

SIR ARTHUR LEWIS COMMUNITY COLLEGE  
DIVISION OF TECHNICAL EDUCATION AND MANAGEMENT STUDIES

EXAMINATION SESSION : May 2001 Final Examination  
TUTOR(S) : Ms P. Augustin  
PROGRAMME TITLE(S) : Para Legal Studies  
PROGRAMME CODE(S) : PAR354  
COURSE TITLE : Succession Law and Practice  
COURSE CODE : SLP3221  
CLASS(ES) : Year 2  
DATE : May 16, 2001  
COMMENCEMENT TIME : 9:00 am  
DURATION : 3 hours  
INVIGILATOR(S) : Mrs S. Finisterre  
Mr M. St Paul  
ROOM(S) : Admin - Room 1  
INSTRUCTIONS

► *Answer Any Four (4) Questions*



#L5

**INSTRUCTIONS:- ANSWER ANY FOUR (4) QUESTIONS**

1. During his lifetime Trevor Ford had a history of being a heavy drinker. He was often drunk and with this drunkenness came delusions and erratic behaviour. However in the intervals between the drinking bouts Ford's behaviour was normal and he transacted business with reason and acumen Trevor Ford died in 1998, having made two wills, one in 1996 and another in 1994. In 1990 he had married Maria Payne and their marriage produced no children. In the 1994 will Ford appointed Maria executor of the will and left  $\frac{3}{4}$  of his estate to Maria and  $\frac{1}{4}$  to his sister Madge. By his 1996 will Ford gave Maria a life interest in the house in which they resided and left the entire estate to his sister Madge.

Upon learning of the contents of the will Maria is furious. However she admits that a few months before his death Ford developed a deep distrust of her and often referred to incidents far removed from reality.

Ford's attorney has advised that at the date of execution of the 1996 will Ford appeared to be normal.

Maria consults you and wishes to be advised as to the validity of the 1994 and 1996 wills.

***Advise Maria***

2. In 2000 Gena dies leaving a three page will signed by her at the end of the second page and by three witnesses at the top of the third page above a number of dispositions. The witnesses are called by Gena to witness the will, but two of them were not in the same room with Gena when she signed the will.

Many of the changes made to the will were not initialed by Gena and the witnesses. The uninitialed changes included gifts to Fran and Bianca.

The will which is undated and torn on the second page contains a gift to the children's home in Laborie.

***Write an opinion as to whether the will may be admitted to probate.***

3. Sylvia John dies on June 1<sup>st</sup> 1999 leaving a last will and testament in which she appointed Francis Adam as sole executor. She left her entire estate to her husband Derek and her son Ronnie to be divided in equal shares.

On August 1<sup>st</sup> 1999 Adams started collecting rent and advertised for creditors. However to date he has done nothing else. The beneficiaries are anxious to have the deceased's will proved and consult you.

- (a) *Advise the beneficiaries*
- (b) *Draft the necessary documents*

4. On March 2<sup>nd</sup> 2001 Simon Bodine died intestate. Bodine is survived by Mae Warner with whom he lived in a common Law union for eight years preceding his death, and their daughter Sandy who is three years old.

Bodine was married to Celine for twenty seven years. In 1992 they separated and at the time of his death divorce proceedings had been filed. Three children were born to the marriage Delia age 25 Mark age 23 and Debbie age 14. Celine's child Anthony was also part of this family.

At the time of his death Bodine was in possession of the following properties;

- (a) *a parcel of land left to him by his grandmother at the time of her death in 1985 in which he had a life interest*
- (b) *a dwelling house situated on 2 acres of land which he and Celine had purchased during the fifth year of their marriage. ( Celine and the children continued to live there after they were separated).*
- (c) *A dwelling house which he purchased in 1995 where he resided with Mae at the time of his death.*
- (d) *An account in his sole name at the Royal Bank of Canada*
- (e) *A Toyota pickup van*
- (f) **Advise as to**
  - i. **the distribution of the estate**
  - ii. **the person(s) entitled for the relevant grant for the representation of his estate**

***(g) Draft the Petition to lead to the grant of representation of the estate***

5. On April 1<sup>st</sup> 1999 Lee Boyce dies leaving a will wherein he appoints his brother Ralph Boyce as executor. The beneficiaries under the will are his nephews Richard and Cameron Boyce sons of Ralph Boyce. Lee's daughter Tricia for whom no provision was made under the will, wishes to challenge the validity of the will. She instructs you to commence caveat proceedings with a view to instituting a probate action.

(a) ***Outline the procedure to be adopted from the lodging of the caveat to the commencement of the probate action.***

(b) ***Michael died leaving an estate valued at \$1,000,000.00. His sole heir is his 12 year old son Michael Junior. In his will he appoints his sister Celia and his brother Lucas as trustees. Advise them as to their role and duties as trustees.***

6. In January 1997 Nathan Maple executor of the will of John Niles was granted probate of his will. A few weeks later one of the beneficiaries under the will realized that the deceased's surname had been wrongly spelt as 'Piles' in the grant.

(a) ***Advise him as to the practice and procedure to be adopted for correcting the grant.***

(b) ***Draft the necessary documents***