Lake Como 3,500.00

Lifetime Gifts

None

Debts

None that Wendy is aware of.

Family

Agnes Towns Beatrice Walsh

Widow Widow (died 2015)

Wendy Rogerson David Towns Helena Best Ian Walsh Jeremy Walsh

m. Thomas (died 2013) (died 2017)

m. Julia m. Maria

Graham Towns Laura Best ? Moira Walsh

aged 25 aged 22 aged 15

Other relevant information

Ian Walsh emigrated to Vancouver, Canada 20 years ago and has not been heard of for at least the last 10 years.

Agnes owned 100 shares in Boots PLC when the will was made but purchased another 100 shares two years ago.

Agnes’ art teacher was Heather Williams up until she retired 3 years ago. Since then Agnes has had art classes with Michelle Quinn.

Agnes sold her piano two years ago.

William Westbridge is 14 years old.

**Task Two**

Assume that Wendy Rogerson has taken out a Grant of Representation to Agnes Towns’ estate.

Consider the following:

1. Helena has asked for the painting of Lake Windermere instead of some of the legacy left to her. As the artist has died since the date of Agnes’ death, the painting is currently worth £7,000. Can Wendy give Helena the painting? How much legacy will Helena receive in addition to the painting?
2. Can Wendy give the legacies left to them to Moira and William? If not, what are her options?

You should assume that Wendy decides to hold the legacies on trust for the minor beneficiaries.

1. What are Wendy’s obligations with regard to the legacies while she holds them?
2. Moira’s mother has asked if she can receive some of Moira’s legacy to pay Moira’s school fees. Can Wendy use all or part of the income **or** capital of Moira’s legacy for this purpose
3. William’s parents have asked if £3,000 of his legacy could be used to pay for a school trip to China. (William is studying Chinese at school). Can Wendy do this?

**Task Three**

Go through the list of assets in Agnes’ estate and state what will need to be done to vest each asset in the appropriate beneficiary.